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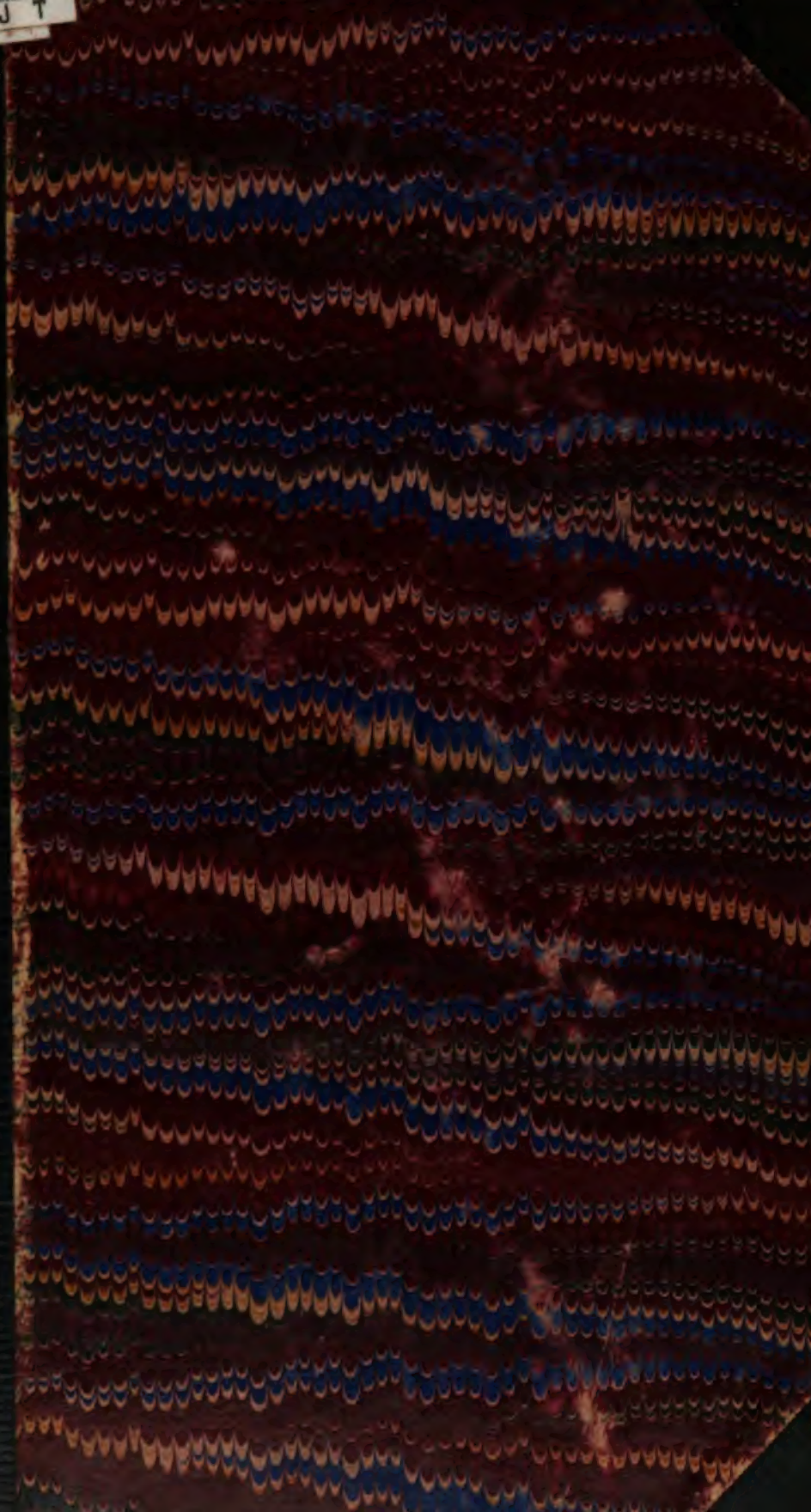
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COMMONWEALTH OF AUSTRALIA.

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PARLIAMENTARY DEBATES.

SESSION 1903.

(SECOND SESSION OF THE FIRST PARLIAMENT.)

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VOL. XVII.

*(Comprising the period from 17th September to 22nd October, 1903.)*

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SENATE AND HOUSE OF REPRESENTATIVES.

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What arrangements have been made by the Government for a final fight between Albury and Tumut, and what is meant by the statement that it is to be a "fair go"?

Sir EDMUND BARTON.—I ask my honorable friend not to found any opinion upon a newspaper paragraph of that character. We all know that these statements are sometimes the result of mere speculation and political kite flying. The motion of which I have given notice, and which will be gone on with, provides for what has been termed a "fair go" by means of an exhaustive ballot, the regulations for which are to be drawn up, with the concurrence of both Houses of Parliament, by the President and Mr. Speaker. I have not the slightest doubt that under them honorable members will be able to give effect to their opinions by their votes with the utmost fairness.

#### NEW MAIL CONTRACTS.

Mr. WILKINSON.—I wish to know from the Prime Minister if he has any further information to give the House in reply to the question I asked him yesterday concerning the regulations passed at a meeting in Brisbane about the new mail contracts, a copy of which I handed to him then?

Sir EDMUND BARTON.—I have no more information on the subject, except that, upon making inquiry in my Department, I ascertained that no letter covering such a resolution had been received up to this morning.

#### MEDICINE CHESTS: TELEGRAPH OPERATORS.

Mr. KIRWAN asked the Postmaster-General, *upon notice*—

Whether medicine chests (with instructions as to the use of the medicines) are provided at the cost of the Post and Telegraph Department for telegraph operators at isolated stations where there is no medical officer within reasonable distance; if not, will he see that such necessities are provided?

Sir PHILIP FYSH.—The answer to the honorable and learned member's question is:—

Medicine chests and instructions for the use of medicines are not generally supplied at such stations. The question of supplying medicines and instructions will be considered, either in connexion with the district allowances provided for by Public Service Regulations 168 and 169, or otherwise at an early date.

#### SUPPLY BILL (No. 3).

*In Committee of Supply:—*

Sir GEORGE TURNER (Balaclava—Treasurer).—I move—

That a sum not exceeding £858,500 be granted to His Majesty for or towards defraying the services of the year ending 30th June, 1904.

As I mentioned last night, I am anxious to obtain supply for two months, and it was then my intention to ask honorable members merely to agree to the formal stages of a Bill, and deal with it finally to-morrow. I understand, however, that there is a general desire that we should not sit to-morrow, and that the Prime Minister is willing to consent to an adjournment until Tuesday next if the General Estimates and the Works and Buildings Estimates are passed to-night, the one clause of the Naturalization Bill which has to be recommitted dealt with, and the second reading of the Patents Bill moved. Under these circumstances, I shall later on ask to be allowed to put the Bill through all its stages during the present sitting. I have already circulated a statement giving the details of the proposed expenditure. All I ask for is a vote to cover the ordinary services of the Departments.

Mr. BROWN.—Is it proposed to put the whole of the Estimates through to-night?

Sir GEORGE TURNER.—I understand that that is desired.

Mr. THOMSON.—I presume that the items in the schedule of the proposed Supply Bill are contained in the Estimates, and that the amount for which the Treasurer is asking is simply a proportionate amount of the estimate.

Sir GEORGE TURNER.—That is all.

Question resolved in the affirmative.

Resolution reported.

Motion (by Sir GEORGE TURNER) agreed to—

That the Standing Orders be suspended in order to enable all steps to be taken to obtain Supply, and to pass a Supply Bill through all its stages without delay.

Resolution adopted.

Resolution of Ways and Means, covering resolution of Supply, adopted.

Bill presented by Sir GEORGE TURNER, and passed through all its stages without amendment.

#### SUPPLY.

*In Committee* (Consideration resumed from 16th September, *vide* page 5164):

#### DEPARTMENT OF DEFENCE.

Division 38 (*Chief Administration*)—£4,706.

Sir JOHN FORREST (Swan—Minister for Defence).—I should like to afford honorable members a little information with regard to the matters which were mentioned by the honorable and learned member for Corio last

evening. It was stated by the honorable and learned member that a large number of the men belonging to the Royal Australian Artillery were being kept in Melbourne, instead of being stationed at the forts at the entrance to Port Phillip. The inference I gathered from the honorable member's remarks was that the number of men now in Melbourne was larger than formerly, and that these soldiers would be better employed in looking after the guns at the forts. I find that there are 232 men on the establishment of the Royal Australian Artillery in Victoria. Of these, 142 are stationed at Port Phillip Heads, 85 are at the Victoria Barracks, and there are five vacancies. I am informed by the General Officer Commanding that there are thirty less Permanent Garrison Artillerymen now in Melbourne than immediately prior to Federation. This small detachment of eighty-five men is now kept in Melbourne for the purposes of guarding Government House, forming guards of honour, escorts to the Governor-General, performing technical duties, and giving instructional services in connexion with the schools of instruction recently established for the Militia and Volunteers. With regard to the case of Sergeant-Major Coffey, who, we were informed, had died of phthisis and from disease contracted in South Africa, I am informed as follows :—

Sergeant-Major Coffey served with the first Victorian contingent, and was invalided suffering from phthisis. He was granted a temporary pension of 3s. 6d. per diem by the Imperial authorities on 5th August, 1901, and the State Government supplemented this by another 3s. 6d. per diem. He died on the 18th September, 1902, and the widow was granted £10 for his funeral expenses, and has since been in receipt of an allowance of 21s. per week from the Patriotic Fund Committee. The conditions attached to pensions provide that unless the soldier dies within twelve months of the date of contracting the illness, no pension is granted to the widow or relative. Sergeant-Major Coffey did not die until two years after contracting the disease. A representation with regard to Mrs. Coffey has, however, been sent to the Imperial Government, on 22nd May last, asking their favorable consideration as regards the case of the widow.

Mr. BROWN.—What was the nature of the reply received from the Imperial Government?

Sir JOHN FORREST.—No reply has as yet been received. With regard to the statement that the pay of the Permanent Artillerymen in Victoria had been reduced, I find that the following are the facts :—

New rates of pay for the Permanent Artillery were adopted from the 1st of July, 1902, to apply

to all new appointments, and to those serving only when re-engaged or promoted; and these rates were in accordance with the rates of pay recommended by a Pay Committee appointed specially to consider the same. These new rates of pay, as compared with the old rates of pay in the three large States, where there are the largest establishments of Permanent Artillery, viz., New South Wales, Victoria, and Queensland, are an increase on the average daily rate for non-commissioned officers and men; but involve a decrease in Victoria in all ranks except that of warrant officer. They are an increase on the old rates in New South Wales and Queensland. Therefore when non-commissioned officers or men at present serving, finish their period of engagement, they lose in pay in Victoria, except in the case of warrant officers, but gain in all ranks in the cases of New South Wales and Queensland.

The honorable and learned member entertains the view that officers are treated better than the men under the new Pay regulations. That is not so. I find that the facts are as follow :—

With regard to officers, the new rates of pay adopted for them are less than the former prevailing rates for the respective ranks in New South Wales, Victoria, and Queensland. Whereas no non-commissioned officer or man has been brought on the new rates unless he is re-engaged or promoted, all officers were brought on the new rates of pay at once, and fourteen of them in consequence suffered a reduction in pay, the rule being adopted that where the officer's salary was above the maximum of the new rates, it was brought down to the maximum.

Concerning the remarks of the honorable and learned member in reference to the reduction of 6d. per day in the pay of the carters in Victoria, I find that—

When the new rates of pay were adopted, all the rates or allowances for special duty pay were revised by the artillery officers, and whilst two carters in Victoria previously received 1s. special duty pay per day in connexion with carting the stores, they now, under the new special duty pay, receive only 6d per day. The total pay, however, with these allowances, amounts to 4s. per diem, or 28s. per week, and this is, of course, exclusive of their rations, uniform, quarters, fuel, light, and medical attendance. These privileges may certainly be said to equal, at least, 2s. per diem more, which would give a total remuneration equivalent to 42s. per week (6s. per diem, as they are paid for Sundays). It is understood that the usual pay of carters employed civilly is not so high as 42s. per week. As a general rule, the amount of carting done for the Victorian Artillery is not very onerous.

This information was supplied to me only this morning, and I thought it would prove interesting to honorable members, and especially to the honorable and learned member for Corio, to whom I shall be very glad to furnish a copy.

Mr. THOMSON (North Sydney).—I had intended speaking at some length upon



various matters which are included in these Estimates, but as there is a general desire to adjourn over to-morrow and to secure an early division upon the amendment which has been indicated, I shall make my remarks exceedingly brief. Concerning that amendment I merely desire to say that, having appointed a military expert—and, consequently, having decided that an expert's services were necessary—it is a serious step to take the management of the forces out of his hands. I quite agree that it is for us to outline the policy which should be pursued, and to state definitely the amount of money which we are prepared to expend for military purposes; but having done that, it is scarcely desirable that we should take the details relating to the control of the forces out of the hands of the General Officer Commanding. If we wish to do anything in that direction we should deal either with the Minister or with the expert when the term of his engagement has expired. For these reasons I do not think it is advisable—especially as the saving which would be effected is a very trifling one—for the Committee to interfere in mere matters of detail. I am strongly in favour of the exercise of economy in connexion with our Defence Forces. But with that economy I think we should have efficiency, and under the present arrangement I fear that we are not getting efficiency. For instance, in connexion with our arms—our guns and rifles—and with our forts we have not that perfection which is essential if we are to be secure against a sudden attack. If the South African war has proved anything, it is that under conditions such as would exist in case of an attack upon Australia, we require not so much highly trained men as troops possessed of a certain amount of efficiency in military movements, and experienced in the use of the most perfect weapons which can be placed in their hands. If we do not secure that, our whole defence system rests upon a rotten foundation. I have in my possession some data which I had intended to place before the Minister, but in deference to the desire of the Committee, I shall reserve it till next week, when I shall have another opportunity of addressing myself to this matter. At the present moment, however, I shall content myself with saying that all the forces upon which we should have to rely in time of war—whether they be partially paid, volunteer, or reserve forces, the last named consisting

largely of the members of rifle clubs—should be armed with the most up-to-date weapons. The only way in which they can be so equipped is by the Government providing the arms. They are beginning to provide them in the case of volunteer and partially-paid forces; but they seem to have made up their minds not to do so in the case of that branch of our Defence Forces whose services are specially devoted to attaining proficiency in rifle shooting. I think that is a wrong policy. I am sure that, whilst keeping down expenditure in all directions in which a fair return for the outlay is not forthcoming, this Committee is sensible and patriotic enough to vote any sum that is necessary to provide those munitions of war without which all our defence expenditure is practically valueless. That is the position which I had intended to put before the Committee at greater length, but in deference to the general desire to adjourn over to-morrow and to secure an early division upon the amendment which has been outlined, I shall not occupy further time.

Mr. WILKINSON (Moreton).—If I rightly understand the temper of this Parliament concerning matters of defence it is that the Commonwealth forces shall consist of the adult male population of the Commonwealth. Indeed we have gone a little further than that. We have decided that it shall comprise all our male population from eighteen years of age upwards. In perusing the report of the General Officer Commanding, I notice that he speaks very highly of the cadet corps and the rifle clubs. But when I come to examine the provision which has been made in the Estimates for these branches of our defence, I find that his words represent so much empty sound. Very little money has been appropriated for their encouragement. I am thoroughly in accord with all that has been said by the honorable member for North Sydney, and with much more that he might have said in regard to the treatment of these two branches of our defence force. I would specially direct the attention of the Minister to the fact that a very large number of the men who have devoted their time, and a considerable portion of their substance to qualifying themselves as expert marksmen, have purchased their own weapons. But, as honorable members are aware, the barrel of a rifle is serviceable only for the discharge of about 13,000 rounds of ammunition. Time after time the Department has been approached

with a request that it should import new rifle barrels to replace those which become worn out.

Mr. A. McLEAN.—I have fired far more than 13,000 rounds out of an old shot-gun.

Mr. WILKINSON.—But after so many rounds have been fired from a rifle it begins to become defective.

Sir JOHN FORREST.—We have sent for more.

Mr. A. McLEAN.—I believe that I have shot that many kangaroos with an old gun.

Mr. WILKINSON.—In my youth I shot many an opossum with an old flint piece, but I would have preferred a breech-loader. I am sure that the honorable member for Gippsland would not use a defective rifle when he could obtain a good one, more especially if he were competing with other expert shots. The experiences of the South African war have demonstrated that whilst men may be trained in military manœuvres in the course of a very few months, it requires months, or perhaps years, of practice to make a man an expert rifle shot. It was as rifle shots that the Boer forces excelled; they were able to use their rifles much better than were the majority of the forces which Great Britain sent against them, and should occasion arise Australia will find that her greatest source of strength lies in the skill with which her forces are able to use the weapons placed in their hands. Instead of the Department charging members of rifle clubs 40s. for a rifle, as is proposed under the new regulations, it should supply them at the lowest cost. I have been a member of a rifle club for something like fifteen years, and while the Defence Department was under the State control I was never called upon to pay more than 10s. for a rifle in Queensland. I had complete control over the Martini-Henry, which I purchased at that price, the only condition being that I should submit it for inspection at certain periods in order to satisfy the Department that I was keeping it in order. After a certain time I was permitted to do as I liked with the rifle, and it is still in my possession. The Department is now asking rifle clubs to pay 40s. each for rifles.

Sir JOHN FORREST.—The charge for a magazine rifle is £3 15s. 9d.

Mr. WILKINSON.—But the Department proposes to charge members of rifle clubs only 40s

Sir JOHN FORREST.—That is the price of a Martini-Enfield rifle.

Mr. WILKINSON.—Does the Department propose to charge more for the magazine rifles?

Sir JOHN FORREST.—They will be sold to members of rifle clubs at cost price.

Mr. WILKINSON.—Then it seems to me that the Department is acting in a way that will kill the rifle clubs.

Mr. FISHER.—And deliberately doing so.

Sir JOHN FORREST.—This charge has not killed the Victorian clubs.

Mr. WILKINSON.—But the new scale has not yet been adopted.

Sir JOHN FORREST.—The rifle clubs in Victoria have been in existence for some years.

Mr. WILKINSON.—I think the Minister will learn on inquiry that under the State law members of rifle clubs in Victoria were not called upon to pay £3 15s. 9d. each for their rifles. I feel satisfied that if such a price had been demanded we should not find something like 20,000 members of rifle clubs in Victoria. There are far more rifle clubs in Victoria than in any other State, and Queensland and New South Wales come next in the order named. The rifle club movement received a great stimulus in this State, but even under existing conditions, a rifleman cannot go on a range without spending 4s. or 5s. There are certain entry fees and markers' charges to be paid which involve considerable outlay, and when men are patriotic enough to devote their time and a considerable portion of their substance to the work of making themselves proficient rifle shots, they should receive a little more encouragement from the Department than they are likely apparently to obtain from it under the present administration. There is an old saying—"Hard words break no bones," and it appears that the converse is also true. The smooth words which we find in the report of the General Officer Commanding will not stimulate this branch of the Defence Forces to as great an extent as would a little practical assistance. It is not for me to set my opinion against that of the expert administering the Department, but there are certain facts in connexion with our defences, so patent to us all, that we cannot shut our eyes to them. If we are to have our army established in accordance with what I believe to be the opinion of

this House, and the country generally, we should begin our training in the schools. Cadets should be drilled until they leave school at the age of fourteen, and we should continue to train them until they are old enough to join the rifle clubs. We should drill and arm them, so that when they are old enough to join rifle clubs they will be able to do good work. If we adopt that system we shall obtain a force which, in a time of emergency, will be able to render a good account of itself. I am reminded that there is a desire to go to a division without delay, and, in view of that fact, I shall bring before the notice of the Minister in his own Department several matters which I proposed otherwise to put before the Committee. I desire, however, to request the Minister to explain the disparity which exists between the salaries paid to certain officers in one of the most important branches of our Defence Forces. I refer to the instructional staff, or, in other words, the drill instructors. I understood that with the creation of the Commonwealth we were to obtain uniformity. When the Prime Minister and the Attorney-General visited Brisbane to help the cause of Federation they said that, with the establishment of the Commonwealth, various savings would be effected, and that we should obtain uniformity in several directions. They declared that instead of having six tin-pot armies and six tinsel commanders we should have one Australian army and a General Officer Commanding. But, if I am rightly informed, uniformity so far as salaries are concerned does not exist. The drill instructors engaged in this work in New South Wales receive £208 per annum; in Western Australia, £196 per annum; in Victoria, £177 per annum; in South Australia, £175 per annum; in Tasmania, £173 per annum; and in Queensland, £166 per annum. These men discharge corresponding duties in each of the States, and they should receive equal remuneration. I have also a list which shows that preference is given, without exception, to instructors who have been in the Imperial Army.

Mr. FISHER.—That is quite right from the point of view of the General Officer Commanding, but not from our standpoint.

Mr. WILKINSON.—Let me remind the honorable member that the only Australian force which surrendered in South Africa was led by an Imperial officer. We did not

find our men surrendering when they were led by their own officers, and I assert that we have men as competent to instruct our forces—men who have been trained on the battle fields of South Africa—as are any officers to be found in the Imperial Army.

Mr. FISHER.—If we will have an Imperial General Officer Commanding we must have these Imperial instructors.

Mr. WILKINSON.—I should like to see the Department rely a little more on our own resources instead of going abroad for these men.

Mr. FISHER.—I agree with the honorable member.

Mr. WILKINSON.—The figures which I have in my possession show that in every instance Imperial officers are receiving from £10 to £16 per annum more than is paid to Australian officers discharging similar duties.

Sir JOHN FORREST.—That is in accordance with agreements made prior to the establishment of the Commonwealth. We have not engaged any Imperial officers since then.

Mr. WILKINSON.—I inquired a few days ago why a certain classification had not been carried out, and it seemed to me that the reply I received was, to say the least, a little ambiguous. It was said that because certain men were not appointed at certain dates they were not given promotion. Some of these instructors joined the service years before those who are now receiving larger salaries. Some of them were in the service only two or three years, whilst others have been in the service nine or ten years and are getting less pay.

Sir JOHN FORREST.—They were introduced before Federation.

Mr. WILKINSON.—Why were not these men promoted so that they could receive the same pay as the Imperial non-commissioned officers? Why should they be placed at a disadvantage? However, I shall probably have an opportunity of discussing this matter with the Minister in his office some time during next week, and, at the present stage, will content myself with the observations I have made.

Mr. HENRY WILLIS (Robertson).—I cannot allow this opportunity to pass without making some reference to the disbandment of Commonwealth volunteer corps. Some time since the matter was brought forward in the House, and it was supposed that the Minister would make some reference to

it when the Estimates were under consideration. But so far he has said nothing to justify the action taken in disbanding companies, some members of which have been in the service upwards of twenty years. These men, it is said, have been converted into a mounted force. But it is impossible to convert companies of volunteer infantry into a mounted force unless they have the means to provide themselves with horses. Some of these volunteers have been to the Transvaal and have covered themselves with glory. On returning they were desirous of continuing as volunteers, but the Minister says he no longer requires their services. The volunteers throughout New South Wales feel very much aggrieved, and, judging from the observations made by the honorable member for Gippsland, it would appear that a similar feeling prevails throughout Victoria. I am aware that in other States there is also discontent. The throwing of these men out of the service in consequence of the conversion, as it is called—it is practically disbandment—should receive some consideration, and it is only due to the Committee that some definite, explicit, and satisfactory explanation should be given before the Estimates are passed. If the valuable services of these experienced men are not to be used in volunteer forces, they ask for an opportunity to form civilian rifle clubs. Then the Minister interposes again and says, "On payment of a fee of £3 15s. for the cost of the rifle, you are permitted to form rifle clubs." In addition to that I suppose they would have to provide their own ammunition.

Sir JOHN FORREST.—Oh, no; they receive 200 rounds free, and 200 at half-price.

Mr. HENRY WILLIS.—Half-price for ammunition to men who cannot afford to pay any price at all is a very heavy tax indeed, and prevents their carrying out the duties pertaining to rifle clubs to the fullest extent. When experienced officers returned from the South African war they publicly announced that it should be the policy of Australia to provide members of rifle clubs with free ammunition. Some of them went to the length of saying that the riflemen should have as much as they desired; but, of course, there must be a limit. I think that ammunition should be supplied free to all those who are desirous of forming themselves into civilian rifle clubs, and that the rifles also should be supplied to them free of

charge. Then, again, I should like to obtain some information from the Minister as to what he is prepared to do to provide the necessary targets for the practice of the clubs. It is a considerable tax upon them to provide themselves with targets. I brought this matter under the Minister's notice some time ago.

Sir JOHN FORREST.—We now propose to make them a capitation allowance of 5s. per annum.

Mr. HENRY WILLIS.—That is a mere nothing; it is scarcely worth mentioning.

Sir JOHN FORREST.—It means 5s. per man to the clubs.

Mr. HENRY WILLIS.—Give them a free rifle and free ammunition, and they will not want any money whatever. The Minister is always very courteous when any application is made to him, but we can get nothing but courtesy out of him. Will he give the rifle clubs an opportunity of doing something for their proportion of £700,000 a year which we are spending? We hear a great deal about the necessity for having good officers, and I am prepared to support the General Officer Commanding in this respect; but he should be given to understand that many of our citizen soldiers are unable to provide themselves with horses; that many members of our rifle clubs cannot afford the cost of rifles; and that they should not be expected to purchase the ammunition they use, even at half-price. These are matters of very great importance. My constituents are at fever heat over them. I trust that the Minister will make a few observations on the point. If time permitted, I believe that this discussion would continue for a whole sitting, judging from the interjections which have been made, and from the speeches with reference to this subject a few weeks ago. I have read in the newspapers that certain companies of the Australian Horse have also been practically disbanded, because they decline the conditions imposed under the new regulations.

Sir JOHN FORREST.—I have not heard of it, and do not think it is so.

Mr. HENRY WILLIS.—I read that at Mudge—

Sir JOHN FORREST.—Most of them are going to keep their old title.

Mr. HENRY WILLIS.—Are they satisfied now?

Sir JOHN FORREST.—So far as I know, yes. I think that some of them would rather remain as they are.



Mr. HENRY WILLIS.—Are they quite satisfied?

Sir JOHN FORREST.—I should not like to say that, but they are content to fall in with the new arrangements.

Mr. HENRY WILLIS.—Some of the men sent in their resignations, I understand.

Sir JOHN FORREST.—I heard nothing about that.

Mr. HENRY WILLIS.—It was so stated in the newspapers. If the Minister will give a denial to the report I shall be satisfied.

Sir JOHN FORREST.—I have not seen it.

Mr. HENRY WILLIS.—The Minister ought to know whether the company of the Australian Horse at Mudgee has resigned because the members of it were dissatisfied to continue in the service under the regulations recently issued.

Sir JOHN FORREST.—We have heard nothing of it in the office.

Mr. HENRY WILLIS.—I am glad to learn that the men are now satisfied. I should like the Minister to answer the following questions:—First, is he in favour of giving members of the rifle clubs free rifles; secondly, will he provide them with targets; and thirdly, will he forego the charge of half-price for ammunition? These are only reasonable requests in the interests of the Commonwealth. We may save hundreds of thousands of pounds hereafter if the Department will properly equip these men. I hope the answer to these questions will be in the affirmative.

Sir JOHN FORREST.—It would cost £250,000.

Mr. JOSEPH COOK (Parramatta).—I entirely subscribe to the suggestion of the honorable member for Robertson as to the need for greater liberality in the treatment of rifle clubs. We did expect, when the Federal Forces had been re-organized, to find the rifle clubs put upon a very much more liberal footing. It will be a matter of keen regret throughout the States that such is not the case, and that men are still to be “cribbed, cabined, and confined” in their efforts to make themselves thoroughly good rifle shots, and so provide us with a mobile force in case of any peril to the Empire. We did expect that when the new regulations were issued they would be found to contain some such provisions as have been suggested by the honorable member for Robertson. It seems, however, that there

is the same old military dislike being displayed towards rifle clubs.

Sir JOHN FORREST.—What is suggested would cost such a lot of money—over £200,000.

Mr. JOSEPH COOK.—I do not care what the cost would be.

Sir JOHN FORREST.—We do.

Mr. JOSEPH COOK.—The Commonwealth is prepared to bear the cost of thoroughly equipping the members of rifle clubs with up-to-date rifles.

Sir JOHN FORREST.—What does the honorable member think the States would say?

Mr. JOSEPH COOK.—The people of the Commonwealth will not shirk any expense in that direction. The right honorable gentleman will not find any objection in any part of Australia to the complete equipment of the forces we have established.

Sir JOHN FORREST.—We hear objections in every direction from the States.

Mr. JOSEPH COOK.—The right honorable gentleman must know that it is better we should have no force at all than that we should have a force which is not equipped in such a way as to render it an efficient fighting force in case of need.

Sir JOHN FORREST.—Give us a little time.

Mr. JOSEPH COOK.—How much time does the right honorable gentleman require? He has had three years already. How much time does he consider sufficient?

Sir JOHN FORREST.—Honorable members have been cutting down the vote all that time.

Mr. FISHER.—It will bear cutting down a little yet.

Mr. JOSEPH COOK.—How much time does the right honorable gentleman require to thoroughly equip the various corps?

Mr. WATSON.—The right honorable gentleman should cut a little off the staffs and give it to the rifle clubs.

Sir JOHN FORREST.—That would not make them very fat.

Mr. WATSON.—It would help.

Mr. JOSEPH COOK.—As to the cutting down, I desire to say that I, for one, will do no more cutting down. I think we have cut into the bone.

Mr. WATSON.—Some branches are pretty fat still.

Mr. JOSEPH COOK.—If we are to have a thoroughly effective defence, I believe we can hardly expect to secure it for

much less than the expenditure at present proposed. That is the conclusion to which I have arrived upon these matters without, of course, any expert knowledge. I am the more determined not to go in for further cutting when I see the use which has been made of the cutting down which has already been effected by honorable members.

Mr. WATSON.—The Department is not spending the money in the proper direction.

Mr. JOSEPH COOK.—Invariably the effects of the cutting down have fallen upon the rank and file of the force.

Sir JOHN FORREST.—No, no.

Mr. JOSEPH COOK.—Upon the very men for whose interests honorable members have always manifested the deepest concern. They have had to bear the brunt of any cutting proposal. We have organized and re-organized our army upon very many occasions, and the net result of each re-organizing scheme has been to take something more from the volunteer forces of the Commonwealth.

Mr. FISHER.—Who is to blame for that?

Mr. JOSEPH COOK.—The honorable member for Wide Bay for one.

Mr. FISHER.—The honorable member says that he will not give it back to them. He says he will not cut down the staff.

Mr. JOSEPH COOK.—I said I would do no more cutting until I get some guarantee that it is not going to be the same kind of cutting that we have hitherto had.

Mr. FISHER.—We can make the guarantee for ourselves by the vote we give now.

Mr. JOSEPH COOK.—I say the honorable member has been aiming at one man and hitting another.

Mr. FISHER.—The Government have been hitting the other.

Mr. JOSEPH COOK.—That is my complaint against the whole scheme.

Mr. WATSON.—The honorable member has been taking a part in what has been done. He need not attribute it to other persons.

Mr. JOSEPH COOK.—I am prepared to take my share of responsibility. But I may tell the honorable member for Bland that, so far as last year's cutting is concerned, I had nothing to do with it, and I was not in favour of it.

Mr. WATSON.—The honorable member did not raise his voice against it.

Mr. JOSEPH COOK.—If the honorable member will look at *Hansard* he will find

that I told the Committee exactly what I am telling honorable members now, and that was that in my experience the cutting always fell on the wrong shoulders.

Mr. WATSON.—Did we not get the assurance of the Minister in the matter?

Mr. JOSEPH COOK.—I speak now of State experience as well as of Commonwealth experience. I remember that on two occasions lump sums were cut off the Defence Estimates submitted in the New South Wales Parliament, and that invariably the reductions were passed on to the lower ranks of the service. I desire some guarantee, before I take part in any more cutting, that that will not be done again. I wish to say that, as the result of all the organization and re-organization, we find the citizen soldier getting further and further into the rear.

Sir JOHN FORREST.—Not at all. That is not true. The honorable member cannot have read the report of the General Officer Commanding.

Mr. JOSEPH COOK.—I shall be able to show the right honorable gentleman whether the statement is correct or not. It has been understood that the policy of the Commonwealth was to be one of encouragement to the citizen soldier, and that our future Australian defence was to be built upon a citizen basis. I desire to point out that, as the net result of the reorganization schemes we have had from time to time, dating as far back as 1892 in New South Wales, the gunner and private who used to get £12 a year is now going to receive £6 8s. The lieutenant, who used to receive £30, is now to receive £12 under the new scheme. The lieutenant who used to receive £25 is now to receive £12. Whereas the captain used to receive £40, he is now to receive only £18. The major who used to receive £50 is now to receive only £24, and the lieutenant-colonel who used to receive £60 is now to receive only £28. I say that this is not encouraging the citizen soldiery. It must have the very opposite effect.

Mr. WATKINS.—The permanent men have not been cut down in that way.

Mr. JOSEPH COOK.—This kind of thing is taking the very heart out of our citizen soldiers, and is tending to destroy all that feeling of loyalty which should be the basis of any effective defence of the Commonwealth. The members of the forces are wondering when it is going to end, and when this constant nagging at

them is likely to cease. That is the feeling in the militia forces of the Commonwealth to-day. It is about time that some finality was reached in the re-organization of the forces. It seems to me that very shortly they will be re-organized out of existence, if this is the kind of encouragement that is to be given to them. I repeat that the net result of all the schemes of re-organization we have had has been to still further reduce the bare emolument which our citizen soldiers have from time to time received.

Mr. FISHER.—That is a charge against the administration.

Mr. JOSEPH COOK.—That is precisely the charge I make.

Sir JOHN FORREST.—The honorable member refers to New South Wales.

Mr. JOSEPH COOK.—What I have said is true of New South Wales, and it is true of the Commonwealth also.

Mr. HUME COOK.—It is true of all the States.

Mr. JOSEPH COOK.—The right honorable gentleman must know that he is now cutting down the pay of the partially-paid forces.

Sir JOHN FORREST.—We are giving them 8s. a day.

Mr. JOSEPH COOK.—The right honorable gentleman is talking of the pay per day, whilst I am talking of the sum allowed to the men annually. I say that the annual sum, which they may become possessed of as some reimbursement of their out of pocket expenses and loss of time, is now proposed to be £6 8s.

Sir JOHN FORREST.—We cannot make a reduction of £250,000 without doing injury to some one.

Mr. JOSEPH COOK.—The sum allowed is a paltry one, and I venture to say that the great public of the Commonwealth will not sympathize with that kind of cutting down.

Sir JOHN FORREST.—Why did the honorable member assist in cutting down the expenditure?

Mr. JOSEPH COOK.—The right honorable gentleman airily assumes that the scheme of re-organization adopted is perfect, and can be improved by no man.

Sir JOHN FORREST.—We had to face the large reduction of £250,000 in the expenditure.

Mr. JOSEPH COOK.—I believe the right honorable gentleman has made an earnest effort in this scheme of re-organization;

but one cannot help observing that it simply pulsates with old military ideas. The fundamental and underlying object of the House in amending the Defence Bill has not been sufficiently taken into account. Another point that strikes me is that no regard has been paid to the means of efficiency at our command throughout the Commonwealth. Men from the volunteer ranks went to South Africa, and remained there throughout the war, proving themselves able soldiers, and rendering efficient service. But I know of no instance in which advantage has been taken of the services which these men would be able to render; they have all been forced to retire to the privacy of their own homes and districts, and resume their civil callings. I always understood that it was a well-known rule in the armies of the old world, and, indeed, wherever fighting efficiency is valued, to take advantage of such experience; and the military authorities might have tried to utilize the services of gentlemen who have proved themselves good leaders and capable administrators. But, as I say, I know of no instance in which these experienced soldiers have been given any opportunity under the re-organization scheme. That is not what Australia expected; and an efficient fighting force cannot be maintained if we ignore some of the best ability at our command. There is another idea underlying the scheme of reorganization—an idea which the Minister ought to have obliterated. That is the idea of drawing invidious distinctions between the regular forces and the volunteer forces. For instance, there is still maintained the old tradition that a colonel of the regular forces must be allowed twice as much for his horse as is a colonel of militia, although the latter has to pay quite as much as the former for horse feed.

Mr. McCAY.—Perhaps the horse of a colonel of militia has to be only partially fed, because the colonel is only partially paid.

Mr. JOSEPH COOK.—That would seem to be the idea of the authorities.

Sir JOHN FORREST.—A colonel of militia is not bound to keep a horse all the year round.

Mr. JOSEPH COOK.—I beg the right honorable gentleman's pardon; a colonel of militia must keep a horse all the year round; and where there is that compulsion no invidious distinction should be drawn.

Sir JOHN FORREST.—Formerly only the colonel and the major received any allowance for horse-keep, whereas now some allowance is given to all officers.

Mr. JOSEPH COOK.—All men who are compelled to keep horses ought to be put on the same footing, whether they be in the regular forces or the volunteer forces.

Sir JOHN FORREST.—That cannot be done with the money at our disposal.

Mr. JOSEPH COOK.—I could multiply instances of invidious distinctions which we expected would be obliterated under the new order of things.

Sir JOHN FORREST.—Horse allowance is now included in the salary.

Mr. JOSEPH COOK.—I complain of the constant whittling away of the little privileges and emoluments to which the militia forces of Australia have been accustomed from time immemorial. It was expected that the forces would be put on an entirely citizen basis; but that has not been done. That work awaits some kindlier hand than that which, I am afraid, the right honorable gentleman has brought to bear. When is this sort of thing to stop? Is every new Commandant to be given a free hand to "cut" and "slash" where he pleases, and to be applauded the more he is able to "cut" in connexion with the rank and file? We have reductions of £20,000 one year, and of £30,000 another year in the expenditure on the men who have to do the fighting, and who are scantily paid in any case. I hope the Minister will see that some better treatment is given to the rifle clubs, because, after all, in the guerilla warfare which we may anticipate in the case of a raid on Australia, it is to the members of those clubs to whom we shall have to look for the mobile force which is to help to keep the enemy at bay.

Mr. KNOX (Kooyong).—I wish to comply with the wishes of the Committee that the debate shall be restricted as much as possible, but I must ask honorable members to bear with me while I draw attention to the very large decrease which is proposed in the expenditure on rifle clubs in Victoria. The actual expenditure under this head last year was £27,550, and the proposed expenditure for this year is only £19,002. The rifle club movement in Victoria has been carried on with exceptional activity, and I protest against a reduction which is likely to impair the progress of these organizations.

Mr. THOMSON.—I understand that 7,000 members of rifle clubs have no rifles.

Mr. KNOX.—I shall refer to that matter in a moment. In the other States the amount proposed to be spent on rifle clubs is totally inadequate to the number of men who are eligible. In New South Wales the estimate of expenditure is £5,750; in Queensland, £1,745; in South Australia, £2,595; in Western Australia, £2,850; and in Tasmania, £150. But I wish to call particular attention to the remarkable reduction of £8,548 in the case of Victoria. I am aware that the right honorable gentleman will indicate to the Committee that he intends to give a capitation grant which will in some way make up the deficiency. I do not make the impracticable or unreasonable request that 400 rounds of ammunition may be given free. The importance of the movement would perfectly justify that quantity of ammunition being given to each rifleman. But at the present stage, and until the House has arrived at a determination to have a citizen soldiery pure and simple, I think it would be asking for too much. My strong feeling is in favour of rifle clubs. I believe that if the Minister had asked for a vote of £64,000 instead of £32,000, it would have been readily granted. I should like the right honorable gentleman to say definitely what are his new proposals in connexion with a capitation allowance to the rifle clubs, and why the very large decrease in the Estimates for Victoria has been made? The debate which took place some time ago ought to convince him that the House will indorse any efforts which he may make to promote the cadet movement. I should like to know if he has conveyed to his successor the promises which he made in this regard, and what steps have been taken to secure the co-operation of the States Governments through the medium of the Education Departments. It is very important that no delay should take place, and that regulations should be framed as quickly as possible.

Mr. HUME COOK (Bourke).—I was one of those who anticipated that the reduction in the Military Estimates last year would be made at the expense of the rank and file. I regret that our apprehensions in that regard have been too generally realized. I rise, however, to introduce another matter which I think also shows a lack of appreciation by the General Officer Commanding and his staff, of what was meant by the House when



it emphasized its opinion in support of the establishment of a citizen soldiery. It appears to me that the General Officer Commanding rather flouts the House when he fails to carry out its views. That is not to be wondered at when we recollect that any preferment which he is to get will come, not from an Australian source, but from a British source. The officers who have held a position of this kind in Australia hitherto—and probably it will be so for a long time to come—have not paid great attention to the views of those who have found their salaries, for the simple reason that they have been engaged for definite periods, and because their salaries were secure, and their preferments and promotions were to come from the home authorities. Until we can get a man in this position whose promotion and preferment will come from the same source as his emoluments, we are not likely to get the Australian ideal respecting Australian soldiering or defence carried into effect. It is not to be wondered at, therefore, that such a case as I am about to relate has cropped up. It was my duty, some time ago, to protest against the treatment which had been meted out to Lt.-Cols. Braithwaite and Reay. By that act the service in Victoria lost the aid of two officers who had proved themselves capable, and who, because they stood up for a principle, were, to use a common phrase, "wiped" out. What is proposed to be done in another case is, I think, even worse. Let me premise my remarks by saying that the officer concerned has not asked me to bring the matter before the Committee. It was placed before me by some of his friends. I thought it my duty to see him about the case, and when I told him of my determination to bring it before the House he said he would not accept any responsibility for its ventilation, because it was against orders. It is such a glaring case of injustice, however, that I propose to state the facts. In 1896, four members of the second battalion of the Infantry Brigade—Messrs. G. O. Bruce, R. E. Gordon, T. G. L. Scott, and W. R. Woods—were nominated as lieutenants on probation. In an extract from General Orders issued at that time, it was said that—

The seniority of these officers will be determined on passing the required examination on the completion of their probation.

It will be seen that the four officers started on a fair basis when future promotions were

to be determined by the relative superiority and merit that they displayed. At a later date the four men went up for their first examination. Lieutenant Scott—the officer of whom I am speaking—passed the theoretical examination at the head of the list—with 94·3 marks out of 100, while Lieutenant Scott—the officer of whom I shall speak in contradistinction to Lieutenant Scott—passed at the bottom of the list with 71·65 marks. The practical examination was held in 1897, when Lieutenant Scott passed first, Lieutenant Bruce being third on the list. According to the official papers published at the time, Lieutenant Scott passed—

"S.C."—"Distinguished" in regimental duties, field engineering, drill.

In other words he had passed with such credit that not much more could be said about him. Since that time certain matters have arisen which are likely to put him out of his position, notwithstanding the fact that the four men were told, on being nominated for a lieutenancy, that seniority and promotion would depend on their relative merits. After serving for some time, Lieutenant Bruce left the infantry brigade to join the Field Artillery. In an extract from General Orders on the 21st of June, it is said that

Lieutenant G. O. Bruce, 2nd B.I.B., is attached to the Field Artillery Brigade for instruction for three months.

He went to that brigade for three months, exerted his best efforts to get a commission and failed. According to General Orders he was then brought back to his original brigade. In the meantime, Lieutenant Scott, who had passed his examinations, both theoretical and practical, at the head of the list in all subjects, had remained effective with his brigade. He had been placed in all senior positions whether on parade or elsewhere, got the position of senior subaltern in his company, and had control in the absence of the captain commanding. He had always shown that he was fully qualified. When a captaincy became vacant some little time ago he made application for it, and naturally expected to get it, but he was told, by his company commander I suppose, that he could not be recommended, as the company commander had already decided to recommend Lieutenant Bruce. Lieutenant Bruce is, I understand, the nephew or some other relative of one of the most influential warehousemen in this city, and social

influence has been used to have him pushed forward notwithstanding his lack of qualifications. If the General Officer Commanding does not know of these facts he should be informed of them, so that justice may be done. I should not have referred to the matter here, but for the fact that the case was laid before the Minister for Defence nearly a fortnight ago, with a request that he would cause an inquiry to be made into it, and no answer has since been received from him. Therefore, it seemed to me that the only way in which to get the wrong righted was to bring it before honorable members, and, by a sort of public outcry, cause justice to be done. If social influence is to be used to obtain the promotion of unqualified men over the heads of others, it will be small matter for surprise if our forces go to pieces. We had hoped that under the General Officer Commanding promotions would be made solely with regard to merit and seniority, but the use of social influence apparently began with Lt.-Col. Reay, and has been continued in this instance. I ask that the Minister in charge of the Estimates will make a note of what I have said, and cause an inquiry to be made into the facts of the case; and I hope that, if they are as I allege them to be, he will remedy the grievance, and promote Lieutenant Scott to the position which he should occupy. I should have referred to the case of Lt.-Cols. Braithwaite and Reay but for the circumstance that the matter was fully ventilated in the Senate some time ago. I think that every member of the Committee must regret that two officers so capable as they were have been lost to the service, and will take care to see that in this case no similar injustice is done.

Mr. HARTNOLL (Tasmania).—As it seems likely that a great many honorable members will leave for their homes after a test vote is taken upon these Estimates, I wish to impress it upon the Minister, while there is still a good attendance, that the Tasmanian Forces should not be left in their present anomalous position. I understand that after the test vote to which I have alluded has been taken, the remaining Estimates will pass through Committee with considerable rapidity; and, therefore, I ask the Minister for Home Affairs, who is now in charge of them, if he will allow an amendment to be moved without debate, immediately after the test vote, to allow the sense of the Committee to be taken on the subject upon which I am about to speak.

Sir JOHN FORREST.—The position of the Tasmanian Forces is owing wholly to the want of money.

Mr. HARTNOLL.—It is not a matter of money so far as the Commonwealth is concerned. I addressed myself to this subject when the Budget was under discussion, and I was followed by my honorable colleague, Mr Cameron, who spoke against the proposal which I thought it desirable to advocate, and in favour of retrenchment in the interests of the State finances. I desire to point out, however, that the honorable member is one of the bitterest opponents of taxation in any form, more especially when the imposition of new taxation is likely to result in additional burdens being placed upon the landed proprietors of Tasmania. The question of retrenchment in connexion with the Commonwealth Forces in Tasmania was not raised during the State elections there. During those elections the battle was fought upon the question of reducing various local establishments, decreasing the salary of future Governors, lessening the number of representatives in the State Parliament, doing away with the University, and other subjects of local importance. The expense of the Commonwealth Forces in Tasmania was not touched upon. I am sure that if that question had been raised during the elections the present Premier of the State would not have received the very large support which he has received. He himself did not mention it during the elections. But since getting into power again he has, with the kind co-operation of that member of the Ministry who is one of the representatives of Tasmania, induced the Treasurer to submit estimates in which the position of the Tasmanian Forces is quite anomalous. I hope that the good sense of the Committee will lead to the decision that this matter, like other matters of Federal concern, is one entirely for the determination of the Commonwealth Parliament, without regard to the wishes of any State Minister. If similar recommendations had been made by the Premiers of the other five States and had been adopted, the Federal Commonwealth Forces would have passed into nothingness like the baseless fabric of a vision. The Treasurer stated during the Budget debate that the arrangement of which I complain would remain in force for only one year. I desire to point out, however, that the Tasmanian Forces

were told that in 1901, and, believing the statement to be true they, although under the disabilities which attach to militia, consented to continue to serve without pay for a period of twelve months. The year 1902 came, and they were again allured to take up the same position. This year, however, they feel that they must make a stand, because they can no longer suffer the injustice of their position. They rely upon the promise of the General Officer Commanding that, under Federation, all the forces would be placed upon the same footing. I am afraid lest, smarting under the sense of injustice, the Tasmanian Forces will cease to exist, unless Parliament comes to their rescue and rights their grievance. I find that I made a slight error in regard to the number of men concerned when last I spoke, though I took my figures from information which I gathered during a conversation with the Minister for Home Affairs. I have now ascertained that the authorized peace establishment is—field force 882, garrison artillery ninety-two, and engineers sixty—a total peace footing of 1,034; but Tasmania will this year be content with a field force of 550, fifty engineers and seventy members of the garrison, or 670 altogether. That is the force I desire to see provided for in the Estimates, so that Tasmanian soldiers may be treated in the same way as are the soldiers of the other States. I do not desire that in Tasmania the military light shall fade into Cimmerian darkness, while it continues to burn brightly in the five other States of the Commonwealth.

Mr. L. E. GROOM (Darling Downs).—I have been asked to protest against the treatment to which the rifle clubs are being subjected. Every obstacle seems to be placed in the way of the formation of rifle clubs, and of the good work which they desire to do. The members of these clubs protest against the regulation which requires them to purchase their own rifles. I am speaking on behalf of the members of many of the rifle clubs in Queensland, who are quite prepared to revert to the old regulations. It is a great pity that difficulties should be raised when there is every prospect of successfully carrying out a good system of citizen soldiery. It seems as if there were a desire to turn out simply the old machine-made soldier. I, therefore, appeal to the Minister representing the Minister for Defence to take steps to repeal the present regulations,

and place the members of rifle clubs in the position which they formerly occupied.

Sir JOHN FORREST.—They are in quite as good a position as they were formerly.

Mr. L. E. GROOM.—No they are not, because they have to buy their rifles, whereas formerly they were not required to do so. The action of the Department is retarding the progress of the rifle club movement, and I hope that the matter will receive the sympathetic attention of the Minister. Only a small amount is placed on the Estimates for the encouragement of the senior cadet movement. This department of the citizen forces is deserving of every possible encouragement because it forms a connecting link between the cadets and the infantry regiments. I would ask the Minister whether, in the event of further senior cadet corps being established in Queensland, before the introduction of the next Estimates, every facility will be afforded to those who are taking an interest in the movement. I hope that the Minister will be in a position to give a favorable reply.

Mr. McCAY (Corinella).—I desire to direct the attention of the Minister to one fact in connexion with an interjection which he made when the honorable member for Parramatta was speaking. That honorable member referred to the reduction in the rates of pay of the partially-paid forces, and the Minister interjected, that in view of the large lump-sum reductions made last year and the year before, it was impossible to avoid hurting somebody. That is perfectly true. I was opposed to the reduction made last year, and I was no friend of the reduction made on the previous Estimates; and from what has occurred since I am quite satisfied that lump-sum reductions are undesirable. I contend that the cost of the permanent forces, other than the garrison artillery, could be very largely reduced if a proper system were followed. The citizen soldiers of Australia do not require to be wet-nursed by an excessive number of permanent soldiers.

Sir JOHN FORREST.—How many are there?

Mr. McCAY.—There are 564, independently of the permanent artillery.

Sir JOHN FORREST.—That number includes engineers and all other branches of the Defence Forces.

Mr. McCAY.—I know exactly what branches of the forces are included. The

cost of maintaining these permanent men is about £100,000 per annum, and I have no hesitation in saying that if a proper system were adopted that sum could be reduced by £20,000 without impairing the efficiency of our defences. I say, further, that if that sum were saved in the direction indicated, it would suffice to maintain the pay for the partially-paid soldiery at the rates previously in force in New South Wales and Victoria—that is, allowing for the fact that a large number of men do not earn their full pay.

Sir JOHN FORREST.—The pay is the same now as it used to be in New South Wales.

Mr. McCAY.—No. Formerly the infantry in New South Wales received £7 8s. per annum, and the pay has been reduced to £6 8s. In Victoria, the infantry received £7 10s., and their pay has also been reduced to £6 8s. per annum. If £1 per annum were added to the pay of these men, not by increasing the rate per diem, but by providing for a larger number of parades, and giving the men an opportunity of earning the money, an increase of efficiency would be secured.

Sir JOHN FORREST.—They had only eighteen days' parade in Victoria previously, and, therefore, the period of training has been reduced by only two or two and a half days.

Mr. McCAY.—The men could earn £7 10s. at the same rates at which they can now earn a maximum of £6 8s.

Sir JOHN FORREST.—The General Officer Commanding considers that sixteen days training is sufficient.

Mr. McCAY.—Extra training should result in greater efficiency. The Minister says that all these things cannot be helped when large lump-sums have to be cut off the Estimates, but I think they can be helped.

Sir JOHN FORREST.—I do not think they can be helped.

Mr. McCAY.—I hope that we shall obtain from the Minister more satisfactory replies than are indicated by his interjections. Otherwise, I shall feel constrained to vote in such a way as to express my views regarding the direction in which retrenchment should be carried out.

Mr. THOMSON.—A saving of £20,000 upon the permanent forces would not make up for the £60,000 which has been cut off the citizen forces.

Mr. McCAY.—No; but if a reduction of £20,000 were made in one case, the amount

could be utilized in the direction I have indicated.

Sir JOHN FORREST.—Of the permanent men to whom the honorable and learned member has referred, 204 belong to the instructional staff. Surely he would not dispense with those?

Mr. McCAY.—I should do away with the 108 men of the Royal Artillery who are employed upon instructional work, and would transfer them to garrison duty.

Sir JOHN FORREST.—That would not effect a saving.

Mr. McCAY.—No; but I say that a saving of £20,000 a year could be effected in connexion with the permanent staff.

Sir JOHN FORREST.—I should like to know how it could be done.

Mr. McCAY.—When I am Minister for Defence I shall show the right honorable gentleman. However, I suppose there is no use in discussing such an unlikely contingency. Out of a total reduction of 329 individuals in the permanent forces of Australia this year, as compared with last year, 311 men belonged to the permanent artillery. I contend that these figures justify my statement last night that the retrenchment effected in the permanent forces had taken the wrong direction. Three hundred and eleven men have been taken away from the guns, where they ought to be, and only eighteen men have been discharged from other branches, where the duties could be performed by a still less number than that retained. The Minister says that the General Officer Commanding takes a different view of the matter. He probably knows more about military affairs than I do, but I have given a great deal of attention to these matters.

Sir JOHN FORREST.—Has the honorable and learned member read the papers which I laid on the table?

Mr. McCAY.—Yes; and I have no hesitation in saying that I know more about their contents than does the Minister. At any rate, I can assure the Minister that I have endeavoured, by the care which I have devoted to the consideration of them, to equal the care which he devoted to their preparation. The principal tables embodied in the papers are founded upon those which I prepared and submitted in connexion with last year's Estimates.

Mr. ISAACS (Indi).—I simply desire to ask the Minister whether he has provided, or will provide, reasonably ample facilities

for members of rifle clubs to travel with a view to taking part in practice, and to compete in matches. I feel sure that the right honorable gentleman will agree that this affords one means of securing efficiency in this particular arm of the service, and that nothing conduces more to the proper efficiency of the men than adding to their qualifications in marksmanship. Under the State laws the members of rifle clubs had almost unlimited facilities for travelling to matches, and I hope that the Minister will make proper provision for securing the necessary facilities in this direction.

Mr. WATKINS (Newcastle).—I desire to support the contention of those honorable members who have asserted that the retrenchment in the Defence Department has not been carried out in the right direction. A feeling exists throughout the partially-paid forces that they have had to bear the brunt of the retrenchment. It has been abundantly demonstrated by the honorable and learned member for Corinella that savings might have been effected in a different direction altogether, without affecting the efficiency of our defences. The public expected that when the Defence Department was transferred to the Commonwealth a considerable saving would have been effected in the expenses of administration and military control. It was thought that there would not be the same need for large military staffs in each State; and we were justified in supposing that the amalgamation of the States Departments would have resulted in economy of management. We find, however, that the pruning knife has been applied principally to the citizen forces. The men do not object to bear their share of any reduction which may be considered necessary, but they feel that the reorganization effected has not been conducted upon proper lines. Men are being called upon to perform clerical duties instead of working the guns; and in many other respects the present administration is not satisfactory. I hope that the Minister will take notice of what has been said during this discussion, that provision will be made for the expansion of our citizen forces as occasion requires, and that the permanent forces will not be kept up to their present standard.

Mr. KENNEDY (Moira).—Notwithstanding the desire of the people of the Commonwealth to give full support to the

citizen forces of Australia, Parliament is apparently powerless to give effect to their wishes.

Mr. FISHER.—No; it is not powerless if it goes to work in the right direction.

Mr. KENNEDY.—Parliament has been absolutely powerless up to the present time. Notwithstanding the promises that consideration would be given to our citizen forces we find that the vote for rifle associations represents a considerable reduction upon the amount appropriated last year.

Sir JOHN FORREST.—That is due to the reduction in the appropriation for ammunition.

Mr. KENNEDY.—We want to know the cause of the reduction. Although it was promised that inducements would be held out to members of rifle clubs and others to become efficient rifle shots, the money appropriated for the purpose is being gradually reduced. Some three years ago a wave of enthusiasm was experienced in Victoria in regard to rifle shooting, and doubtless the same remark is applicable to all the other States. Every young man desired to become proficient in the use of that weapon, and all that was needed to stimulate his ambition was an opportunity to obtain a rifle at a reasonable cost.

Sir JOHN FORREST.—We have done nothing to discourage them.

Mr. KENNEDY.—Why, the action of the Minister has actually resulted in the disbandment of some rifle clubs.

Sir JOHN FORREST.—We cannot be expected to give them the facilities for travelling which they formerly enjoyed.

Mr. KENNEDY.—The travelling facilities have nothing whatever to do with the discouragement which has been experienced by members of rifle clubs. To my mind the facilities which were offered for travelling to rifle practice in Victoria were abused to a very considerable extent.

Sir JOHN FORREST.—Abused by the members of rifle clubs?

Mr. KENNEDY.—Yes. I give the authorities credit for attempting to curtail the possibilities of abuse in that direction. I come into contact with a considerable number of members of rifle clubs, and their chief complaint is that they are not in a position to pay for ammunition and to purchase rifles.

Sir JOHN FORREST.—They were always required to do that under the State Government.

Mr. KENNEDY.—Only to a very limited extent. Under the State Government they were granted a certain amount of ammunition free of charge.

Sir JOHN FORREST.—They get that now.

Mr. KENNEDY.—The quantity of free ammunition to which each member is entitled has been reduced.

Sir JOHN FORREST.—Oh no! They are allowed 200 rounds free and 200 rounds at half price.

Mr. KENNEDY.—Then how does the Minister explain the fact that £12,000 was devoted to the purchase of ammunition last year, whilst this year only £8,000 is provided for that purpose?

Sir JOHN FORREST.—Probably there is some ammunition in stock, so that it is not necessary to purchase so much this year.

Mr. KENNEDY.—If we are to become alarmed because the purchase of an adequate supply of ammunition for an efficient rifle reserve would cost a few thousand pounds, the sooner we abolish this make-believe business the better.

Mr. THOMSON.—There are 7,000 men in Victoria who do not possess rifles.

Sir JOHN FORREST.—Last year we spent £26,000 upon small arms ammunition.

Mr. KENNEDY.—That is so, but this year the amount to be expended is less.

Sir JOHN FORREST.—Because last year we had to pay for a quantity of Martini-Henri ammunition which we still have in stock.

Mr. KENNEDY.—What provision has the Minister made to equip the members of rifle clubs throughout the States with rifles? Last year, apart from the purchase of rifles, the total amount expended upon rifle clubs and associations was £36,000, whereas this year only £32,000 is to be devoted to that purpose. That is a considerable reduction. Does that reduction imply that further facilities are to be provided for the encouragement of rifle clubs? The general complaint last year was that a gradual reduction was taking place in the number of members of rifle clubs.

Sir JOHN FORREST.—We have not disbanded any rifle clubs in Victoria.

Mr. KENNEDY.—No; but they are a gradually decreasing quantity.

Sir JOHN FORREST.—They get the same encouragement that they received formerly. Of what have they to complain?

Mr. KENNEDY.—They complain that they are not able to obtain rifles.

Sir JOHN FORREST.—They were never able to obtain them free of charge previously.

Mr. KENNEDY.—In the first instance, they were promised that they should get rifles. They were informed that they could obtain the use of rifles by the payment of a small charge, and also that they would be given a supply of ammunition. I have been told that the ammunition supplied to them is a gradually diminishing quantity, and, judging from the Estimates, that is so.

Sir GEORGE TURNER.—No, there is a good stock of ammunition in hand.

Mr. KENNEDY.—I indorse the remarks of the honorable and learned member for Indi, that travelling facilities should be given to members of rifle clubs who desire to compete in inter-club and Inter-State matches; but I hold that to allow that privilege to be abused in the way in which it was some years ago would have an injurious effect upon the organizations themselves. I do not think that the Committee would hesitate to vote whatever money might be absolutely necessary to provide rifles and ammunition if an unrestricted supply were required to encourage men to join rifle clubs in greater numbers than they are doing at the present time. It has been the ambition of Australians to become expert marksmen with the rifle; but instead of gratifying that ambition the Government have done all in their power to suppress it.

Mr. FISHER (Wide Bay).—The discussion of this matter reveals a state of affairs which is neither complimentary to the Government nor to this Committee. Speaking this afternoon the honorable member for Parramatta declared that he would not support any further reduction of the Defence vote, because the previous attempt to curtail expenditure in that Department had resulted in a saving being effected in the wrong branches of the service. No more serious charge than that could be made against an Administration. When the Estimates were under consideration last year, the Committee almost unanimously decided that the Defence vote should be cut down in a manner that would not lessen the amount which was paid to those who were actually performing necessary work and qualifying themselves to defend the country in case of need. But instead of the wish of the Committee being respected, it is quite evident that the Minister, in common with all previous Ministers

of Defence, has fallen a victim to the wiles of an Imperial officer. It is true that Major-General Hutton has reduced the expenditure upon the Defence Department, but he has done so by cutting down the numbers and pay of those whose services are most essential.

Sir JOHN FORREST.—It is the Minister who has done so and not the General Officer Commanding. I am responsible for these Estimates.

Mr. FISHER.—I admire the stand which is taken up by the right honorable gentleman. But does he justify his action in cutting down the militia forces and injuring the rifle clubs?

Sir JOHN FORREST.—I have not disbanded a man.

Mr. FISHER.—But the policy which has been adopted has caused volunteers to be disbanded, and the present action of the Minister will cause a considerable reduction in the number of members of rifle clubs.

Sir JOHN FORREST.—I do not think so.

Mr. FISHER.—I venture to say that it will. Those organizations contain fewer members to-day than they did originally.

Sir JOHN FORREST.—The number is not very much smaller.

Mr. FISHER.—There has been an actual decrease. The point, however, which I desire to make is that, in each State before the accomplishment of Federation, the staffs of the military forces were always able—

Sir JOHN FORREST.—There are very few less militia now than there were when the Commonwealth took over the Defence Department. The decrease represents only about 800. Prior to Federation there were 15,800 members of that force, and at the present time there are 15,013.

Mr. FISHER.—Does the Minister think that result is satisfactory?

Sir JOHN FORREST.—Considering that we have reduced the Defence expenditure by £250,000, I think that it is very satisfactory.

Mr. FISHER.—Personally I think that £500,000 is ample to expend upon our Defence Forces. If economy and retrenchment were enforced amongst the staff officers, I venture to say that we should secure a better force for an expenditure of £500,000 than we now obtain for an expenditure of £677,579, which is the amount proposed. We have a right to demand that Parliament shall exercise absolute control over the military policy of the

Commonwealth. If the ex-Minister for Defence desires to support the General Officer Commanding in gathering around him a very expensive staff, and in starving the persons who perform the actual field work—

Sir JOHN FORREST.—Who is starved?

Mr. FISHER.—There has been a general reduction in the payment to the militia and volunteers. I should like to know how the Minister can defend the proposal that a charge of £3 15s. shall be made to members of rifle clubs for the new magazine rifles? It simply means that the policy of the Government and of their military adviser is that no poor man shall join a rifle club and own a rifle. Does the Minister think that every one who desires to qualify himself to become an efficient marksman is possessed of £3 15s. which he can afford to hand over to the Government for a magazine rifle?

Sir JOHN FORREST.—He need not do so. It is not necessary that every man should have a rifle of his own.

Mr. FISHER.—But the ordinary rifleman desires to have his own rifle. Indeed, some members of rifle clubs are very particular upon that point.

Sir JOHN FORREST.—A great many of them are willing to pay for the rifles. In Victoria they have bought 12,606 rifles.

Mr. FISHER.—That is the highest compliment which a rifleman can pay to the organization to which he belongs. The members of rifle clubs do not desire to be remunerated for their services. They join those organizations chiefly because they desire to be able to serve their country in time of need. That surely is the most patriotic and responsible duty which any citizen could undertake. I wish to express my opinion in regard to the belief which is fostered in some quarters that Imperial officers are much superior, whether as commandants or instructors, to those who have been trained in Australia, and that considerations should be extended to them which are not given to citizens of the Commonwealth. A feature of all our naval and military movements is that the Imperial officers and "Tommy Atkins" are held to be infinitely superior to Australians. That contention cannot be correct. After twelve months' training the ordinary British soldier is considered to be fit to go into the ranks and to be capable of doing anything which any other soldier may do, and yet we are

asked to believe that, because an officer has been trained in the Imperial Army, he is superior to one who has received his military education here. There is no justification for such a belief. We have certainly no evidence that the Imperial officers engaged in the South African war acquitted themselves more creditably than did officers who were sent from Australia and other colonies, and I protest against the constant reiteration of the statement that, without Imperial officers, our army would be useless. The General Officer Commanding does not hesitate to say again and again that Australian officers who consider themselves to be well conversant with military tactics know very little indeed on the subject, and that their crude notions would lead to disaster in time of war. That assertion has yet to be proved. In the very early days of the South African campaign the opinion was expressed—and, no doubt, it was engendered by feelings of patriotism—that the Boers would immediately be crushed; that they could not withstand the superior discipline of the British Forces. But, was that prediction verified? In the same way, if we were called upon to resist the attack of an enemy, Australian officers, knowing more of the tactics which would be necessary for the kind of warfare that would be carried on here, would be able to do greater credit to themselves than would any Imperial officers. I am not one of those who expect our troops to derive any great advantage from Imperial commanding officers or instructors. On the contrary, I consider that we shall secure the greatest benefit to the Commonwealth by encouraging the belief amongst Australian citizens that they are equally capable and worthy of governing and of filling the highest positions in the army and navy.

Mr. BROWN (Canobolas).—In deference to the wishes of those who are anxious to return to their homes, I do not propose to discuss these Estimates as fully as I should otherwise have done.

Mr. FISHER.—Why should they not be discussed?

Mr. BROWN.—The question before us is a most important one. I reluctantly agreed last year to the proposal to reduce the Estimates by a lump sum, and, I think, that in doing so I placed my position clearly before the Committee. As a member of the New South Wales Parliament I had some

experience of the results of reducing Estimates in this way, and of leaving departmental officers to work out a scheme of retrenchment in accordance with the wishes of the Legislature. Our experience there was that the work was invariably commenced at the wrong end. I feared that the same result would follow our experiment of reducing last year's Estimates by a lump sum, and my fears have been largely realized. Our desire was that instead of building up a large force of permanent officers and men, we should place more reliance upon our citizen soldiery, and that our expenditure should be in the direction of expanding and efficiently equipping our citizen forces. We find that the Estimates have been reduced in accordance with the promise given last year; but that economies have been effected not amongst the more highly paid officers and men of the permanent forces, as desired by the Committee, but by impairing the efficiency of our citizen soldiery and limiting the opportunity for the expansion of the system. We are told by the Minister that no further reductions can be made. A re-adjustment has taken place; but with what result? We find that the permanent forces, instead of the citizen soldiery, absorb the greater portion of the sum of £677,804, which we are asked to vote for the current year, and that the Minister has not allowed himself any margin for the encouragement of citizen troops. I recognise the impossibility of bringing about a reform by means of a lump sum reduction of the Estimates, or by reducing a particular item, as proposed by the honorable member for Maranoa. We cannot secure what we desire by merely reducing any item. The Committee must clearly set forth the line of policy which it wishes to be observed, and intrust the work of carrying out that policy to a competent man. The General Officer Commanding is one of the officers who is largely responsible for carrying out the wishes of the House. I do not know whether the Minister has conveyed to him our desire that a system of citizen soldiery, rather than of permanent forces, shall be encouraged—

Sir JOHN FORREST.—I have said that I have done so.

Mr. BROWN.—I do not know whether Major-General Hutton has intimated that he can go no further in giving effect to the policy for which we have declared; but, fortunately, more officers are available, and



if the present General Officer Commanding is unable to give effect to our determination, let us obtain the services of another officer who will do so. On the other hand, if the fault rest with the Minister, let us intrust the administration of the Department to some one else who will carry out the wishes of the Committee. The Minister in charge of these Estimates has just handed over the administration of the Defence Department to a colleague. I trust that the present Minister for Defence will succeed where his predecessor has failed, and that our desire that the Commonwealth should rely chiefly upon a citizen soldiery for its defence will be more fully recognised in the future. I trust that the Department will encourage the formation of rifle clubs and detachments of Australian Light Horse in country districts, and that these forces will be provided with up-to-date equipment, without which a Defence force is practically useless. Let us supply our forces with adequate equipment, and instead of building up an expensive system of permanent troops, as we have done in the past, give every reasonable encouragement to our citizen soldiery.

Mr. A. McLEAN (Gippsland).—I regret to find it again necessary to direct the attention of the Minister to the position of the Victorian Rangers. That branch of our Defence Forces has been most shamefully treated. I could have understood that treatment if it had been necessary for the purposes of retrenchment; but the action taken by the Department will have precisely the opposite effect. It will more than treble the expense which was formerly incurred in the maintenance of this force. Originally the Victorian Rangers were purely a volunteer force, and I have been assured by their officers that as such they were most attentive and assiduous in the discharge of their duties, and did all that was possible to make themselves efficient. They volunteered in large numbers to serve in South Africa, and acquitted themselves most creditably whilst there. I have also been informed by their commanding officers that the Rangers, although a purely volunteer body, outdistanced all competitors in rifle shooting at the recent Sunbury encampment. Notwithstanding these facts, this force, above all others, was selected to be either converted into the Australian Light Horse or disbanded. Most of the Rangers are working men, residing in country towns. They cannot afford to keep a

horse, and therefore cannot avail themselves of the proposal that they should become members of the Australian Light Horse. If they could do so they would at once become a partially-paid force. They have now been told that they must accept either one or other of the alternatives I have named, and a large number who are unable to avail themselves of the first are compelled to submit themselves to the second. In view of their record—in view of the fact that they proved themselves to be the most efficient rifle shots at the Sunbury encampment, and that they rendered most excellent service in South Africa, it is shameful that their services as volunteers should not be retained.

Mr. FISHER.—According to some people they have no right to be volunteers.

Mr. A. McLEAN.—If they were allowed to continue as volunteers a saving of considerably over £2000 a year would be effected, and a preliminary expenditure of about £900 would be avoided. I would urge the Minister to inquire into the position of these men. I trust that if he discovers, after a careful investigation, that it is impossible to retain them in their present position—although to any ordinary individual it seems remarkable that it should be so, having regard to the fact that they cost the State practically nothing, and are ready to give their best services to the Commonwealth when called upon to do so—he will allow this branch of the service, as an alternative, to be merged into rifle clubs.

Sir JOHN FORREST.—I do not think that they are unanimous.

Mr. A. McLEAN.—I have said that they were anxious to remain as they were; but that after the matter had been discussed in this House, the alternative was put to them that they must either be converted into Light Horse or be disbanded. Rather than submit to disbandment a considerable number of the Victorian Rangers have agreed to join the Australian Light Horse. Now, a large number of others, as I have said, have not been able to do so, and they have had to submit to disbandment. That is what I complain of, and what these men have a perfect right to be dissatisfied with. I should like to know whether the Minister will look into the matter, and ascertain whether it is not possible to retain the men in their present position; and, if not, whether the right honorable gentleman will give facilities to merge the men into rifle

clubs, in order that they may not be compelled to altogether withdraw their services from the country.

Mr. MAHON (Coolgardie).—I confess to some difficulty in arriving at a conclusion with regard to this debate, although I have listened to the greater part of it. To my thinking, if it has any purpose whatever, it should eventuate in a motion to dispense with the services of the General Officer Commanding. That would certainly be logical, and surely more to the purpose than hostile criticism, which ends in nothing. If the military experts in this Chamber consider that the Defence Department is going to the dogs so rapidly, as apparently they do, the proper preceeding is to table a motion recommending the dismissal of the General Officer Commanding, or else to move a vote of censure on the Government. The proposal of the honorable member for Melbourne Ports, made during the Defence Bill discussion, is preferable to the practice we are now following. He desired that the control of the naval and military forces should be withdrawn from the present highly paid expert—a man with an European reputation—and vested in some members of this House, and other persons picked up from outside. That would certainly be a scratch combination. I dare say that the affair would look very well with General Mauger commanding, supplemented by Major-General McCay, and with the honorable member for Maranoa, who certainly has had practical experience of soldiering, occupying the very prominent position of Chief of the Staff. Seriously, I think that a good deal of time has been wasted, and that, in order to direct the discussion to a concrete issue, something different might be done. I can fancy the difficulty that an officer brought out from the old country has in placing the scattered forces of this Commonwealth on a proper footing. I can imagine also that his difficulty must be accentuated a thousandfold by the attitude of honorable members of this House, who, without having had his experience or possessing his expert knowledge, offer him suggestions which probably he knows very well cannot be carried out; or which, if adopted, would result in the disorganization of the forces. I can just imagine what any successful general, who had conducted campaigns in the old world,

would say if he had to endure a fusillade of this kind. Would Washington have won his victories if a nagging Parliament had been behind him, hampering every effort he made? Would the victorious Germans have conquered France, if their chief general had had his hands tied by members of the legislature telling him to do this and not to do that? It is proper that Parliament should fix the cost of this Department and give general directions regarding its expenditure, but we ought to stop there, and not attempt to regulate every minutiae. We should lay down principles, and leave details to others. Now, in my view, nearly three-fourths of the money expended upon the land forces of Australia is practically wasted. What we need to do, in my opinion, is to foster the creation of rifle clubs, to teach every man how to shoot, and to give all facilities to practise shooting. That is all that we need bother ourselves about at present, so far as concerns the land forces of Australia. The bulk of our outlay should be upon a fleet to protect our shores. But if we bring a man out from England, who possesses the highest expert knowledge, surely we ought to take his advice. If we are involved in law, why do we consult a lawyer? Because we realize that he knows more about law than we do. If we go to consult a physician about bodily ailments, we do so because he knows more about physical disorders than we do. Similarly, why should we incur the expense of obtaining expert military advice at all unless we follow it? That is the view which I take. Of course, I may be very presumptuous in offering an opinion. I never shouldered a rifle, and I have not had that extensive experience in military affairs which, I am sure, justified the honorable member for Melbourne Ports in propounding his elaborate scheme for the management of the Defence Forces. However, to come down from the clouds to a practical matter, I wish to direct the attention of the Minister to a point which, small as it may be, is of considerable importance to some of my constituents. Some time ago, a number of them put their hands in their pockets and built a drill hall in an important town in Western Australia, with which the Minister is well acquainted. I refer to Menzies. They paid £400 for this hall, and handed it over to the Defence Department. But they have never received a penny in rent or a shilling in compensation for it, and they can

get no satisfaction out of the Defence Department or from any one connected with it. These people paid the money to shift the hall on to Government land, and now, because there is some hitch in getting the land transferred from the State Government to the Commonwealth, they are out of their money, and have remained so for about three years.

MR. L. E. GROOM.—Was the hall built on private property?

MR. MAHON.—It was purchased by these military enthusiasts out of their own resources, and shifted on to Government land. It is in use by the contingent stationed in the place, but neither rent for the building, interest on the outlay, nor the original purchase money, has been received by those who undertook the responsibilities in connexion with it in the first instance.

SIR JOHN FORREST.—What is the trouble about it?

MR. MAHON.—The trouble is that these people want to get back the money paid for the hall.

SIR JOHN FORREST.—They cannot get the transfer arranged, I suppose?

MR. MAHON.—As I have said, there is some hitch about transferring the land from the State Government to the Commonwealth Government. It is a matter which the Minister might look into.

SIR JOHN FORREST.—I will have a look into it.

MR. MAHON.—Then, again, the rifle clubs in Western Australia have been paying three times as much for their ammunition as has been paid by the rifle clubs in Victoria. That is another point which I would respectfully ask the Minister to look into.

MR. SALMON (Laanecoorie).—It is not my intention to prolong the debate, but there is a matter which has been brought under my notice, and to which I should like to direct the Minister's attention. It has regard to the system which has been adopted respecting promotions. I do not believe in a hard and fast rule of seniority governing promotions. I believe that promotion should be by merit. But where seniority is coupled with meritorious service and success in examination, some strong reason should be given before an officer is superseded by one who is junior to himself—who has had the same, if not greater, opportunities, to perfect himself in his work, but who

has not passed anything like the same examinations. The case alluded to by the honorable member for Bourke has also been brought under my notice by a friend of mine who is conversant with all the facts. It is a pity that these subjects have to be brought up in this Committee. But I am afraid that although they be trifling in character and few in number, they would be considerably added to if that natural reticence, coupled with a desire to observe discipline, which characterizes most of the officers in our defence forces, did not operate against the further ventilation of them in Parliament. I deprecate the discussion of questions of discipline, and even of advancement, in Parliament; but where a manifest wrong has been done, or is being contemplated, and where an officer has taken every step which he can take in accordance with the regulations to protect his rights, and to prevent himself being superseded by one who has not anything like the same claims, then I think this Committee is the proper body before which to ventilate the case. I should not speak upon the matter if I had not made careful inquiries into the merits of it. I have read the various *Gazette* notices affecting the case, and I have also scanned the reports with regard to the examinations. Having done so, I cannot for the life of me understand why Lieutenant T. G. L. Scott, the officer referred to, should have been passed over in favour of a junior officer who has not passed his examinations so creditably. The position is this: Four officers received their commissions on the same day. It was stated in the *Gazette* notice that their seniority was to be reckoned according to merit. They went up for examination, and their names were published in the order which they were to keep. But Lieutenant Scott, the gentleman who headed the list, has now been placed below the gentleman who was lowest on the list, and who is to be promoted over his head. Lieutenant Scott has passed his examination for a captaincy. The other officer, Lieutenant Bruce, has not. Yet, for some reason or other, Lieutenant Scott has been placed lower on the list than Lieutenant Bruce. The only reason that I think can be given is that Lieutenant Bruce proceeded to South Africa.

SIR JOHN FORREST.—What reason is given officially?

MR. SALMON.—The authorities give no reason at all. Of course, when an officer

asks the colonel commanding his regiment for a reason, he is told that that is not within his province, and that he is not to expect anything of the kind.

Sir JOHN FORREST.—I think inquiries were made about the case.

Mr. HUME COOK.—Did the Minister for Defence make those inquiries?

Sir JOHN FORREST.—Yes, he did.

Sir MALCOLM M EACHARN.—Were all these officers in the same regiment?

Mr. SALMON.—Yes, and they were gazetted in order of seniority according to merit?

Mr. HUME COOK.—Scott was ahead in both theoretical and practical examinations.

Sir JOHN FORREST.—What is the reason of the course which has been taken?

Mr. HUME COOK.—We desire to know the reason.

Mr. SALMON.—No reason whatever has been given, and the only reason which can be suggested is that Lieutenant Bruce went to South Africa. I think he arrived there after the war had ceased. I do not know that he saw any service. I have no desire to say a single word against him. I have merely said that he was last on the list in the examination, and, in the circumstances, I think I am justified in saying that.

Mr. O'MALLEY.—He might have more ability than the other man.

Mr. HUME COOK.—He did not show it in the examinations.

Mr. SALMON.—I find that in the theoretical examination Bruce obtained 81 per cent. for regimental duties, Gordon 98 per cent., Scott 98·6 per cent., and Woods 92 per cent. For drill, a most important department of work, Bruce obtained 62·3 per cent., Gordon 82·9 per cent., Scott 90 per cent., and Woods 82·3 per cent. The aggregate results were Scott 94·3 per cent., Gordon 90·45 per cent., Woods 87·15 per cent., and Bruce 71·65 per cent. In the practical examination Scott secured 84 per cent., Woods 84 per cent., Bruce 80 per cent., and Gordon 75 per cent.

Mr. L. E. GROOM.—Was this before or after Bruce went to South Africa?

Mr. SALMON.—I think it was before, in 1897. Lieutenant Bruce left the regiment for a time, and was attached to the Field Artillery Brigade for instruction. He subsequently ceased to be attached to the Field Artillery Brigade, and later on resumed duty with his old regiment. As the

honorable member for Melbourne knows very well, if a man loses his opportunity of promotion in a case like this he has but a very poor chance of retrieving his position later on. Personally, I will be quite satisfied if the Minister will promise an inquiry.

Sir JOHN FORREST.—Yes, I will. I have received no recommendation up to the present. The matter has been referred to the General Officer Commanding, and when any recommendation has been made I will draw his attention to what has been said.

Mr. SALMON.—I am so certain of the merits of the case that I am prepared to leave it in the hands of the Minister. I understand that no recommendation has yet been made to the Minister, but the officer commanding the regiment has made a recommendation to the General Officer Commanding. It is expected that Major-General Hutton will indorse the recommendation and send it on for confirmation.

Sir JOHN FORREST.—The officer commanding the regiment has recommended the promotion of Lieutenant Bruce; that is the trouble.

Mr. SALMON.—Yes; that is the cause of the trouble.

Mr. PAGE.—Is the honorable member speaking of the Lieutenant Bruce to whom the honorable member for Bourke referred?

Mr. SALMON.—Yes. I happen to know personally some of the particulars of the case, and I thought it as well to mention it to the Committee and to the Minister. I have made most careful inquiries and scrutiny of the official documents and *Gazette* notices, and I have failed to discover any reason for the recommendation which has been made with the exception of that of active service by Lieutenant Bruce. I am prepared to admit that active service should give a man a very big pull; but the length and character of that active service should be taken into account before a more efficient officer, who may never have had an opportunity of going into active service, should be passed over in this fashion.

Sir JOHN FORREST.—I have taken a note of the various matters brought before the Committee, and inquiries will be made regarding them. A good deal has been said about the re-organization of the forces, and the opinion has been expressed by some that the Government have not sufficiently considered the wishes of honorable members in preparing the present Estimates. If the whole

question were fully looked into, honorable members would see that the difficulties were far greater than they appear on the surface, and it would have to be confessed that a real effort has been made to comply with their wishes as expressed in this Chamber last session. I have taken the trouble to ascertain what reductions have taken place in the Defence Department since the transfer of the States Defence Forces to the Commonwealth. The principle observations made by honorable members have been directed to what appears to them to be an inclination on the part of the Government to apply the reduction which this House desired should be made to the rank-and-file, and, as far as possible, to leave the permanent officers of the force untouched. I do not think an examination of the facts will bear out that statement. I find that since the transfer of the Defence Forces of the States to the Commonwealth on the 1st March, 1901, the Department has reduced the establishment of commissioned officers by fifty-four, which includes six officers from the Naval Forces. Forty-eight of the fifty-four were colonial officers who have been retired, and six were Imperial officers whose engagements have terminated. Against this total reduction of fifty-four officers the following additions or appointments have been made:—Major-General Sir Edward Hutton, General Officer Commanding, who was lent to us by the Imperial Government, and who came here on a three years' engagement; and two other Imperial officers, Lieut.-Colonel Plomer and Major McLagan, who were appointed for three years by the States of Queensland and New South Wales prior to the Commonwealth assuming control of Defence matters, and consequently we were in no way responsible for their being engaged. Five officers from the Militia of Queensland were appointed to the Instructional Staff in July, 1901. There is another officer, Major Reade, who is a C.B., with a record of distinguished service in South Africa. He is now appointed to the Instructional Staff, but he was an officer of the partially-paid forces of South Australia. His appointment was made not long after the transfer. Then there was the appointment of Lieutenants Long-Innes and E. H. Reynolds, who were cadet officers, and who qualified themselves by competitive examination for appointment in the Permanent Forces. They were appointed in April, 1901, almost immediately after the transfer.

Mr. PAGE.—In what State were they appointed?

Sir JOHN FORREST.—In New South Wales. Then Lieutenant De Passey was given a commission in South Australia. He was a warrant officer who had done good service in South Africa, and was given his commission at about the time of the first meeting of the Federal Parliament. There were two other appointments conferred on deserving warrant officers, R. E. Page and R. E. Sheldon being given second lieutenant's commissions. These fourteen appointments of officers were the only new ones made since 1st March, 1901, and all were made during 1901, before the necessity for retrenchment was ascertained.

Mr. SALMON.—Major Reade's appointment was a very good one. He is a splendid officer.

Sir JOHN FORREST.—I believe he is a very good officer, and he came with a very good record. These fourteen officers can scarcely be called new appointments, as, excepting the Imperial officers, they were all in the Defence Force as Militia officers, but, deducting them from the fifty-four, it will be seen that there has been a total reduction of forty officers since the transfer of the Defence Department to the Commonwealth. The total number of permanently employed commissioned officers, including the Instructional Staff, appearing on these Estimates is 103—eighty-eight military officers and fifteen naval officers—as against 143 when the transfer of the Forces to the Commonwealth took place. It must be admitted that a reduction of forty officers out of 143 is a tremendous reduction. No less than one-third of the whole of the officers have been retired since 1901. Honorable members know very well that there has been a reduction of the Estimates for the Permanent Forces, including the Instructional Staff, as shown in the Estimates for 1903-4, from £217,091 to £193,721, which is a reduction of £23,370, or over 10 per cent. on the Permanent Forces alone. The Estimates for the partially-paid forces have been increased from £150,274 for 1902-3 to £152,176 for 1903-4, an increase of £1,902. There has been a reduction in the expenditure on volunteers from £34,715 in 1902-3 to £22,283 for 1903-4, caused to a large extent by the conversion of volunteers into partially-paid forces.

Mr. PAGE.—That is what all the trouble is about.

Sir JOHN FORREST.—When one remembers that we have reduced these Estimates during two years by £259,633 of which £62,381 represents reductions in the permanent forces, including the instructional staff, it cannot be said there has not been a really *bona fide* effort on the part of the Government to meet the wishes of this House as to the reduction of expenditure in the Defence Department. If everything is not exactly as honorable members would desire, all I can say is that that must happen in any case of general reductions. We have heard a good deal about dissatisfaction; but how could it be otherwise when the expenditure has been reduced by a quarter of a million? The altered state of affairs cannot be as satisfactory or as agreeable to those affected as would a continuance of the old conditions; and the wonder is that there is not much more dissatisfaction. But reductions have been made—officers have been retired, and the forces have been put on a uniform basis—and, if only a little breathing time is given, there is every hope that we shall get along even better than we have been doing. Whatever may be said as to the General Officer Commanding, it cannot be suggested that he has not thrown himself, heart and soul, into his work. He has not come here for three years' pleasure, but in order to increase his reputation, and to render us valuable service.

Sir MALCOLM MCEACHARN.—And very good work he is doing.

Sir JOHN FORREST.—Considering the great difficulties the General Officer Commanding has had to encounter in consolidating the whole of the forces and placing them on a uniform basis, we may be congratulated on the fact that there is not much more dissatisfaction than there appears to be. I take with several grains of salt the opinions expressed by honorable members as to what ought to be done, or what they would advise in the way of military administration if they had the opportunity. I suppose that most of us have received a good deal of that kind of advice in our experience. Even in parliamentary life men promise to do great things if they are installed in Ministerial office, but when they are installed matters are usually found to go on pretty much as before. There is too little regard given to the qualifications which the General Officer Commanding possesses. If we were to

import an expert for the construction of railways, water-works, irrigation works, or other undertakings of that character, we should not be inclined, I think, to hamper him very much in regard to the number of persons he required to assist him. We would not treat or speak of such an expert in the way in which some honorable members seem disposed to treat and speak of the General Officer Commanding; if we did, the expert would probably refuse to continue the work.

Mr. PAGE.—I wish the General Officer Commanding would "take the office."

Sir JOHN FORREST.—When we engage an officer for a short time to do certain work it is not usual to keep complaining of him while he is fulfilling his duties. Let a man in that position be allowed to finish his work, and then is the time to complain if we are not satisfied. In addition to all his other duties the General Officer Commanding has the technical administration, under the Minister, of a large department, involving the expenditure of something like £600,000 a year; and, as the military adviser of the Government, he is responsible for the discipline and equipment of the whole of the forces. If the General Officer Commanding is not assisted in his work, and given an opportunity of doing his best, it will not be to our advantage; and for that reason, during the time I was Minister for Defence, although I desired to carry out the wishes of the House and to exercise my own judgment, I was very anxious to aid the General Officer Commanding in the important and difficult duties of his office.

Mr. PAGE.—Did the right honorable gentleman allow the General Officer Commanding to do every thing he desired, and give him every thing he asked for?

Sir JOHN FORREST.—Certainly I did not; but I did my best to assist him in the work he had to carry out. As to rifle clubs, I recognise that a cheap and efficient way of defending the country is to instruct citizens in the use of the rifle. One of the last of my acts before I left the Defence Department was to leave on record the following minute:—

The rifle club system being a most efficient means of training the citizens of the Commonwealth in the use of arms, and a most valuable adjunct to the Defence Force of the Commonwealth, I desire to encourage and perfect this organization to the fullest extent.

2. The regulations should be amended so as to provide an increased contribution for the formation of new rifle ranges of £20 for clubs of thirty and £40 for clubs of 100, instead of £10 and £20 as at present.

3. A capitation grant of 5s. per annum for all efficient should be given for the purpose of enabling rifle clubs to meet their expenses, and maintain their rifle ranges. I have written to the right honorable the Treasurer asking him to make provision on the Estimates for a sufficient sum to enable a half-year's capitation to be paid during this financial year.

4. Some additional privileges in regard to railway travelling should be conceded also to efficient, to enable them to more easily enter into rifle club competitions.

5. Members of rifle clubs qualified to impart instruction in recruit drill should be encouraged to act as instructors to members desiring such instruction, being paid a fee for such services.

The Treasurer has acceded to my request, and, therefore, the clubs will have some little money for ordinary corps expenses, instead of the members being compelled to dip their hands into their own pockets.

Mr. PAGE.—Did the General Officer Commanding make that recommendation?

Sir JOHN FORREST.—No; I made the recommendation of my own motion. Provision is not made on the Estimates, but the Treasurer intimated his willingness to comply with the request, on my undertaking to mention the matter to honorable members when the Estimates were under consideration.

Mr. L. E. GROOM.—And as to the supply of rifles?

Sir JOHN FORREST.—In that respect there is some difficulty, arising altogether from economical causes. In Victoria no rifles have ever been supplied to the clubs, but in New South Wales and other States rifles have been supplied. In Western Australia there are not as yet, I think, any legally organized clubs, but I believe there is a willingness on the part of those who support the movement in that State to provide their own rifles. In Victoria, where the rifle club system has flourished to a far greater extent than in any other part of Australia, there has been no complaint made about members having to supply their own arms. With that fact before me I felt a difficulty in introducing a system which would result in a considerable drain on the public purse. At the same time, I fully recognise the force of the arguments placed before the Committee by several honorable members, and I propose to ask the Minister for Defence to consider whether

some easier means cannot be found of providing rifle clubs with rifles. I do not know whether the request will result in rifles being supplied absolutely free, but, while I do not like promising anything for another Minister, I think I may say that something will be done in the direction suggested. I think I may promise to recommend the Minister to make a reduction in the price of rifles, and also to take steps for loaning rifles to clubs. Those who are not willing to purchase rifles at the small price we may be able to arrange, will, perhaps, be content to share rifles lent to the clubs. There is a similar plan, I understand, in Victoria and the other States, the clubs lending rifles to members who make themselves responsible for their safekeeping. The honorable member for Maranoa, the honorable member for Bland and others, referred to the desirability of reductions in the Head-Quarters Staff. I have given that matter consideration, and though, as I have already said, I must be very careful about making promises when acting for another Minister, I am willing to undertake that as vacancies occur—and vacancies will probably occur by the transfer of Lieut.-Colonel Owen, and on the expiration of the term of engagement in the case of Lieut.-Colonel Plomer and Major McLagan—the Minister will consult the Prime Minister and the Cabinet before new appointments are made, so that the matter may be thoroughly thrashed out, and a decision arrived at as to how far any reductions are possible. Inquiry may be made as to whether the clerical staff of the Head-quarters Staff and other branches can be reduced, and to what extent returns and correspondence can be avoided. As to the point raised by the honorable member for Tasmania, Mr. Hartnoll, the Treasurer will make a statement which I think will prove satisfactory. As to the cadets, I undertake that communication will be made with the States Governments, in order to ascertain what plan can be arranged by which the children in the schools may best be drilled and trained. It is surrounded with some difficulty, because the Education Departments are not under the control of the Commonwealth. But I have not the slightest doubt that the States will be only too willing to work with the Commonwealth in regard to the training and drilling of cadets. Until the Defence Bill is passed, we shall have no authority in regard to cadets.

Mr. L. E. GROOM.—Except under the State law.

Sir JOHN FORREST.—I think it is questionable how far the authority extends in several of the States. We thought it would be better to get legislative authority before we took any steps, but that will not prevent negotiations from taking place between the Commonwealth and the States. I believe that we shall have a great many more rifles than honorable members have anticipated. With the rifles on order, there will be sufficient magazine rifles for the peace establishment of the forces, and this is independent of the Martini-Enfield rifle, of which we have 34,000 in the Commonwealth. With the rifles which are provided for on the Estimates, and with those which are on order, we shall be able, not only to do all that is necessary in regard to the peace establishment of the forces, but to comply to a very large extent with the requirements of the rifle clubs. I hope that I have referred to all the matters which have been brought under my notice. All I have to say now is that, notwithstanding the adverse criticism—which we must expect, I suppose—I thank honorable members for their intimation that they are now prepared to pass the Defence Estimates without amendment.

Sir GEORGE TURNER (Balaclava—Treasurer).—The question of the expenditure in Tasmania has been pressed very strongly on the Committee by its representative, Mr. Hartnoll. When the Estimates were submitted to me, I found that a very large extra expenditure was proposed for the State. Last year its Defence expenditure came to £15,000, and this year we have provided a sum of £21,000—an increase of £6,000 in that little State. When I was asked to provide a considerable sum for the purpose of paying the volunteers in that State, I felt that it would place a very great strain on its finances. Knowing the great struggle which the State Government has had for a long time in consequence of the loss of Customs revenue through Federation, I felt bound to press very strongly on the Defence Department the advisability of delaying that further expenditure for at least twelve months. The Minister for Defence very strongly urged that it should be incurred; but ultimately, on my appeal, he gave way on the understanding that the money should be provided in the next financial year. After

that, some requests were made from Tasmania; but the blocking of the expenditure should be put down to me, in the first instance, if any blame is attachable to any one. If any attempt were made to force this additional expenditure on the State independently of the effect upon its finances, I should have to oppose it very strongly indeed. I have always held a strong view as to the functions of a Committee of Supply. While honorable members have a perfect right to cut down the Estimates of the Treasurer—of course, without impairing his ability to carry on the King's Government—they should not, unless the circumstances are very extreme indeed, attempt to increase the amount of the expenditure which he proposes, because, in addition to the fact that the responsibility is on his shoulders, there is the important fact of his acquaintance with all the circumstances of the case. I feel that the volunteers in Tasmania have a grievance, inasmuch as the volunteers in other States have now been converted into partially-paid forces. Were it not for the condition of the finances in Tasmania, I should not have raised any opposition to this request. However, if I find during the course of the year that the revenue which the Commonwealth collects for the State has increased, or that other expenditure has diminished to such an extent as to allow me—while still giving back to the State the promised amount, as I always try to do if possible, because it is the basis of the State Treasurer's expenditure—to make this provision in whole or in part I shall be very pleased indeed to place the volunteers in the State in the same position as the men in the other States. I hope that the expenditure will be kept within the proposed amounts, and that the revenue will increase. In both or either of these events I shall be very glad indeed to make the necessary provision. If my honorable friend is satisfied with this promise, I hope that he will not press the matter any further.

The ACTING CHAIRMAN (Mr. McDONALD).—As I understand that an arrangement has been made for an early completion of the remainder of the business in Committee of Supply, I desire to know if it is the pleasure of honorable members that I should put the Defence Estimates *en bloc*?

HONORABLE MEMBERS.—Hear! hear!



Proposed vote agreed to.

Division 39 (*Australasian Naval Forces*), £106,000; division 40 (*New South Wales Naval Forces*), £4,870; division 41 (*Victorian Naval Forces*), £17,296; division 42 (*Naval Brigade*), £1,785; Queensland Naval Forces, division 43 (*Permanent Staff*), £3,695; division 44 (*War Vessels*), £4,935; division 45 (*Naval Brigade*), £4,122; South Australian Naval Forces, division 46 (*Permanent Staff*), £5,713; division 47 (*Head-quarters Military Staff*), £13,572; division 48 (*Ordnance Department at Head-quarters*), £1,440; division 49 (*General Services*), £57; Thursday Island, division 50 (*Royal Australian Artillery*), £7,161; division 51 (*Ordnance Department*), £105; division 52 (*Militia or Partially-paid*), £2,462; division 53 (*Rifle Clubs and Associations*), £50; division 54 (*Camps of Training and Schools of Instruction*), £260; division 55 (*Maintenance of Existing Arms and Equipment*), £223; division 56 (*Ammunition*), £400; division 57 (*General Contingencies*), £200; King George's Sound, division 58 (*Royal Australian Artillery*), £4,425; division 59 (*Corps of Australian Engineers*), £177; division 60 (*Australian Army Medical Corps*), £108; division 61 (*Maintenance of Existing Arms and Equipment*), £80; division 62 (*Ammunition*), £200; division 63 (*General Contingencies*), £125; division 64 (*Postage and Telegrams*), £30; New South Wales, division 65 (*District Head-Quarters Staff*), £3,890; division 66 (*Royal Australian Artillery*), £34,199; division 67 (*Corps of Australian Engineers*), £6,673; division 68 (*Permanent Army Service Corps*), £2,305; division 69 (*Australian Army Medical Corps*), £1,444; division 70 (*Ordnance Department*), £6,203; division 71 (*Rifle Range Staff*), £708; division 72 (*District Accounts and Pay Branch*), £1,727; division 73 (*Instructional Staff*), £16,436; division 74 (*Militia or Partially-paid*), £51,544; division 75 (*Volunteers*), £7,309; division 76 (*Cadet Corps*), £1,180; division 77 (*Rifle Clubs and Associations*), £5,750; division 78 (*Camps of Training and Schools of Instruction*), £5,000; division 79 (*Maintenance of Existing Arms and Equipment*), £2,598; division 80 (*Ammunition*), £12,669; division 81 (*Warlike Stores*), £1,859; division 82 (*General Contingencies*), £7,925; division 83 (*General Services*), £1,286; division 84 (*Postage and Telegrams*), £500; Victoria, division 85 (*District Head-Quarters*

*Staff*), £3,150; division 86 (*Royal Australian Artillery*), £26,887; division 87 (*Corps of Australian Engineers*), £6,342; division 88 (*Australian Army Medical Corps*), £713; division 89 (*Ordnance Department*), £7,072; division 90 (*Rifle Range Staff*), £351; division 91 (*District Accounts and Pay Branch*), £1,235; and division 92 (*Instructional Staff*), £9,000; agreed to.

Division 93 (*Militia or Partially-paid*), £49,355.

Mr. McCAY (Corinella).—The Minister for Home Affairs will remember that last session, or early this year, his attention was drawn by the honorable and learned member for Bendigo to the special circumstances of the corps in Castlemaine and Bendigo, and that in March he received from the General Officer Commanding a letter, of which he sent a copy to that honorable and learned member. It was stated that the Minister would allow certain duplications of the regimental staff in Castlemaine and Bendigo, in addition to the ordinary establishment of a regiment under the re-organization scheme. But no provision is made on the Estimates for that purpose.

Sir JOHN FORREST.—Are they duplicated now?

Mr. McCAY.—Yes. The present different battalions are being combined into one regiment with only one head-quarters; but, owing to the special circumstances of the two places, it was desired to recognise a little more independence in each of them than would be the case ordinarily with a regiment. I think that £150, or at the most £200, is sufficient to do all that is necessary. There was practically a promise given by the Minister that it would be done. He sent a letter, saying that there would be no difficulty in making the arrangement, and mentioning certain details. If he will see that the arrangement is carried out it will give satisfaction.

Sir JOHN FORREST.—I shall see to it.

Mr. HARTNOLL (Tasmania).—I desire to say a few words in reply to the observations of the Treasurer. I am in the unfortunate position that I must be satisfied with the statement which he has made. I recognise that if I were to persist, and the Committee, in a spirit of fairness, were to support my contention, it would create a crisis. As we have had so many crises lately in the Parliament, certainly I have no wish

to aggravate the situation. I have always had the feeling that the Treasurer—no doubt at the solicitation of friends—departed from the true Federal principle that all the people within the Federation should be treated alike. I am constrained to think that the first desire of the Minister for Defence at that time must have been to intimate to the militia in Tasmania that they should be placed on exactly the same footing as the volunteers in other States. I feel quite certain that he must have submitted to the Cabinet estimates which placed the volunteers in all the States on the same footing, and that it was some malign or, perhaps, friendly interposition which created this difficulty. I do not know whether the men will be willing to rely on this, the fourth promise which has been given to them in three consecutive years—that if they would only wait for another year they would be placed on an equal footing with their comrades in the other States. I recognise the futility of taking further action. In view of the limited attendance and of the intimation which has gone round to the Government supporters and those who have a kindly feeling towards the Treasurer, no other course is open to me than to accept his promise, which I do in the hope that the finances of Tasmania will become so buoyant that he will be able to place its field force on the same footing as that force in the other States.

Proposed vote agreed to.

Division 94 (*Volunteers*), £3,560; division 95 (*Cadet Corps*), £1,862; division 96 (*Rifle Clubs and Associations*), £19,002; division 97 (*Camps of Training and Schools of Instruction*), £5,000; division 98 (*Maintenance of Existing Arms and Equipment*), £3,833; division 99 (*Ammunition*), £9,400; and division 100 (*Warlike Stores*), £7,956; agreed to.

Division 101 (*General Contingencies*), £10,660.

Mr. McCAY (Corinella).—I wish to draw the attention of the Minister to the fact that country corps are put to much greater expense in the maintenance of ranges than are corps in a city like Melbourne. For instance, metropolitan regiments pay 1s. 6d. per head to the Victorian Rifle Association for the use of their range, which comes to £38 per regiment, whereas the Eighth Regiment has to keep up ranges in both Bendigo and Castlemaine at a cost of about £125 a piece. Where the new targets are used, a skilled

mechanic is practically necessary, but for any range a suitable man cannot be obtained for less than 30s. a week and quarters. If the cost of the ranges I have mentioned is put as low as £100 a year, that makes the cost to the regiment £200 a year, as against the £38 which is paid by metropolitan regiments. Application has been made to Headquarters by some of the officers concerned, to have the charge upon their corps funds reduced to an amount equivalent to the similar charge upon the funds of the metropolitan corps, because, if that is not done, they will be unable to keep going.

Mr. HUME COOK.—In other words, they want about £150 more for the regiment to which the honorable member has referred if the ranges cost £125 each.

Mr. McCAY.—Yes. It must also be remembered that a country regiment like that which I have mentioned is at a disadvantage in other respects. It has, for instance, to keep orderly-rooms in no fewer than three centres of population.

Sir JOHN FORREST.—I was informed that £2 per head was a sufficient allowance; otherwise I should have increased the amount. Some of the regiments, I understand, have money in hand.

Mr. McCAY.—Many of the commanding officers have saved a few pounds, because they anticipated that they might require more money when this new scheme came into operation, but the saving has been due really to the stopping of recruiting, and the delay in clothing the men. During the next two or three years, however, there will have to be a large outlay.

Sir JOHN FORREST.—How does the honorable and learned member think that we can provide for an additional allowance now?

Mr. McCAY.—Something might be taken out of contingencies, or an amount might be placed on the Supplementary Estimates. I think that the right honorable member will admit that it is not fair, under the circumstances I have mentioned, to give a country regiment only the same allowance as is received by a town regiment. If we were on the same footing as the city regiments we should be ready to stand or fall with them, but it is too much to expect us to get along upon an allowance of £100 a year when we have a handicap of £150 or £170 a year. Of course, all the regiments will be under the same conditions in regard to clothing;

but does the Minister know that, so far, no one has been able to get the cloth required for the new uniforms? I ask the Minister to take a note of the complaint which I have made.

Sir JOHN FORREST.—I will make a note of it, and will bring it before the Department. I am not the Minister for Defence now.

Mr. McCAY.—The matter has already been brought under the notice of the Department. The request is a reasonable one. We have borne the expense in the past, because we were then getting a little more money than we are getting now; but it will require rigid economy to keep going on £2 per head, without having to bear a heavy load which city corps have not to bear. It is unfair, when £2 per head is given to a regiment which pays only £38 a year for its rifle range, that only the same grant should be given to a regiment paying £200 a year. Will the right honorable member bring the matter under the notice of the Minister?

Sir JOHN FORREST.—Yes.

Mr. McCAY.—I hope he will add that he considers the request a reasonable one. As it is not unlikely that what I have said has been heard by the Secretary of the Department, perhaps some good result may follow from the speech.

Sir JOHN FORREST.—I forgot, when speaking just now, to refer to a matter brought under my notice by the honorable member for Gippsland. I regret that I cannot give him much information, but the case of the Victorian Rangers, which he has mentioned, is an instance in which the reorganization of the forces has to some extent disturbed the existing system. The Rangers are a volunteer regiment whose members are scattered over the rural parts of the State, and have distinguished themselves as soldiers. In many places, such as Echuca, Swan Hill, and other districts in the north and north-west, the members of the force have been changed from volunteers to light horse men in order to make up the complement of the light horse regiments. A similar conversion has been made in respect to militia infantry in New South Wales, at places like Cooma, Wagga, Young, and Albury. My own opinion, quite apart from what the military experts may think, is that scattered infantry companies are not so useful as mounted troops, and I have rather encouraged the latter, with a

view to substituting mounted men for infantry corps.

Mr. A. McLEAN.—All these men are good horsemen, and would be ready to serve as mounted men in case of need.

Sir JOHN FORREST.—As they are horsemen, and have horses, we are not doing them any great injury in making them members of mounted corps, especially since they are to receive £7 8s. a year for sixteen days' drill, whereas formerly they were volunteers and got nothing.

Mr. A. McLEAN.—A large number of the men cannot afford to belong to mounted corps.

Sir JOHN FORREST.—£7 8s. a year will go a long way towards providing a horse, because there are only sixteen drills in the year, and some of them may not be mounted drills. It is mounted men that are wanted in a district like Gippsland, although in the towns and larger centres of population we require infantry and garrison troops.

Mr. A. McLEAN.—The men who went to South Africa were made mounted soldiers straight away, and there were no better mounted troops there.

Sir JOHN FORREST.—I have just been informed that the Minister has not yet received a report in regard to the Rangers, but I know that General Gordon visited the districts in which this corps existed, and I shall therefore try to learn from him what dissatisfaction really exists. The honorable member for Gippsland says that he has seen some of the officers, but I think that before the general feeling of the men can be known we must wait for a full report.

Mr. A. McLEAN.—I know that my information is accurate, because I got it from the men themselves.

Sir JOHN FORREST.—My honorable friend is so intimately acquainted with the people of his district, that, no doubt, he is correctly informed with regard to their feelings on the subject; but I should have thought that, if there is one place in Australia where men in every way fitted for mounted infantry can be obtained, it is the fertile district which is so well represented by him. However, I promise to look carefully into the matter.

Mr. A. McLEAN.—If it is not possible to retain the men as Rangers, will the right honorable member see that they are merged in the rifle clubs?

Sir JOHN FORREST.—I will.

Mr. McCAY (Corinella).—I understand that the metropolitan corps in New South Wales are not required to pay 1s. 6d. per head towards the maintenance of rifle ranges. If that be true, I think that as the men receive exactly the same allowance as do the members of the Victorian forces, the latter should not be subject to any deduction from their allowance.

Sir JOHN FORREST.—I shall inquire into that matter.

Mr. McCAY.—I do not wish the Minister to make the charge a general one, but to abolish it altogether.

Mr. PAGE (Maranoa).—I notice that in division 122 the first item is "Commandant, £650." The gentleman who occupies that position is the officer who was responsible for the *Drayton Grange* scandal. He was censured by the Government, and yet they had rewarded him by giving him a command in South Australia. If he had received his just dues he would have been swung up by the neck, because I look upon him as nothing more nor less than a murderer.

Sir JOHN FORREST.—The honorable member should not be so harsh.

Mr. PAGE.—I repeat that he is nothing more nor less than a murderer. He has left women in Queensland without husbands, and mothers without sons. No one was more severe upon him than the Minister himself.

Sir JOHN FORREST.—I did not go so far as the honorable member has done.

Mr. PAGE.—The Minister thought that he should be punished, and yet he afterwards appointed him to a command in South Australia.

Sir JOHN FORREST.—No, he was appointed to that position before he returned from South Africa.

Mr. PAGE.—I was not aware of that. That, of course, detracts somewhat from the force of my remarks. There must be something radically wrong with this officer, because Major Tunbridge, who was one of the smartest officers in the Commonwealth service, and whose loss was deplored by the people of Queensland, could not get on with him. Then, again, the South Australian Commandant was responsible for the muddle over the refusal of a guard of honour for the Governor of South Australia, Sir George Le Hunte, upon his arrival in that State. It was owing to his folly and stubbornness that the whole of the confusion took place, and

yet he seems to have escaped without any censure. He should certainly not have been rewarded with a staff appointment. If that is the way in which the Government intend to reward those who do not do their duty, I fail to see how they can adequately treat conscientious and efficient officers. I should like to know what has been done in regard to the latest escapade of the officer referred to.

Sir JOHN FORREST.—Both the General Officer Commanding and myself were very much annoyed that there should have been even an apparent want of courtesy to the Governor of South Australia upon his arrival in that State. It appears that the State Government did not wish a guard of honour to be furnished, because the expense would be charged against the State, and the Commandant having ascertained the fact, thought that was all that was required of him. Instead of telegraphing to head-quarters, or acting upon the instruction which was given at the time of the transfer of the Department to the Commonwealth, that States Governors were to receive the honours from the military to which they had been previously accustomed, he was satisfied with the intimation from the Premier of South Australia that a guard of honour was not required. However, he was informed afterwards that the General Officer Commanding disapproved of his action, and that he should have telegraphed to head-quarters if he had any doubt about the matter. In order to prevent a similar *contretemps* in the future, we have made provision by which guards of honour, if composed of citizen soldiers—volunteers or partially paid—shall be paid for.

Proposed vote agreed to.

Division 102 (*General Services*), £286; division 103 (*Postage and Telegrams*), £800. Queensland Military Forces.—Division 104 (*District Head-Quarters Staff*), £2,623; division 105 (*Royal Australian Artillery*), £10,154; division 106 (*Corps of Australian Engineers*), £1,799; division 107 (*Ordnance Department*), £2,000; division 108 (*Rifle Range Staff*), £110; division 109 (*District Accounts and Pay Branch*), £1,400; division 110 (*Instructional Staff*), £7,569; division 111 (*Militia or Partially-paid Forces*), £26,119; division 112 (*Volunteers*), £824; division 113 (*Cadet Corps*), £1,270; division 114 (*Rifle Clubs and Associations*), £1,745;

division 115 (*Camps of Training and Schools of Instruction*), £3,400; division 116 (*Maintenance of Existing Arms and Equipment*), £1,127; division 117 (*Ammunition*), £1,600; division 118 (*Warlike Stores*), £847; division 119 (*General Contingencies*), £5,300; division 120 (*General Services*), £440; division 121 (*Postage and Telegrams*), £400. South Australian Military Forces.—Division 122 (*District Head-Quarters Staff*), £1,586; division 123 (*Royal Australian Artillery*), £2,415; division 124 (*Engineers*), £239; division 125 (*Ordnance Department*), £1,527; division 126 (*Rifle Range Staff*), £120; division 127 (*District Accounts and Pay Branch*), £565; division 128 (*Instructional Staff*), £2,189; division 129 (*Active Forces*), £13,495; division 130 (*Reserve Forces*), £2,694; division 131 (*Cadet Corps*), £260; division 132 (*Rifle Clubs and Associations*), £2,595; division 133 (*Camps of Training and Schools of Instruction*), £1,200; division 134 (*Maintenance of Existing Arms and Equipment*), £1,050; division 135 (*Ammunition*), £3,075; division 136 (*Warlike Stores*), £120; division 137 (*General Contingencies*), £3,855; division 138 (*General Services*), £135; division 139 (*Postage and Telegrams*), £285. Western Australian Military Forces.—Division 140 (*District Head-Quarters Staff*), £1,510; division 141 (*Corps of Australian Engineers*), £50; division 142 (*Ordnance Department*), £270; division 143 (*Rifle Range Staff*), £254; division 144 (*District Accounts and Pay Branch*), £460; division 145 (*Instructional Staff*), £3,105; division 146 (*Militia or Partially Paid*), £5,689; division 147 (*Volunteers*), £3,588; division 148 (*Cadet Corps*), £450; division 149 (*Rifle Clubs and Associations*), £2,850; division 150 (*Camps of Training and Schools of Instruction*), £1,500; division 151 (*Maintenance of Existing Arms and Equipment*), £529; division 152 (*Ammunition*), £3,400; division 153 (*Warlike Stores*), £1,320; division 154 (*General Contingencies*), £2,485; division 155 (*General Services*), £538; division 156 (*Postage and Telegrams*), £350. Tasmanian Military Forces.—Division 157 (*District Head-Quarters Staff*), £1,460; division 158 (*Royal Australian Artillery*), £1,233; division 159 (*Engineers*), £230; division 160 (*Ordnance Department*), £680; division 161 (*District Accounts and Pay Branch*), £370; division 162 (*Instructional Staff*), £3,036; division 164 (*Volunteers*), £6,236; division 165 (*Cadet Corps*),

£200; division 166 (*Rifle Clubs and Associations*), £150; division 167 (*Camps of Training and Schools of Instruction*), £1,400; division 168 (*Maintenance of Existing Arms and Equipment*), £235; division 169 (*Ammunition*), £3,725; division 170 (*Warlike Stores*), £468; division 171 (*General Contingencies*), £1,530; division 172 (*General Services*), £130; division 173 (*Postage and Telegrams*), £150, agreed to.

#### POSTMASTER-GENERAL'S DEPARTMENT.

Division 174 (*Central Staff*), £5,347.

Mr. MAHON (Coolgardie).—I have a few words to say concerning the administration of this Department, especially in Western Australia. On a previous occasion I ventured to express the opinion that this Department is not keeping pace with the necessities of the people in the Western State. Were I in a position to compare the total expenditure of the Department during the years prior to Federation with that incurred since its transfer to the Commonwealth, I could prove that, especially in the new and rapidly developing portions of the State, the Department has failed to fulfil its duty to the people. The only figures available for purposes of comparison with the expenditure since the Commonwealth assumed control of the Post and Telegraph Department are those for 1899, and I find that a true comparison could hardly be made, because it appears that the expenditure under the State and under the Commonwealth is ranged under different headings. I admit at once that the expenditure by the State upon new post and telegraph offices, repairs to old buildings, and new telegraphs and telephones, during 1899–0, does not compare favorably with the expenditure upon those items by the Commonwealth for 1902–3, or the proposed expenditure for the current year. But in connexion with an item of greatest importance to a scattered electorate such as I represent, namely, that relating to new mail services, I think the Postmaster-General will find that a very considerable reduction has been made in the amount allocated compared with that which the State expended when the Department was under its control. Without unduly dwelling on that point, let me direct the serious attention of the Postmaster-General to the necessity of providing for a greater expenditure, and of devoting a larger share

of his attention to those portions of Australia which are being opened up by our pioneers. The people of the cities and more thickly-populated localities can very well look after themselves. They have no difficulty in reaching the departmental ear. Not so with those who occupy and develop far inland parts of our territory, whose wants can find no utterance except through their representatives here. It is all very well to supply telephones and telegraphs and other conveniences to people who are already surfeited—if I may use such a term—with all the blessings of civilization. To those who live in the remote and sparsely settled parts of the continent, a reasonably good mail service is an inestimable boon, and these are the people for whom the Postmaster-General should display all the solicitude he can spare; and seeing that the present Postmaster-General has come fresh to his office, with all the buoyancy of a youthful Minister, it is to be hoped that he will set himself resolutely to the task of giving due attention and care to the wants of those who live in the remoter districts. He must recognise that the coastal communities depend to a very large extent not merely for prosperity but for their very existence upon the presence in the remotest parts of the continent of a contented and prosperous people. I am now under the necessity of directing attention to the administration of the Deputy Postmaster-General in Perth; and, before the Western Australian section of these Estimates is dealt with, it is essential that the Postmaster-General should say distinctly what he proposes to do with that official. If there is one officer in the whole of the Commonwealth who is notoriously disloyal to the Federation, and notoriously incompetent for the proper discharge of his duties, it is the Deputy Postmaster-General at Perth. The Postmaster-General must be aware, from the records of his Department, that this officer has been guilty of insubordination. He must know also from what has taken place in this Chamber, and from the charges which have been made, and which have never been answered, that this officer unites to the ferocity of a Russian Czar all the trickery—if not worse—of a Tammany boss. I use these words advisedly. In dealing with his officers this man, in some cases, has been absolutely merciless.

*Mr. Mahon.*

Sir PHILIP FRSH.—He did not appear to be so in connexion with the last case of embezzlement in which he actually went into Court and gave testimony which resulted in a young man being acquitted of a very serious charge.

Mr. MAHON.—I do not pretend for a moment that he is merciless to all his subordinates. What I say is that he is merciless and ferocious to some of his officers, and guilty of the grossest favoritism in the case of others. I am not such a fool as to make the other statement. The records of the Department will prove that he has been guilty of insubordination. In this connexion I shall instance a case which occurred some time ago. In spite of instructions from the Postmaster-General that no more transfers to remote stations should be made without his approval, an officer was sent from Coolgardie to Eucla. This man had undergone all the hardships of early gold-fields life and was in poor health. Instead of being sent to a place where he would have a chance of recovery, he was ordered to proceed to Eucla, where a boat calls once every three months, and where he would be very lucky if he saw a strange face once in three years. The officials in Melbourne do not appear to have sufficient backbone to stand up to this man and suspend him for his breach of instructions. I should like to occupy the position of Postmaster-General for twenty-four hours. If I did so this officer would be out of the service. Apparently the Government is greatly embarrassed in dealing with this officer. He has not yet reached the statutory age at which he can retire, and the Government have not the pluck—although they have plenty of evidence—to lay a charge against him. I am sorry that the Minister for Home Affairs is not present, because I desire to say nothing against this officer which I am not prepared to utter before his dearest friends. But even they will not offer unqualified defence of his administration. He knows nothing, and apparently does not desire to learn anything of the needs of any part of the State outside Perth and Fremantle. Upon every possible occasion he has blocked reform. In this connexion I will give the Committee two instances, and I do not wish honorable members to assume that others cannot be given. I will quote two gross cases in which this man has endeavoured to prevent the people from

enjoying the benefits of a mail service. It is generally understood in Western Australia that the old settled population are very desirous of building up Perth and Fremantle at the expense of the remainder of the States.

Mr. KIRWAN.—That is quite true.

Mr. KENNEDY.—It is the same in every other State.

Mr. KIRWAN.—But there is less excuse for it in Western Australia than there is in any other State.

Mr. MAHON.—About 320 miles north of Perth there is a seaport which at one time had pretensions to be a rival to the port of Fremantle. I refer to Geraldton. From Geraldton a railway runs to the Murchison gold-fields. As honorable members are aware, a large population is settled upon those fields. Upon the other side, going up from Coolgardie and Kalgoorlie, railway communication is now being extended in a line almost parallel with the railway which proceeds from the coast at Geraldton to the Murchison gold-fields. The mails from that part of the country usually travel by way of Coolgardie and Kalgoorlie. Between the points of termination of the Murchison railway and that of the line running through Coolgardie and Kalgoorlie, there are a great many important mining centres. The residents desired that a mail service should be established between these two points. The Murchison railway terminates at the town of Nannine, and the Coolgardie railway at a place called Leonora. A little more than 200 miles from Leonora is the important centre of Lake Way. It lies, as it were, upon the frontier of settlement. The trade of that district has always been with Geraldton, and geographically still belongs to it. The people desired that a mail service should be established between these two points, and in obedience to their request I pressed the matter on the attention of the ex-Postmaster-General. After going into the matter very fully, the honorable gentleman decided to call for tenders for the establishment of the mail service in question. Upon several previous occasions a similar request had been refused by the Deputy Postmaster-General of Perth. He pointed out that no necessity existed for such a service, and contended that it would not pay. In fact, he used all the stock arguments that a crusted Conservative can find against any reform, however

necessary it may be. The Postmaster-General, however, ignored his recommendation, and towards the end of May invited tenders for the initiation of this mail service. Early in June a tender was accepted, and the contractor was notified to take up the work. Naturally, I assumed—although I called at the Postmaster-General's office to ascertain whether it was so—that this mail was running. I was informed by the Secretary that it must be running, otherwise the Department would have had an intimation to that effect. What happened? Not until the 29th August did I learn that the mail service in question had not been established. Although a contract had actually been accepted in the early part of June, the initiation of the service was deliberately delayed by this officer during the whole of this period, evidently because he did not wish the trade of that portion of the State to be concentrated in Geraldton.

Sir PHILIP Fysh.—What is the name of that district?

Mr. MAHON.—The mail service to which I refer is that proposed to be established between Nannine and Lake Way.

Sir PHILIP Fysh.—Is it running now?

Mr. MAHON.—Unfortunately no. I asked the Postmaster-General to demand an explanation from this officer regarding the delay which had occurred in the establishment of this mail service, and I was informed that the following wire had been received from him:—

*Re the delay in arranging the Nannine contract. It is due to the following obstacles:—My inability to obtain definite reply from Allen, notwithstanding two reminders, till 20th July.*

Fancy a responsible officer waiting from the 6th June till the 20th July for the contractor to initiate this mail service—a service which was urgently required. The telegram continues—

He then refused to accept the contract, but referred me to his partner, Grey. The latter, on his arrival at Perth, called at my office on the 6th August, but could not give a definite answer till he had made inquiries. His definite reply, conveying his refusal, reached this office on the 14th August.

The absurdity of that statement is apparent when honorable members hear that the firm of Allen and Grey have been carrying on business in Nannine for many years, and there was no part of the district within hundreds of miles of that township

which they were not acquainted. The telegram continues—

On the 20th I wired to the postmaster at Cue—  
He was not in any hurry to proceed with this matter. He heard from Gray on the 14th August that he would not take up the contract, and he allowed six days to elapse before taking action with a view to obtain some one else to carry out the contract. The telegram continues—

to ascertain whether the next tenderer, Clarkson, would accept, and received reply Clarkson would call and see me.

There is more proof that he was proceeding in a very leisurely fashion. Why should he have wired to the postmaster at Cue, when he knew that Clarkson was a business man in the district? Why did he not communicate directly with him and ascertain his intentions? If a man tenders for an important contract of this kind, he must surely be prepared to take it up; and Clarkson, or any other man in his position, should have been ready to give an answer forthwith. The message continues—

He called 26th August, but could give me no definite reply unless allowed week to make inquiries.

This discloses a most extraordinary state of affairs. I believe Clarkson's firm has been established in Cue for years. Mr. Clarkson must have been acquainted with its resources, capabilities, and population, yet he was given a week to make inquiries as to whether it would suit him to perform the work for which he had tendered. The Deputy Postmaster-General goes on to say that—

I therefore sent on 27th ult. the wire you refer to.

Upon the receipt of the telegram the Postmaster-General directed that fresh tenders be invited forthwith, but up to the present time no advertisement respecting tenders for this mail service has appeared in the *Government Gazette*. I believe that the Department is now inquiring the reason of this delay. An equally scandalous case arose in an adjacent district. Every one who has been on a gold-field is aware that new rushes are constantly breaking out, which demand some little consideration at the hands of the Postal authorities. I am pleased to say that when the Minister for Home Affairs was at the helm in Western Australia he took care to see that

so far as the resources at his command would permit, the necessary facilities were promptly supplied to people so situated. The right honorable gentleman, from time to time, has been criticised somewhat freely, and I consider it only fair to acknowledge that when he was Premier of Western Australia he left no legitimate demand unsatisfied. An alluvial field broke out at a place known as Black Range, situated practically midway between Lawlers and Mount Magnet, which are some 200 miles apart. The people at Black Range have to go to Lawlers to conduct their mining business, because the field is within the jurisdiction of the warden who sits at that town. But instead of providing Black Range with a mail service from Lawlers, the Deputy Postmaster-General established postal communication from Mount Magnet, and refused to allow a mail to run from the other side of the country. I am informed that he actually endeavoured to induce the Mines Department to transfer this gold-field to the jurisdiction of another warden, in order that he might have some tangible excuse for his refusal to establish a service from Lawlers. Happily, that attempt failed. With the assistance of the people of the district, we have been able to satisfy the Postmaster-General that such a mail service is absolutely necessary, and he has directed that tenders be called for it immediately. These are two clear cases in which public desires and public interests have been thwarted by this official. Surely if any class in a community deserve consideration and sympathy at our hands, it is the people who go out into these arid wildernesses and attempt to establish settlement there. I think I have proved in regard to both these matters that this officer has been biased, and that his action certainly calls for a strong reproof, if nothing more serious, from the Postmaster-General. Reverting to his treatment of his subordinates, I would strongly advise the Minister not to permit his Perth deputy to allocate the increases which are to be given to deserving officers. I believe we have now a very able and impartial servant in the Public Service Inspector at Perth, and I think it is the duty of the Postmaster-General to see that that officer, who by this time must be fully acquainted with all the details of the Commonwealth service in that State, should apportion these increases.



Sir PHILIP FYSH.—I think that the honorable member is simply recommending what is now the practice.

Mr. MAHON.—The practice up to the present time has been to allow Mr. Sholl an unfettered discretion in the distribution of these increases.

Sir PHILIP FYSH.—It is not so now.

Mr. MAHON.—It was so when the last division was made. The Postmaster-General has not taken action in this direction a moment too soon. Another matter of which the officers of the Department complain with good reason, is the practice of retaining some of them for many years at outlying stations. I know of one man who has been stationed at Eucla for not less than seven years. Other officers have been kept at remote stations for four, five, and six years, whilst others again remain permanently at Perth and other salubrious places along the coast. I am satisfied that the Inspector will do his best to see that this grievance is redressed; but no harm would be done if the Postmaster-General offered an incentive to its early removal. It is palpably unfair that one section of officers should be stationed all their lives amid the pleasant surroundings of a city, while others are compelled to go into the back country, for practically the same remuneration, and to submit to all kinds of inconveniences, hardships and discomforts. There should be a fair division of the advantages and disadvantages of the Department in a State such as Western Australia. As an illustration of the loose way in which the reins of administration are held in Perth—and the Minister for Home Affairs will not be pleased to hear of this—I may mention that long after the Coolgardie water supply was available to the people of that city, the men in the local post and telegraph office, instead of obtaining their supplies from this source, which had been provided at great cost to the country, were actually buying water from outside parties.

Mr. HUME COOK.—Why?

Mr. MAHON.—Simply because that had been the practice; and nothing was done by the Perth deputy until a subordinate officer drew attention to the waste.

Mr. TUDOR.—Were they paying more for the water obtained from this outside source?

Mr. MAHON.—Certainly.

Sir JOHN FORREST.—Thousands of pounds more.

Mr. MAHON.—I do not propose to refer to the many cases of embezzlement which have occurred in the Department in Western Australia during its administration by the present Deputy Postmaster-General, because I believe that the Minister is seized of most of the facts. They speak for themselves, and are sufficiently scandalous to call for his intervention. I would ask honorable members to try and imagine the arrangements of an office in which it is possible for an official to get away with over £900. of departmental money. That was one case.

Sir JOHN FORREST.—It occurred long ago.

Mr. MAHON.—I admit that it did; but it happened under the rule of the officer whose administration I am now criticising. Several other cases have since occurred, but as the Public Service Inspector is now stationed at Perth, and will be able to see that justice is meted out to any delinquent, I do not think the Committee need take any action in the matter. I should like to refer to the hardships suffered by some of the postal officials stationed in outlying districts. These are matters which demand the attention of both the Postmaster-General and the Public Service Inspector. At some of the remote stations the isolation of officers is as complete as if they had been condemned to solitary confinement. They endure the unbroken solitude of Selkirk on Juan Fernandez, without the solace which rendered his lot tolerable. Not infrequently men exiled for years to these lonely outposts become mentally affected. Others are reduced to the condition popularly described as "balmy," and nearly all absorb from their surroundings some painful peculiarity of character which, in after life, distinguishes them from their more favoured fellows. An anecdote, not altogether of doubtful authenticity, was related to me by a recent visitor to one of these far-off stations. An officer had died at his post and was buried on a gentle eminence which overlooked the station buildings. To this spot the visitor noticed that the man in charge paid repeated visits during his intervals from duty. A little acacia had been lovingly planted over the grave of the deceased official by one of his comrades. The visitor, being curious to unravel the officer's motive in so frequently wandering towards the embryo graveyard, on one occasion followed and watched

the man's movements. This is what he saw and heard: Going up to the little tree the officer caught one of the top-most branches, and, giving it a hearty shake, opened a long interview by asking—"Well, old fellow, how are you now?" Then ensued a long dialogue in which the tree, apparently endowed in the imagination of the survivor with the spirit of the dead man, appeared to return more or less satisfactory answers to various interrogatories. I believe the visitor represented to the Perth authorities the mental condition of the officer, but so far as I know he is still at the station interviewing the acacia, and occasionally signalling to brother officers his interpretation of its occult communications. Although this story may seem amusing to some honorable members, it fairly represents the mental condition of many of these men on the remote stations. I would again impress upon the Minister that, in all fairness and justice, it is desirable that some alteration should be made by which the men who have enjoyed long periods of service in the cities should take their share of the hardships of life in the country. Returning to the point at which I started, I wish to intimate that if the Minister cannot assure this Committee that Western Australia will not be much longer harassed by the maladministration of his chief officer at Perth, I shall, when the time arrives to do so, move a reduction in that officer's salary.

Mr. SALMON (Laanecoorie).—There is a matter which I should like to bring under the notice of the Minister. It has regard to the recent appointments of telegraph messengers. It will be within the recollection of honorable members that an examination was held, and that as a result various appointments were made. A blank space was provided to be filled in with the name of the place to which those who were examined desired to be appointed. Subsequently it was discovered that it was impossible to fit in the new appointees to the places to which they most desired to go. They were given an opportunity of choosing alternative places. A number of them, in their anxiety to enter the Government service, did not particularize another place, but named the whole State. Now, trouble is beginning to arise. These lads are being sent, in some cases, hundreds of miles from their homes. They have salaries commencing at 10s a week. I see clearly that there

is a difficulty so long as we observe—and very properly, too—the order of merit, in filling these positions with satisfaction to the lads themselves, to their families, and, I beg leave to add, in my opinion, to the State. Because, when children of tender years are taken into the service, and are placed in positions which entail, at some period or other, considerable responsibilities, the absence of the home influence is a very important factor. The Department should be warned of the consequences that in some instances will probably ensue. I recognise the difficulty in which the Department is placed in complying with the principle laid down by the Government, and indorsed by Parliament, that merit should be the predominating factor with regard to appointments. When these lads accept appointments they have to sign an agreement that they will not apply for a transfer for a period of twelve months after engagement. Considering the small amount of salary they are paid, and the tender years at which they are taken into the Government service, greater facilities for transfer or exchange should be arranged for within the Department. That there must be hardships goes without saying, but these are the youngest servants of the Commonwealth, and will form its future citizens; and it would be well, at this critical period of their lives, that we should not allow anything to be done which would place them in a position whereby their future and their usefulness as citizens would be endangered. I sincerely hope that the Minister—whose sympathy, I feel certain from his past political and social history, will be with the lads—will, if it can be done, find means by which this grave additional expense of boarding out the lads with strangers will be avoided. I am satisfied that better results would then accrue to the service.

Mr. HUME COOK (Bourke).—Some three weeks ago I drew the attention of the Postmaster-General to what then appeared to me to be rather a serious breach of a contract made with some of the officers of his Department. The men to whom I refer are letter carriers employed in Victoria. Under an arrangement made some years ago with the Victorian Government, letter carriers entered the service at £6 per month, whilst those who occupied the position of porters received £9 per month. The difference in salary was made because the amount paid to the porters was a fixed sum, not liable to any

substantial increase, and there was no right of transfer or appointment to better situations in the Department. The men engaged as letter carriers, on the other hand, took a lower salary, because it gave them the right at a later stage to rise to better positions, carrying much more substantial salaries than the porters could ever hope to receive. Since the Public Service Act was passed, that old-established rule, which was practically a contract and was reduced to writing, has been to a certain extent varied. At the time when I spoke last, on the 27th August, some eight men who had been acting as porters, were given superior positions as sorters. I laid the facts before the Postmaster-General, and he very kindly promised to have the matter laid before the Public Service Commissioner. The result of his sympathetic statement was that an indignation meeting, which was to be held by the letter carriers of Victoria, was turned into a meeting of satisfaction. But, unfortunately, nothing has been done since that date. I should like to know from the Postmaster-General whether he has actually prepared a statement for the Public Service Commissioner, and, if so, whether he has sent it on? If that has been done, what has been the result of his remonstrances or suggestions to that officer? A point which, perhaps, he may not have noticed, because I did not make it at the time I spoke previously, is that these men claim that under section 84 of the Constitution they are entitled to the positions for which they ask. They claim that their rights and privileges are being invaded to an extent which is not allowed by the law. I therefore hope that the honorable gentleman will make a strong representation to the Commissioner. I would ask him to note, first, that there was a contract existing between these men and the previous head of the Post and Telegraph Department in Victoria. Next, I ask him to note that that contract was reduced to writing, is tangible, can be produced, and that these men were engaged under its terms. In the last place, I wish the honorable gentleman to observe that, under section 84 of the Constitution, their rights are being violated unwarrantably. To illustrate how unfairly the present system operates, I propose to state the case of two men, A and B. I do not desire to give their names, although I could do so. They joined the Department at the same time—in

1886. They both joined as porters. Two years afterwards A relinquished the salary he was receiving, £10 a month, and agreed to take £7 a month and become a letter carrier, because of the higher position that he hoped to obtain in due course. From 1888—that is to say two years after he joined the service—he has been acting as a letter carrier. Since that time he has received about £200 less in salary than B, who has acted all along as a porter, has received. The astonishing circumstance about the whole business is that, under the regulations which the Public Service Commissioner has brought into being, this porter who joined at the same time as A did, and who has already received about £200 more than the letter carrier, is one of those who is to be promoted to the new position of sorter. So that the sacrifice made by A, in relinquishing something like £200 in the hope of getting a superior position later on, goes for nothing, and his legal rights under the contract with the Victorian Government have been swept aside. He has not attained to the superior position which he hoped to reach, while the other man, who sacrificed nothing, and who has been receiving the higher salary, has been placed over his head. I give this instance to show how unfairly the system has operated. I am bound to say that I do not think the Public Service Commissioner knows of the circumstances. I feel confident that Mr. McLaughlin is a fair-minded and honorable man, and that if he were aware of the circumstances he would at once rectify the error. Therefore I was delighted when I heard the Postmaster-General promise on the previous occasion that he would lay the matter before the Public Service Commissioner, and would have the grievance rectified. I will say no more on the subject now, except to ask that the Minister will give us an intimation as to what he has done or proposes to do. There is another matter upon which I desire to touch briefly for the purpose of eliciting information. It will be recollected that in order to obtain the minimum wage, which we provided for in the Public Service Act, persons occupying clerical positions in the Post and Telegraph Department had to undergo an examination. As one of the surprising results of the examination it was found that all the female officers who had presided over their several offices for some time failed in the examination, whilst their subor-

and junior appointees in many cases, passed the examination. This led to very great injustice, and the Deputy Postmaster-General for Victoria, Mr. Outtrim, I believe, actually certified that the female officers in charge of branches, and who failed to pass the examination, were in many, if not in all, instances better officers than those who did pass the examination and obtained the minimum salary of £110 per year. When the matter was previously mentioned, Senator Drake, who was then Postmaster-General, said that it would be brought before the Public Service Commissioner in such a way that a solution of the difficulty would be found. I mention the matter again for the purpose of discovering what has been done to enable these women to get the minimum wage, seeing that they have been certified as fit for their positions by the Deputy Postmaster-General, and have occupied those positions, with credit to themselves, for some time. My own opinion was and is that it was never intended that the payment of the minimum wage should be dependent upon an examination. It was intended to be a living wage, paid for services rendered, and the institution of an examination of those occupying clerical positions, though it may be the law, is really a contradiction of what honorable members of this House intended in passing the Bill. It may be that we carried the provision in such a way that an examination became necessary, but I am sure that we did not do that knowingly. I have spoken to a number of honorable members on the subject, and they agree with the opinion I am expressing that the provision for the minimum wage had nothing whatever to do with any examination of the persons in these positions. It was felt that they were occupying positions for which they were entitled to receive a minimum wage upon which they could live. Future advancement or promotion might very well be based upon examination, but with respect to the appointments which officers then held, it was intended by honorable members that the minimum wage should be paid irrespective of any other condition than service. I ask that the Minister when replying to the debate will give the Committee some idea of what he is doing or what he intends should be done in connexion with the matters to which I have referred.

Mr. TUDOR (Yarra).—There are one or two matters which I should like to bring under notice of the Minister in connexion

with the working of his Department in Victoria. I propose first, to refer to a matter which I brought before the House some time ago in the form of a question. It may not be known to some honorable members that racing clubs here have telegraph offices established on their grounds, and telegraph operators are sent to these offices from the General Post Office. It would appear that some person holding a responsible position in the Victorian Post Office, gave the secretary of one of the racing clubs in Melbourne authority to exercise a censorship over telegrams transmitted from the office on the grounds of the club, with a view probably of extending a similar right to the secretaries of all proprietary racing clubs in this city.

Sir PHILIP Fysh.—Have I not answered a question in connexion with this case?

Mr. TUDOR.—Yes. It is evident that some person must have authorized the secretary of the racing club to which I refer, to take this step, as the club published in their official programme a statement to the effect that the secretary would exercise a censorship over telegrams sent from the ground, and that telegrams in cipher would not be sent on any consideration. The result was that persons desiring to send telegrams from the office on the ground were really prevented from doing so. I asked whether the person who authorized the secretary of the racing club was brought to book in any way, and I must confess that I did not receive what I considered to be a satisfactory answer. The reply given me was that no one authorized the secretary to take this step. If that reply is correct I should like to know why the secretary of this racing club has not been prosecuted for the loss of revenue which the Department suffered on the occasion in question? We can understand that the object of the action taken by the secretary was to compel persons who desired to bet to pay 5s. or 10s. entrance money to enable them to go to the race-course managed by the club instead of allowing them to do their betting in Melbourne. When I asked whether the club in question had been required to make good the loss of revenue suffered by the Department on the occasion, I was told that as no one had been authorized to do what was done, there was no one who could be held responsible. The position is this—either the secretary of this racing club was authorized by some official to take the step he did, or any person may enter a telegraph office and compel one

of our public servants to do as he pleases. I trust the Postmaster-General will go further in this matter, and will not allow the secretary of a racing club or any one else to control telegraph operators, and thereby cause a loss of revenue to the Commonwealth. There is another matter I have had brought under my notice. Honorable members are aware that since the transfer of the Departments to the Commonwealth, and prior to the passing of the Public Service Act, there were a number of men in the employment of the Department as temporary officers. With, I believe, one exception, all of the men who were temporarily employed as line repairers prior to the date of the inauguration of the Commonwealth, 1st January, 1901, were taken on permanently. The one man who was not taken on was in the employ of the Department for about three years. He has now been dismissed, and is not given an opportunity to qualify for permanent employment. He has been told that he is physically unfit for the work, and if this is really the case I should like to know why the Department kept him on for three years. If the man was physically unfit to perform the work it should have been found out long ago, and as it was not found out, we are compelled to assume that there may be a lot of other weaklings in the Department. I do not imagine such a thing for a moment, because I believe the authorities of the Department take good care that all in their employ are able to do the work for which they are paid. I endeavoured to find out how it was that this man was not recommended for permanent employment as well as other men, who in some instances were temporarily employed for a shorter period. I have already, in dealing with this matter, said that this man is quite willing to submit himself to any doctor whom the Government might choose to examine him; they would not do this, so he was examined at his own expense subsequently, and the doctor gave him a first-class certificate to the effect that he was physically well able to do the work. I have here a letter which I received from the Public Service Commissioner, but which evidently emanated from the General Post Office in Melbourne. It is dated 4th September, and reads as follows:—

Sir,—Referring to your letter of the 19th ult., respecting the claims of C. M. Tucker, formerly

temporary assistant line repairer. Postmaster-General's Department, Melbourne, for permanent employment, I have the honour, by direction, to inform you that the Commissioner has had inquiries made in the matter, and before transferring temporary line-repairers to the permanent staff the qualifications of the men were carefully considered, and the reports show that Tucker is not fitted for the heavy work of a line repairer. While his general health is in no way questioned, it is stated that he is not strong enough to take the end of a pole, as other men do; and a weak man lifting poles is considered not only a danger to himself, but to others.

Mr. WILKINSON.—But the honorable member has said that he was at this work for three years.

Mr. TUDOR.—He was doing this work for three years, and he was evidently well able to hold up his end of the log for that time. I may say that the permanent men have an organization of their own, and this man's brother happens to be the secretary of that organization. It is believed by many persons that it is because of that he is being penalized, and is not being given permanent employment. The only excuse the Department can find is that the man is not able to take up a telegraph pole under his arm, and walk away with it like a modern Samson; as if any man in the employ of the Department can do what it is here said this man cannot do. I know that the Postmaster-General has been considering this and other matters which have been brought under his notice, and I should like to ask him whether, if he finds that this man has not received fair play—and from the evidence before me I contend that he has not—he will see that he shall receive the same treatment as other men in the Department.

Sir PHILIP Fysh.—The honorable member must amend the Act. The Public Service Commissioner has control of all such matters.

Mr. TUDOR.—How does the honorable gentleman desire that the Act should be amended? If he thinks that these temporary men should be allowed to hang on to the Department from year to year, he must see that this man would have been kept on for a number of years under such a system.

Sir PHILIP Fysh.—Honorable members have taken all power out of the hands of the Minister.

Mr. TUDOR.—I admit that power has been given to the Public Service Commissioner; but the honorable gentleman will

see that it is the officers of his own Department who will not recommend the Public Service Commissioner to employ this man. Any person applying for temporary work as a line-repairer is compelled to register at the Post Office, and the officers in charge there have practically complete control and are in a position to say who they will have as permanent men. I do not think that it was ever the intention of this House when we passed the Public Service Act that such a state of affairs as that should exist. In connexion with the line repairers' branch, an anonymous letter was sent to me some time ago, complaining of the way in which it was worked. I do not, as a rule, take notice of anonymous correspondence, and I would not raise the question which this anonymous correspondent desired me to raise. I submitted it to the Secretary of the Department, and asked him whether he could do anything with it. His reply was that the letter was anonymous, and he could therefore take no notice of it. I then said that I would ask a question in the House about it. One complaint, I remember, was that in the absence of ordinary work the temporary hands were employed on one of the railway lines in taking down the insulators, and washing and replacing them. Another statement was that on the Footscray-road the arms of the telegraph poles were sawn off and holes drilled for the reception of others, thus weakening the posts. I asked the Secretary if he would have an independent inquiry made, and he replied in the affirmative; but the man who was appointed to make the inquiry, instead of ascertaining whether there was any truth in the statements made in the letter, went to each man and asked if he had written the document or knew anything about it. I have not been able to see the report which was made as the result of the inquiry; but that was the state of affairs in the line repairers' branch about twelve months ago. So far as I know, no report has ever been presented to this House or to any one in authority on the subject. There is another matter in which the Treasurer is, no doubt, interested, but which has received no attention during the discussion of the Estimates. I refer to the case of the transferred officers in the Post and Telegraph Department in Victoria, who, according to a State law passed just prior to Federation, are entitled to increased salaries. The question has already been before the Supreme Court of

*Mr. Tudor.*

Victoria, and a decision given in favour of the men. The Victorian Government, it appears, declined to pay these officers for the time they were in the employ of that Government during the two or three months before the transfer of the Post and Telegraph Department to the Commonwealth. Two test cases were heard in the Full Court, and, as I have already stated, a decision was given that the men were entitled to the extra money. I notice that no provision is made on the Estimates to meet the demands of these men in case of the Commonwealth or the Supreme Court again deciding in their favour; and I desire to know whether the absence of that provision will prevent justice being done to these men, who, according to law, are entitled to the extra money, and should receive it at the earliest possible moment. Even after the cases had been decided by the Supreme Court, the Victorian Government refused to pay; but on the men putting in 50 or 100 writs day after day, the Government climbed down and settled two or three months ago.

Sir GEORGE TURNER.—It is not so long ago as that.

Mr. TUDOR. — When I raised the question in the House six weeks or two months ago, the honorable and learned member for Indi, who was interested in the case, as a barrister, stated that the Victorian Government had intended to appeal to the Privy Council, but had received high legal opinion from England that they practically had no case. These men are anxious to know whether the Commonwealth Government intend to pay, or whether another appeal will have to be made to the law courts. There is no desire to threaten the Government, and the men will be perfectly satisfied with a straight answer one way or the other, because they are naturally desirous of having a settlement after a lapse of two years and a half. I contend that these men ought not to be compelled to resort to law when other members of the service, who receive salaries of £600 to £700 per annum, are being paid increases from £10 to over £200 per annum month after month under the same Act, and if the men who receive small salaries are compelled to fight in the law courts, those who receive higher salaries should also have to justify their claims in the same manner. I know that the Prime Minister has stated that the Attorney-General is looking into the matter

That is as far as we have been able to get, and I hope the Treasurer will to-night express a definite opinion as to whether these men are or are not entitled to the extra money. Twelve months ago the Premier of Victoria urged the Commonwealth Government not to pay the men, because, in his opinion, such a step would impoverish the State of Victoria.

Sir GEORGE TURNER.—That was not the reason.

Mr. TUDOR.—That was one of the reasons which the Premier of Victoria gave.

Sir GEORGE TURNER.—No; it is not fair to say that that was the reason given.

Mr. TUDOR.—Since then the Premier of Victoria, in a speech somewhere, said he was anxious for the Federal High Court to be established, because these men ought to be compelled to fight their case there. Perhaps then the Premier spoke as a lawyer, who is anxious to bring "grist to the mill" of gentlemen in the same profession.

Mr. AUSTIN CHAPMAN.—Surely the honorable member does not mean that?

Mr. TUDOR.—I have not the slightest hesitation in saying that the Premier of Victoria would be delighted if he could get those men to work for less than they are entitled to, or if he could keep from them money due under a law which he as a member of the State Parliament did not vote against. I have noticed in the press lately that a number of females engaged as cleaners at the Melbourne Post Office are asking what in common with others employed by the Commonwealth they should be paid the minimum wage of £110 per annum. These women, who do harder work than others who are receiving the minimum wage, are entitled to some consideration, along with others who occupy similar positions in the Commonwealth service. They are practically permanently employed, some of them having been in the service for twenty years; and if their remuneration cannot be raised to the standard which they desire, their case should be looked into, and, at any rate, some concession made in regard to holidays. These women never have any leave of absence, while other employes, who are in receipt of high salaries, enjoy an annual leave of two or three weeks per annum. Some of these women are widows with families, while others have ailing husbands; and, considering that they start

work at six in the morning, and have to return in the evenings and work until about 9 o'clock, something ought to be done to make their lot a little easier.

Mr. WILKINSON (Moreton).—The Post and Telegraph Department, though not important as a revenue producer, is perhaps the most important service transferred to the Commonwealth from the point of view of the convenience of the public. As to the administration of the Department, I do not know that I can say anything but what is complimentary, considering that the efforts of all the States have been directed to curtailing expenditure. If we have met with rebuffs from both the present and the late Postmaster-General, we must recognise that the States have demanded retrenchment in all the transferred Departments, and that this is likely to operate against the extension of facilities during the operation of the bookkeeping provisions of the Constitution. At the same time, retrenchment may be carried to excess. In a country like ours, where people may concentrate in one spot to-day and in another to-morrow, every encouragement to settlement ought to be given by the provision of the ordinary conveniences of life. The Treasurer, no doubt, regards revenue as the one great essential to good government; but unless inducements are offered by providing settlers with those comforts and facilities which all are supposed to enjoy under our advanced civilization, settlement on what are called the waste lands of Australia will be retarded rather than encouraged. I have on many occasions interviewed both the present and the late Postmaster-General in regard to providing postal and telegraphic facilities for settlers on the repurchased estates in Queensland. The other night, when dealing with the question of the Crown lands in New Guinea, I said that the alienation of large areas of land was one of the many causes of the railways of Australia not paying. The Governments of Australia now recognise the fact, and to-day, in Victoria, Queensland, and other States, large estates are being repurchased with the object of settling a yeomanry population, and thereby increasing the traffic on the railways. But where there is settlement there ought to be postal and telegraphic facilities. Although it might entail a present loss, still our aim should be to make the lot of these people as comfortable as possible, by affording them as many conveniences as

we can do without incurring undue expenditure. It is only just to the Department to say that on every occasion they have met me as far as they have been able. Until recently we had in Queensland a Government which, so far as I can learn, brought pressure to bear on the Commonwealth Government to keep down the expenditure on the transferred departments. We can pursue a penny wise and a pound foolish policy in regard to economy. The reduction in the postal and telegraph rates was a wise act. Although the multiplication of telegraphic and postal conveniences may involve a present loss, still it will result ultimately in a great gain to the revenue of the Department. Just as people wish to go to the sea side or the city when railway facilities are provided, so people who did not care to write a letter will communicate with their friends when postal facilities are provided. I have had considerable experience in railway traffic, and I know that the cheap excursion trains bring a number of young persons from the country districts to the centres of civilization. Just as new traffic is always created by the running of excursion trains, so new revenue will be created by the provision of postal and telegraphic facilities. We ought not to look for an immediate profit. We ought to be influenced by the higher consideration of the occupation and development of our waste lands. We have millions of acres of land waiting to be occupied, and on which thousands of persons might be settled, and that should be our chief concern. The duty of this Parliament is not to strive to make ends meet, but to promote the settlement of Australia, and to build up a nation that will take a proud place among the nations of the world in time to come. In all the States men who have been reared under civilized conditions have to live under primitive conditions. They have to forego many of the conveniences and conventionalities of civilized life when they go into the wilds of Australia to develop its resources. Just for the sake of saving a few paltry pounds we are denying to them necessary conveniences. While we should safeguard every pound that the public have entrusted to our care, we should not be parsimonious in these matters. We should make the residents in the cities and large centres of population help to bear the burden of providing postal and telegraphic facilities for the settlers in the country. I am reminded that the letter

carriers have addressed to honorable members a communication on the subject of their grievances. It comes, not from one individual, but from the Queensland branch of the Letter-carriers' Association. Written on the 12th September, it reads as follows:—

At a largely-attended meeting of the above Association held on Monday evening, 7th instant, it was unanimously agreed to invite your intervention, to prevent a very serious hardship, as well as an injustice being imposed upon a large number of employes—between eighty and ninety—of the Mail Branch, G.P.O., Brisbane, through the stoppage of an allowance for overtime and working on public holidays, which had been paid by the Queensland Government for about thirty years prior to Federation, and paid by the Commonwealth Government from the time the Postal Department was taken over, until the 30th June last. This allowance, known as "English Mail Allowance," varied from £26 per annum, downwards, according to salaries—the majority of which were under £170 per annum—and was by Special Regulation, Queensland, 1890, confirmed as "payment for all claims for overtime and holidays." At the same time, "Overtime Regulations," which were inapplicable to the peculiar system of the Mail Branch, were suspended. The adverse conditions which officers of the Mail Branch had to contend against, such as extra early, late, and irregular hours, and being compelled to get meals in town—none of which affect those in other branches of the Department—and which led to the payment of this allowance in the first instance, upwards of thirty years ago, have up to the present time been neither removed nor modified. The new regulation re overtime issued by the Public Service Commissioner, while removing none of the disabilities under which we labour, practically amounts to a reduction of income, by sums ranging from £26 per annum downwards, to upwards of eighty officers. We believe that the conditions existing here are peculiar to Queensland, and the new regulation, which may suit offices where overtime is only occasional, is totally unsuited to our case. Experience in Queensland has proved that the payment of a fixed sum has been an incentive to diligence instead of, as the Commissioner appears to think, an inducement to loitering over the work. Notwithstanding periods of adversity and retrenchment in this State, and many changes of Government, the English mail allowance has never been suspended or curtailed, but has been passed by Parliament year after year. The deprivation of this allowance, which has been regarded as part of our salaries, and on which we have based our calculations when financing for the upkeep of our households for so many years past, will prove very embarrassing to us, the majority being in receipt of less than £170 per annum. In March last, owing to the stoppage at that time of the allowance for three months, a mass meeting of officers interested instructed a committee to draw up and forward a petition to the Commissioner, through our Deputy Postmaster-General, embodying the above, with other reasons, for the retention of the allowance, but up to the present no reply whatever has been



received. We were led to believe that Federation would better our condition, while we had a public assurance from the Honorable J. G. Drake that there would be "levelling up but no levelling down" in the transferred State Departments.

So far as I am aware, the grievances of the letter carriers have not been redressed. I do not know whether the Postmaster-General has been aware of what has been going on.

Sir PHILIP FYSH.—I was not aware of the circumstances until I read that letter.

Mr. WILKINSON.—From what I know of the honorable gentleman, I feel sure that if any injustice is being suffered it will be remedied.

Mr. R. EDWARDS (Oxley).—It was my intention to bring the grievances of the letter carriers before the Postmaster-General. This afternoon I received a copy of the letter which has just been read. I was not aware that any other representative of Queensland had been communicated with, nor did I know until five minutes ago that a deputation had been appointed to wait on the Postmaster-General to-morrow—at what hour I do not know. I have not been asked to join the deputation, perhaps owing to the fact that I am leading the Opposition to-night. I wish to emphasize the remarks of the last speaker on the subject of the allowances to the men in the mail branch at Brisbane. They claim to be paid for extra early, late, and irregular hours. For thirty years the Queensland Government paid the men a sum ranging from £26 per annum downwards. The withdrawal of the allowance is a very serious matter to them. No doubt many of them have families to provide for. Their request is deserving of every consideration at the hands of the Postmaster-General. The allowance was withdrawn very soon after the Public Service Commissioner entered upon his work. I think that the question ought to be reconsidered. Virtually the salaries are now, to the amount named, smaller than they were previously. These men have to live out in the suburbs in order to obtain cottages at a sufficiently low rent, and, therefore, they are at the expense of getting their meals in town when they are called upon to attend at these irregular hours. I ask the Postmaster-General to take the matter into his favorable consideration, in order to see if he cannot grant the relief asked for.

Mr. L. E. GROOM (Darling Downs).—While congratulating the honorable member for Oxley upon having risen to the position of acting leader of the Opposition so soon

after joining their ranks, I must also congratulate him upon having brought this question before the Committee. As he has stated, an arrangement was made to bring it before the Minister, but unfortunately it was not known to us then that the honorable member had received this letter. The men of whom he has spoken have a just grievance, and I am sure that the Postmaster-General will see that justice is done to them. It was, of course, expected that under Federation there would be uniformity throughout the postal service, but at the same time it was understood that the rights of transferred officers would be preserved. Their statutory rights are preserved by the express words of the Constitution, but their complaint is that, although for a period of upwards of thirty years annual appropriations have been made by the Queensland Parliament as an allowance for overtime, and for extra work done in connexion with the sorting of the English mails, that allowance is now taken from them. It must be remembered that the overtime which they are called upon to work does not mean, as is usually the case, staying an hour or two longer at the office after the ordinary work of the day is done. These men have to come on duty at extraordinary hours, and have to put themselves to great inconvenience to give the quick despatch of letters which the public desire. The allowance which they have hitherto received is in reality a substantial addition to their salaries, and, depending upon its continuance, many of them have entered into financial obligations extending over long periods, so that the sudden deprivation is a matter of serious consequence to them. I would point out that the men concerned do not live within the divisions represented by any of the members who have spoken. We do not desire to use political influence in the administration of the Department, but speak purely in the interests of justice. The men, we consider, have a serious grievance, which demands fair treatment at the hands of the Commissioner. I hope that the Minister will consult the Commissioner on the subject, and I think that if he makes inquiries into it he will be able to strongly recommend special consideration for them. Another matter to which I wish to refer is the question of telephone guarantees for extensions to new centres. In my own division there are places like Clifton, Stanthorpe, and Goombungee, all of

which promise to become large centres of population; and the people there are pressing very strongly, and, to my mind, very justly, for telephone communication. I can understand that the Minister should require some guarantee, in order that the Department may not incur loss in connexion with extensions, but a sort of promise was made some time ago that the advisability of reducing the amount of these guarantees would be considered. At the present time the sums asked for are so high as practically to block extensions. I do not ask for the abolition of guarantees, because I recognise that some system should be adopted to prevent the extension of the telephone, at the public expense, to centres which are never likely to be able to give a sufficient return; but some discretion should be shown by the Minister. When officers report that places promise to become large centres of population, it is wise to extend the telephone system to them under less stringent conditions than the present regulations prescribe. I might specially mention the case of Clifton. That is a township situated in the very centre of the Darling Downs district, and close to some of the large estates which have been re-purchased. The land is being rapidly taken up, and is increasing in value, while the population is growing. The residents are therefore asking for telephone communication. But, under the present regulations, a few men are required to guarantee a very large amount in order to obtain what is a convenience to the district generally. Cannot the Minister have more elastic regulations framed, so that it will not be impossible for rapidly growing townships to obtain telephonic communication which, if granted, will in time become a valuable source of revenue to the Department? If the Minister gives the matter careful consideration, he will see that a more liberal arrangement will not only increase the revenue of his Department, but at the same time give valuable assistance to those who are engaged in developing the resources of the country.

Mr. PAGE (Maranoa).—I wish to ask the Postmaster-General what is to be the policy of the Government with regard to new telegraph lines. There are several places in my electorate—out in the Never-Never—which are now quite cut off from communication in times of flood. It is a strange thing, in this twentieth century, to have townships in which there is neither a

telephone nor a telegraph office, although the telegraph line runs through them. That, however, is the position of many Queensland townships. When the Department are asked to give telephonic communication they say—"What about the revenue? We want a guarantee of so many pounds per annum before doing anything." There are two telegraph lines running through the township of Jackson, in my electorate, and although the people have asked for telephonic communication with the nearest railway station, which is thirty or forty miles distant, the Department will not agree to the erection of the wires until they obtain a cash guarantee. But what is every one's business is no one's business. No one is ready to take the matter in hand and give the guarantee, and consequently nothing is done. I rose, however, to speak more particularly in regard to telegraphic communication. There is in my electorate a place called Stonehenge, which is 100 miles from Longreach and forty miles from Jundah. Jundah is further west than Stonehenge in a direct line, but it is only forty miles distant by road, and telegraphic communication could be given by a line going direct, which need not be more than 35 miles long. The country is perfectly level, being the watershed of the Thompson River, which runs into Cooper's Creek, so that there are no engineering difficulties to be feared. The line has been promised as soon as funds are available, but if we go on as we are going now, I do not think that funds will ever be available for new works. I should like to know from the Minister what objection there is to the people erecting a private line—not a telegraph line, but a telephone line. I know that a telegraph line would not be allowed.

Sir PHILIP Fysh.—Does the honorable member mean a line going across private land entirely, or a private line which would have to cross public property?

Mr. PAGE.—In Western Queensland there are hundreds of miles of telephone lines which are carried on the fences, one of the wires being used for the purpose. I saw in the newspaper, a few days ago, that the Minister was about to frame new regulations in regard to telephone charges, and I ask, therefore, if a line such as I speak of would come under them?

Sir PHILIP Fysh.—I doubt it.

Mr. PAGE.—The people in the country should be as much considered as the people in the town. These men are pioneers who are preparing the way for further settlement. They are, indeed, the very backbone of the community. With regard to the matter brought up by the honorable members for Darling Downs, Moreton, and Oxley, I may say that I received the same communication as that read by the honorable member for Oxley. We arranged for a small deputation to wait upon the Postmaster-General and bring the matter under his notice to-morrow, but I suppose that, now that the matter has been referred to here, that deputation will not take place. I hope, however, that the Minister will give these men a square go. In the concluding part of the letter, the men say—

We were led to believe that Federation would better our condition, while we had a public assurance from the Honorable J. G. Drake that there would be "levelling up, but no levelling down" in the transferred State Departments.

That is the keynote of the whole communication. It is desirable that we should have a contented service, and this can only be secured by giving the men their dues. With regard to the matter which the honorable member for Yarra has brought under notice, it strikes me as peculiar that it should take three years to find out that a man is not competent to lift the end of a pole. I should be sorry to think that any official of the Post and Telegraph Department of Victoria would discharge a man merely because his brother was the secretary of a trades union. It was reported, in the first place, that the man referred to was not physically fit, and, after he had met this statement with a medical certificate to the effect that he was sound in wind and limb, and fit to do anything, the officer who was responsible for the adverse report regarding him turned round and said that the man was not fit to lift the end of a pole. I think that the officer who took three years to discover that a man was not fit to lift the end of a pole, when he was supposed to be lifting poles every day, should be discharged for neglect of duty. The Postmaster-General says that the difficulty has arisen in connexion with the Public Service Act, but I would point out that the Public Service Commissioner could not appoint a man who was stated to be physically unfit for the work which he

would be called upon to do. There is something wrong somewhere, and I hope that the Minister will carefully investigate the matter.

Mr. KENNEDY (Moir).—On every occasion that the Estimates are discussed, I feel more and more convinced of the absurdity of our attempting to deal with matters of detail connected with the administration of the Government Departments. Honorable members in most cases act upon the strength of *ex parte* statements, whilst the other side is known only to the Ministerial head of the Department, and therefore no good is accomplished by the discussion brought about. I wish to direct the attention of the Minister to the complete cessation of work in connexion with telephone and telegraph extensions since the transfer of the Department to the Commonwealth. The wants of the people are no less than before, but the conditions now imposed upon them are such that the advantages of telephone and telegraph communication are placed beyond their reach. Instances have occurred in my own district, and the same thing obtains in other portions of the Commonwealth, and particularly in the backblocks, in which it has been utterly impossible to obtain any extension of existing facilities. The absurdity of the regulations relating to private lines may be illustrated by a case with which I am personally acquainted. A business firm having a central establishment in one railway town in my own district, and branches in two other towns, also on the railway line, distant five and ten miles respectively, are required to pay £50 per annum for the use of a line constructed for their benefit, upon poles erected within the railway reserve. That seems to be an altogether exorbitant charge, and I cannot imagine how it could be considered fair or reasonable. Persons who are prepared to construct telephone lines at their own expense for a distance of fifteen or twenty miles, find it difficult, if not impossible, to treat with the Department on reasonable terms, because of the exorbitant charges proposed. I believe that the Postmaster-General is in sympathy with those who desire to extend postal, telegraphic, and telephonic facilities, but the executive officers of his Department are apparently not prepared to assist in carrying out the wishes of Parliament. Our desire is not only to continue the present postal facilities, but to extend them in

every direction, and yet the officials seize every opportunity to place obstacles in the way of extensions, and to diminish the facilities now enjoyed. I hope that the Minister will make an effort to curb this disposition on the part of his subordinates, especially where the more sparsely populated or remote districts are concerned.

Mr. RONALD (Southern Melbourne).—I wish to emphasize some of the remarks made by honorable members in reference to the increments to which the letter carriers are entitled, and the position of the women cleaners in the Melbourne General Post Office. The letter carriers have been involved in serious monetary difficulties by their efforts to establish their claim to the increments referred to, and now find that they will be required to enter upon further litigation. I hope that the Minister will be able to give us a definite statement as to the position taken by the Department in regard to the claims of the men, and that we shall have an assurance that no further litigation will be necessary. The men have been driven from pillar to post. They have obtained a judgment from the Full Court to the effect that they are legally entitled to the increments, and if the Postmaster-General is satisfied upon that point I trust that he will honorably carry out the promises upon which the men have relied. The claim of the women cleaners in the Melbourne General Post Office to be brought under the operation of the provision relating to the payment of the minimum wage of £110 per annum, seems to have been established beyond doubt. I do not say that £110 per annum is not too much to pay them, but certainly something should be done to accord them justice, and to establish their right to be classified as permanent employés. Some of these women have been in the Department for twenty years. From a return recently furnished by the ex-Postmaster-General, it appears that the eighteen female cleaners in Sydney are paid £1 per week, except the forewoman, who receives £78 per annum, and that in Melbourne there are twenty who are paid £1 5s. per week, and five who receive £1 per week. Perhaps the Public Service Act could be amended to meet the case of these employés, to secure to them the privileges to which they are entitled as public servants, and to give them their proper status. I hope that the Minister will be able to make a satisfactory

statement in regard to these women, and also in reference to the letter carriers' increments. The men have been very much harassed.

Mr. HUME COOK.—Some of them actually bought houses on the strength of the promised increments.

Mr. RONALD.—Yes; several men who reside within my electorate entered into obligations for the purchase of properties on the faith of the promises made to them, and I hope that the flagrant breach of faith which has been committed will be repaired, and that no further litigation will be necessary. If an assurance can be given to that effect, it will bring gladness to the hearts of many men, and as the whole sum involved is not very great—not more than £30,000—I trust that the difficulties in the way will be at once removed.

Mr. O'MALLEY (Tasmania).—I desire to know if the Postmaster-General has done anything towards establishing telephonic communication along the coast of King Island, for the benefit of the 600 or 700 splendid pioneers who have made their homes there. These people urgently require communication with the centre of the island, so that they may know what is going on.

Mr. WILKINSON.—What are they doing there?

Mr. O'MALLEY.—They are engaged in grazing pursuits. The island is one of the finest in the world for grazing cattle. I trust that the Minister will give this matter his very early attention.

Sir PHILIP FYSH (Tasmania—Postmaster-General).—At this late hour I intend to make but brief replies to the very many questions which have been addressed to me by honorable members. I trust I am sufficiently well known to warrant the conclusion that, although my remarks will be brief, my intentions are thoroughly honest and earnest—that I desire to do what is right to the civil servants and what I conceive to be good for the State. I need scarcely assure honorable members of my regard for the toiling pioneers who have a claim to the sympathy of the Government when they take up land in the remote districts of Australia. Neither the honorable member for Coolgardie nor the honorable member for Moreton can impress me more strongly than I was previously impressed with the extent of our indebtedness to those who pioneer the country and prepare it for the settlers from whom we receive a

good price for the lands which we sell. Although I cannot enter fully into all the questions which have been addressed to me, honorable members may rest assured that in every instance in which the Department can derive a revenue which is at all commensurate with the capital outlay involved in any work which may be suggested, it will do its utmost to prevent any complaint on the part of individuals, no matter how far distant they may be from the centres of population. Their interests will not be forgotten, but will be considered along with the greater interests of the cities. Thus far I address myself chiefly to the honorable member for Coolgardie, the honorable member for Moreton, and the honorable member for Maranoa, who have these matters specially at heart, and who have called attention to them. As I am about to enter into a consideration of the Estimates, I wish to enlist the assistance of the honorable member for Coolgardie by informing him that, so far as Western Australia is concerned, considerable attention has recently been given to the working of the Department in that State with a view to installing as its manager an officer who is imbued with modern ideas, and with the energy and enterprise that a man filling such an important office should possess. That is the object we have in view, and the gentleman who now holds the position has sought for a retiring allowance. I dare say that the honorable member for Coolgardie is aware that under the Western Australian statutes he is not yet entitled to retire upon his full pension. But, although he may lack two years of service in that respect, I do not think they ought to constitute a barrier to obtaining such improvements as we hope will flow from the appointment of an officer who is more in touch with the Department, and possibly more in sympathy with the Federation of which he is a servant. If, therefore, in the Acts of Western Australia there are any provisions under which an officer can be retired for the benefit of the State, and under which upon his retirement he can receive that solatium to which those Acts entitle him, the gentleman to whom reference has been made will be speedily retired. I pass now to the very vexed question of the treatment which should be meted out to temporary employes. Their cases are constantly being brought under my observation. Indeed, I have already had occasion to address a minute to the Prime Minister upon the subject seeking his advice, and

asking how far I am at liberty to make such representations to the Public Service Commissioner as will cause him to reconsider decisions at which he has arrived. I have been waiting during the past two or three weeks, whilst cases have been accumulating, in the hope that I might speedily be placed in possession of a complete list of the officers who imagine that they have legitimate grievances in respect of those decisions, so that I might make a recommendation to my colleagues based upon some definite principle. I have been asked what has been done in regard to the rather large body of men in Victoria who feel that they have a grievance, and who are strengthened in their view by the fact that Minister after Minister has very strongly expressed the opinion that the decision of the Supreme Court should have determined the matter. It should, however, be remembered that the Commonwealth Treasurer is but the trustee of the funds of the States, and that to them he must render an account. If, therefore, money is to be spent in a matter of this kind, it should be expended with the concurrence of the State concerned, and certainly not in defiance of the decision of that State that the money is not due to the men.

Mr. TUDOR.—But the State Government have themselves paid the increments, and admitted that they are legally liable.

Sir PHILIP FYSH.—I do not intend to discuss the question with the honorable member. Speaking from a layman's stand-point it appears to me that these men are labouring under a legitimate grievance to which they should not have been subjected so long, particularly as the Court has decided in their favour. But, as I have already pointed out, when the Commonwealth has to deal with money which it holds in trust for a State, it must take care that it expends it constitutionally. With that object in view, the whole case was remitted to the Prime Minister; it was considered by the Cabinet, and referred to the Attorney-General for his opinion.

Mr. HUME COOK.—That was done six months ago.

Sir PHILIP FYSH.—The case was referred to the Attorney-General by his colleagues only within the past two months.

Mr. HUME COOK.—We had a deputation in reference to the matter six months ago.

Sir PHILIP FYSH.—I am speaking of the circumstances as they came under my

own observation. They have been seriously considered by the Cabinet within the period indicated. Surely honorable members will recollect the special strain to which the Prime Minister and the Attorney-General have been subjected during the past two months. The Attorney-General has been obliged to take up important measures, to saturate his mind with their provisions, and deliver the masterly speeches which he has delivered in this House at twenty-four hours' notice.

Mr. PAGE.—We all recognise that.

Sir PHILIP FYSH.—Then honorable members should not regard my statement as a mere repetition of what they have previously heard.

Mr. TUDOR.—When are we likely to obtain a reply?

Sir PHILIP FYSH.—So far as the Attorney-General is concerned, I hope that his work during the remainder of the session will be far less than it has been. I would remind honorable members that they cannot make appeals such as have been made to-night without those appeals coming before the responsible Ministers of the Departments which are specially concerned. I never permit the *Hansard* record of grievances to pass unnoticed. I always make it a point to send on to each Minister that portion of the report in which he is particularly interested. So, with respect to these officers, I promise, on behalf of the Attorney-General, that the settlement of their claims shall be one of the points to which he will give early consideration. I am sure that he will respect my promise, not only on account of the urgency of the matter, but because of its justice. I am unable to enlarge considerably upon the serious question, as some regard it, of what we shall pay to the charwomen employed by the Federal Government. I sincerely regret that the subject has been made so much of in this Parliament. Of course I recognise that no matter how humble may be the calling of any individual in the community, so long as that individual honestly earns his or her livelihood he or she is entitled to consideration and respect. Ministers do not need to be embarrassed by the serious attention which honorable members are bestowing upon the charwomen who are employed in the Post office the is remarkable that whilst only £1,500 per annum is spent in cleaning the post-offices

of New South Wales, the cleaning of the post-offices in Victoria, which are fewer in number and occupy far less floor space, cost £2,700 per annum.

Mr. RONALD.—But that sum is not paid to the charwomen. I have the list of salaries here.

Sir PHILIP FYSH.—I am informed that a goodly number of these dear old creatures—

Mr. RONALD.—They are not old.

Sir PHILIP FYSH.—I am told by these who speak with authority that a number of these charwomen have been allowed to remain year after year in the service although they are not able to earn even the money which is paid to them.

Mr. RONALD.—That is not so.

Sir PHILIP FYSH.—This statement has been authoritatively made to me. These women are employed for about four or five hours per day, and a request has been made that they should be allowed certain holidays. If they came under the provisions of the Public Service Act they would be entitled to three weeks' holiday a year, but even under the regulations, they now enjoy fourteen days' holiday per annum.

Mr. RONALD.—I am told that they do not.

Sir PHILIP FYSH.—The post-offices are closed fourteen days a year. They do not remain open on the National holiday, on the occasion of the post-office picnic, on Show Day, the King's Birthday, and other holidays.

Mr. TUDOR.—But the charwomen work on those days.

Sir PHILIP FYSH.—It must be apparent to any honorable member that if all the offices are closed, as they are on these occasions, the charwomen must get these days off. It is unnecessary for me to pursue the subject further than to say that I think that due consideration is shown to these women, and that it would be a great mistake on their part to pursue this matter much further. Representations have been made to me from time to time in regard to men who have been employed temporarily in the service for some years, but have not been placed on the list of permanent officers. That is a matter entirely for the consideration of the Public Service Commissioner. I have received deputations from time to time in reference to this question, but I have always had to say that my power to deal with it is very

slight. But whenever I make a promise to submit a case for further consideration, I take care to carry it out. With respect to the whole of these men, whose numbers are now being recorded, representations will be made within the next few days to the Prime Minister, who will, I have no doubt, take such steps as he thinks desirable to bring under the attention of the Commissioner what may be the views of the Cabinet on the subject. If I were to deal with all the matters which have been discussed during this debate, I should occupy so much time that we should not be able to deal to-night with these Estimates. I trust, therefore, that honorable members will take as said much that I otherwise would like to have said. There is a great temptation to enlarge upon the work of the Department, for it can be spoken of in very satisfactory terms, and I think I have shown some forbearance in confining my speech within these limits.

Mr. BAMFORD (Herbert).—I would suggest to the Minister the advisableness of reporting progress. Many honorable members are anxious to get away, and I think that further consideration of these Estimates should be postponed until to-morrow.

Sir EDMUND BARTON.—If the Estimates can be dealt with to-night we need not meet to-morrow.

Mr. BAMFORD.—I do not think we should rush these Estimates through in a few minutes for the sake of avoiding another sitting. There are several matters relating to my electorate with which I wish to deal. I have, on several occasions, brought them under the notice of the Minister, but have been unable to obtain any satisfaction, and I came here with the intention of stonewalling these Estimates.

Sir PHILIP Fysh.—The honorable member has not done me the honour of preferring any request to me in regard to them.

Mr. BAMFORD.—The honorable gentleman must surely remember that I spoke to him only a few nights ago in reference to a very important matter which has been under the consideration of the Department for the past eighteen months. The Department went so far as to call for tenders for the construction of a certain work in my constituency, but I regret to learn that it has now practically decided to withdraw them. I desire some information from the Minister as to when it is proposed to proceed with

the work. If he will promise that it will be carried out without delay I will not say another word. Have I his assurance that it will be done?

Sir PHILIP Fysh.—I do not know to what work the honorable member is referring.

Mr. BAMFORD.—I am referring to the construction of a telegraph line at a cost of £1,800. I see that £10,000 is provided on the Estimates for certain works and buildings in Queensland, and I wish to ascertain some of the details of the proposed expenditure. No particulars are to be found in the supplementary Estimates. The Minister promised to favorably consider my request, and to let me have a statement in writing within a few days as to the course to be pursued by the Department; but I have not yet received any communication on the subject.

Sir PHILIP Fysh.—I gave instructions for them to be sent to the honorable member there and then.

Mr. BAMFORD.—May I take it that the Government will agree to this expenditure of £1,800?

Sir GEORGE TURNER.—And the honorable member looks so serious!

Mr. R. EDWARDS (Oxley).—I should like to remind the Postmaster-General that he failed to reply to the complaint made by honorable members from Queensland as to the stoppage of allowances made for the last twenty or thirty years to eighty or ninety post-office officials in respect of early hours, late hours, and irregular hours of employment.

Sir PHILIP Fysh.—I intended to refer to it, but refrained from doing so, as I did not desire to detain the Committee at undue length. I intend to proceed with the matter and obtain a revision.

Mr. R. EDWARDS.—There is one other matter to which I desire to direct attention. I find that in the Estimates for 1901-2 the salary provided for the lady supervisor in the Telephone Department at Brisbane was £130 per annum; but that in last year's Estimates a sum of £150 per annum was set apart for that purpose. In this year's Estimates the salary is also fixed at £150. I desire to inform the Minister, however, that this lady received last year, not £150, but the original salary of £130. If she is not to receive the £150, it is idle for us to vote it. I understand that the increased salary has not been paid to this lady because

of some objection raised by the Public Service Commissioner. Apparently the Commissioner pays no regard to the amount we vote for this purpose.

Sir PHILIP Fysh.—I shall take care to at once inquire into the matter.

Mr. R. EDWARDS.—I mentioned the subject to the Commissioner, but he appeared to think that I was unduly interfering and possibly damaging the future welfare of this lady by interviewing him in reference to it. I urge the Minister to see that she receives the amount voted by the Committee. So far, she has received only £130 per annum, which is much too small a remuneration for her services.

Mr. MAHON (Coolgardie).—I observe that in sub-division 2 of division 174 there is the item—"Allowance to officer transferred from New South Wales." I thought that these allowances had ceased.

Sir GEORGE TURNER.—This is the only one. Until this officer is transferred to some other place it has to be continued.

Proposed vote agreed to.

Division 175 (*Expenditure in New South Wales*), £837,269; division 176 (*Expenditure in Victoria*), £582,099; division 177 (*Expenditure in Queensland*), £413,373; division 178 (*Expenditure in South Australia*), £241,089; division 179 (*Expenditure in Western Australia*), £273,091; division 180 (*Expenditure in Tasmania*), £108,031, agreed to.

#### ADDITIONS, NEW WORKS, AND BUILDINGS.

Division 1 (*Trade and Customs*).—£5,000.

Mr. WILKINSON (Moreton).—I should like to ask the Minister representing the Minister for Defence, whether it would be possible to put into effect a vote which, I understand, is provided for on the Estimates in connexion with a rifle range at Ipswich? The lack of this range affects two rifle clubs.

Sir JOHN FORREST.—I will have it done if the honorable member will speak to me about it.

Mr. MAHON (Coolgardie).—In division number 3, I notice the item "Sundry offices as required, £3,635." I wish to know whether the Postmaster-General could give the Committee a list of the offices referred to?

Sir GEORGE TURNER.—I have no details. The vote is to meet additions required during the course of the year.

Mr. MAHON.—It is rather peculiar that the amount of £3,635 should be put down as likely to be required. I do not understand why the odd figure should be there, unless the details are available.

Sir JOHN FORREST.—I have the information that the money is required for additions to buildings, some of which are in course of completion.

Mr. MAHON.—Where?

Sir JOHN FORREST.—I have not the particulars at the moment. The departmental information supplied to me is that it has been found necessary to make additions for increased business, and for the better accommodation of the officers and members of the public.

Sir GEORGE TURNER.—The money is to carry on works which have been commenced.

Mr. MAHON.—I should like to point out that the Department of Home Affairs is exceedingly slow.

Sir JOHN FORREST.—It will not be so now.

Mr. MAHON.—I am glad to hear it, because I know that, even in regard to so small a matter as providing private letter-boxes, business has been hung up for nearly twelve months. I should think that so small a requirement as that ought not to occupy the attention of the Minister and the officers for so long a period. Of course, I am aware that the Department has been carried on under great difficulties in connexion with the making of all the initial arrangements.

Sir JOHN FORREST.—The information I have now obtained is that the vote includes Daydawn, £610; Kookyuic, £425; and Laverton, £600, all of which are in the district represented by the honorable member.

Mr. WILKINSON (Moreton).—With regard to the living allowances of officers in tropical regions, I desire to say that I believe this matter has been in the hands of the Public Service Commissioner, but I cannot obtain any information as to what has been done. Are the living allowances provided for on the Estimates?

Sir GEORGE TURNER.—Yes, the matter has been dealt with on the Estimates.

Mr. MAHON (Coolgardie).—Certainly ample allowances ought to be made to officers living in tropical localities, and I should like to know what scale the Minister proposes to apply to them.

Sir PHILIP Fysh.—Has the honorable member seen the last regulations of the Public Service Commissioner?



Mr. MAHON.—I have. There are five classes, if my memory serves me rightly, under the regulations published by the Commissioner. I think that the circumstances of the men in tropical portions of Australia, and certainly of those employed upon the gold-fields, are such that they should come within the fourth class, the allowances for which are, I think, equivalent to 20 per cent. of the amount of their salaries. The Treasurer might look into this matter, which is not a new one. It has been brought before the Postmaster-General, and is rather serious for some of the officers. Of course the cost of living is high in the parts of Australia to which I allude, and the privations of life are considerable. Whatever generosity the Minister can show to men so situated is desirable, and will be appreciated by them.

Proposed vote agreed to.

Division 2 (*Defence*), £29,539; division 3 (*Post and Telegraph Offices*), £102,932; division 4 (*Telegraphs and Telephones*), £194,812; division 5 (*Machinery and Plant, Government Printing Office*), £15,000; division 6 (*Military and Naval*), £75,000, agreed to.

Resolutions reported.

## NATURALIZATION BILL.

*In Committee* (Consideration resumed from 9th September, *vide* page 4874):

Postponed clause 11 (Revocation of Certificate).

Sir EDMUND BARTON (Hunter—Minister for External Affairs).—There was some discussion upon this clause, and I agreed to postpone it in order to meet the points that were raised by the honorable and learned member for Indi. Holding the same opinion as he did, I think I have prepared an amendment which will meet his criticism. I move—

That the following words be added—"Provided that the revocation shall not affect rights previously acquired by any other person."

Amendment agreed to.

Bill reported with amendments.

Sir EDMUND BARTON.—I move—

That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clauses 8, 9, and 10.

I had intended to move the recommitment of clause 4 so as to deal with a question raised by the honorable and learned member for Northern Melbourne, but I find that the amendment which I adopted on his suggestion, meets the case.

Question resolved in the affirmative.

*In Committee* (Recommittal):

Clause 8—

Subject to any laws for the time being in force relating to the qualification of Members of the Parliament and of electors of Members of the Parliament, a person to whom a certificate of naturalization is granted shall in the Commonwealth be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in the Commonwealth.

Provided that this section shall not apply to any law of a State relating to the qualification of members or electors of Members of Parliament of a State.

Sir EDMUND BARTON.—It was pointed out at the previous stage by the right honorable member for South Australia, Mr. Kingston, that the drafting of the first portion of the clause was capable of improvement. I think that was a fair criticism. In addition to that, a question was raised by the honorable and learned member for Indi, with reference to the effect of this clause as it stood upon the operation of States laws. I propose to meet both of those criticisms. First of all, I move—

That all words down to and including the word "Parliament," line 4, be omitted.

Amendment agreed to.

Amendment (by Sir EDMUND BARTON) proposed—

That the proviso be omitted, with a view to insert in lieu thereof the following words:—"Provided that where by any provision of the Constitution, or of any Act, or State Act, a distinction is made between the rights, powers, or privileges of natural-born British subjects, and those of persons naturalized in the Commonwealth or in a State, the rights, powers, and privileges conferred by this section shall, for the purposes of that provision, be only those (if any) to which persons so naturalized are therein expressed to be entitled."

Mr. ISAACS (Indi).—This amendment guards the provisions of the Federal Constitution, or of any Federal Act or State Act. I do not know whether it is wise to omit all reference to States Constitutions. There may be provisions in some States Constitutions, with which I am not familiar, that this Bill may affect.

Sir EDMUND BARTON.—If the honorable and learned member will move to insert after the word "State" the words "Constitution or," I will accept the amendment.

Amendment (by Mr. ISAACS) agreed to—

That the amendment be amended by inserting after the word "State," line 4, the words "Constitution or."

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 9—

A woman who, not being a British subject, marries a British subject, shall in the Commonwealth be deemed to be thereby naturalized, and have the same rights and privileges, and be subject to the same obligations, as a person who has obtained a certificate of naturalization.

Amendment (by Sir EDMUND BARTON) agreed to—

That after the word "rights," line 4, the word "powers" be inserted.

Clause, as amended, agreed to.

Clause 10—

An infant, not being a natural-born British subject—

(a) whose father, or whose mother, has obtained a certificate of naturalization; or

(b) whose mother is married to a natural-born British subject or to a person who has obtained a certificate of naturalization; and who has at any time resided in Australia with such father or mother, shall in the Commonwealth be deemed to be naturalized and have the same rights and privileges, and be subject to the same obligations as a person who has obtained a certificate of naturalization.

Sir EDMUND BARTON.—I move—

That after the word "mother," line 3, the words "(being a widow or divorced)" be inserted. That amendment will meet the objection raised by the honorable and learned member for Northern Melbourne.

Amendment agreed to.

Amendment (by Sir EDMUND BARTON) agreed to—

That after the word "rights" the words "powers" be inserted.

Clause, as amended, agreed to.

Bill reported with further amendments; report adopted.

## PATENTS BILL.

### SECOND READING.

Sir EDMUND BARTON (Hunter—Minister for External Affairs).—I move—

That the Bill be now read a second time.

I do not propose to detain the House long. I shall not ask for the continuation of the debate beyond my short address in moving the second reading, but will then consent to an adjournment until Tuesday. This Bill has been passed by the Senate. It was considered there at some length, and with a great deal of care, as I perceive from the debates which took place upon it. That may be regarded by honorable members as exempting them from expending as much

labour in its consideration as would otherwise have been necessary. I need not call attention at any length to the fact that it was a wise foresight which included the making of laws upon patents amongst the powers granted to the Federal Parliament. That there should be a law of general application on this subject throughout the Commonwealth, instead of the diverse laws which have heretofore existed in the various States, is, to my mind, so self-evident a proposition that I do not intend to take up time in supporting it. When I come to the question of fees, as I shall at the close of the few remarks I have to make, it will, in that respect, be seen how beneficial a general measure will prove as an incentive to inventive talent. The Bill is founded on a report of a Conference of States patent officers that met in Melbourne in April, 1901. That Conference considered a draft Commonwealth Patents, Designs, and Trade Marks Bill which the Government had had prepared, and recommended, amongst other things, that the Bill should be divided into three separate measures, dealing respectively with patents, designs, and trade marks. In view of the fact that this could not, in any circumstances, be a prolonged session, that recommendation was adopted, and so we proceed to the consideration, in the present Bill, of a measure dealing with patents alone. The Bill is founded on the report of the Conference, and that again is largely founded upon British legislation. Honorable members will see at once that by following the lines of legislation passed in England we shall have the advantage of a long series of decisions which have been given upon patents law to guide us in the application of our own measure. Without wasting time upon minor matters, I may point out a few of the salient provisions of the Bill. Passing over the preliminary provisions, amongst which the most important is the constitution of a Commissioner of Patents and one or more Deputy Commissioners, I come to division 2 of part II, which provides for the transfer of the administration of the States Patents Acts to the Commonwealth. This we considered necessary in order to enable the Department, when established, to carry out the examination as to novelty as provided for in the Bill. I am here referring to the examination as to novelty provided for in clause 37, and not to that which has, in the form of

an amendment, been placed at the end of clause 35. Without dwelling too long upon this topic, I may say that I am of opinion that the amendment made in clause 35, in another place, should be removed, and that so far as the mere examination is concerned it should be sufficient if the Commissioner is intrusted with the determination of so much of the question of novelty as is covered by clause 37, which says that the examiner shall ascertain and report whether—

The invention is already patented in the Commonwealth or in any State or is already the subject of any prior application for a patent in the Commonwealth or in any State.

The amendment, which does not well find a place in clause 35, which was a clause for the purpose of dealing with merely formal matters, imposes upon the examiner the duty of ascertaining and reporting—

Whether the invention is novel or has been already in possession of the public with the consent or allowance of the inventor.

That includes not only the ordinary question of novelty, but also the question of what is known as *jus publicum* in a patent. We think it would not be wise to commit the examiner in the first instance on the subject of novelty, involving in many cases the taking of vast bodies of evidence, and the performance of functions scarcely germane to the office of an examiner. It is a fact that in Germany and the United States that is done, but it is not done under the law of England as it exists, which has, I think, been found to be perfectly sufficient to enable these matters to be dealt with in a proper way. It must always be remembered that in the great majority of cases applications for patents are not the subject of objections, and that the stage for any objection comes first when a person who may otherwise have objected, and has not done so, finds that he ought to bring some suit for the purpose of establishing his counter right, or is himself the subject of some proceeding for the infringement of a patent. In these cases the whole question is brought before a tribunal constituted for the purpose, and a much more judicial, efficient, and impartial investigation then takes place. As decisions upon these questions will be guides for the future, it is much better that they should be given by courts of the highest learning and knowledge, than that they should be given by a mere examiner of patents.

Mr. WILKINSON.—How does the right honorable gentleman propose to constitute the court?

Sir EDMUND BARTON.—The honorable member will find that provided for in one of the earlier clauses of the Bill. The question is one which will be dealt with in Committee, but as the Bill stands now, the Supreme Court means the "Supreme Court of the State in which the Patent Office is situated, or a Judge thereof." I think the sufficiency of that provision is a question which may engage our attention, and we may consider whether we should not make it somewhat more extensive. The amendment providing that the whole question of novelty should be gone into by the examiner, was inserted under an impression that it would assist inventors by saving them expense, that it would encourage inventions, and prevent the register being crowded with useless patents. We think it would not do any one of these things. On the contrary, we think it would probably be found to unduly harass inventors. There are instances cited in the reports presented to us of the experience of Australian inventors in the United States Patents Office, where the system of general examination for novelty prevails, which show the truth of what I say, and prove that this provision would not save inventors expense, but would render the employment of patent attorneys more necessary than before. The American system is the living and pleasure of a multitude of patent agents, to whom its existence is a necessity, and the inventor who runs away with the idea that the United States law was just made solely for his benefit is recommended to visit Washington in order to have his eyes opened. It would not prevent the issue of invalid patents, because Edmunds, a recognised authority upon the question of patents, when in the United States, was informed by persons who were in a position to know the facts that, in that country, something like 70 per cent. of the patents granted were, when litigated, declared void. That to a large extent is the result of committing to a less learned authority work which should really be done by a judicial tribunal. In the debates on the Patents Act Amendment Bill of 1902, in England, statistics were brought forward to show that the proportion of patents upset in Germany, where the same system prevails, is especially great. Summarized, the objections to a gen-

examination as to novelty by an officer instead of leaving the matter to be decided by the proper tribunal, when, if ever, the question is raised, are these—

1. That it is impossible to say from a written document whether the invention described in it is novel or not. For instance, in Germany patents were refused for the Bessemer steel process, and the Siemen's Regenerative Furnace, as not being novel.

That is a very striking fact, and it is now acknowledged that the Bessemer steel process is one of the greatest inventions of the age.

2. That it is impossible for an examiner, however competent, to know whether an alleged invention is novel or not.

3. That it is unjust in the granting of patents to rely on the judgment or opinion of one individual.

4. That it gives rise to an erroneous belief in the minds of people that the Crown guarantees the validity of the patent.

Which it does not. In the United States and Germany, where the system exists, quite as many patents are set aside as in other countries, and some authorities contend that the proportion is greater.

5. That under the system patents are arbitrarily refused for useful and meritorious inventions.

These being the objections, when we come to that portion of the Bill, we shall endeavour to restore it to its original form, and confine the examination as to novelty to the searching of the register, for which purpose we must have the transfer of the State Departments, and the determination of the question of whether there has been any prior application for a patent in the Commonwealth or in any State.

Mr. ISAACS.—In addition to that, clause 52 enables objection to be made to the Commissioner on the ground of novelty.

Sir EDMUND BARTON.—That is so, and objection being made on that ground the objection may be examined into. In the absence of any such opposition we do not think it will be wise to have a prolonged investigation upon that subject, which would, undoubtedly, be of great expense to inventors. In the transfer existing patent applications will not be interfered with except that the Acts will be administered by Commonwealth officials instead of by State officials, the fees, when collected on such patents and applications being received on behalf of the States. Part III. provides for the keeping of a register of patents. These are the ordinary provisions relating to a register of this nature,

and I need not detain the House in discussing them.

Mr. WILKINSON.—I think that is a very important point. Where is the register to be kept?

Sir EDMUND BARTON.—That question will arise, and it may be found, when we discuss this part of the measure, that it is not wise to have more than one central register, or more than one central examiner. It may be found wise, although not yet provided in the Bill, to have receiving offices in various parts of the States to which applicants may address correspondence and documents, and which will be in immediate touch by telegraph or otherwise with the central office.

Mr. ISAACS.—There must be one central office.

Sir EDMUND BARTON.—There must be one examination in chief, and the register must be kept at the central office, because otherwise there would be instant confusion.

Mr. WILKINSON.—How can we expect that mechanics, who are the principal inventors, will be able to come to the central office?

Sir EDMUND BARTON.—As will be explained afterwards, they will not be required to attend the central office in person. Part IV. of the Bill relates to procedure, and here there is some departure from the English system. Division 1 of this part deals with applications. In England and several of the States the applicant for a patent must be the "true and first inventor"—the term used in the Statute of Monopolies, Act 21 of James I.—or a person claiming under "the true and first inventor." The decisions which have flowed from this expression are, in some cases, very interesting, and I may mention one in which "the true and first inventor" was held to include an importer of an invention from abroad. Except for the necessity of giving some elasticity in the administration of an old law as time goes on, the decision was about as far from the original meaning as one could well travel. In the present day, on the other hand, the necessity for that doctrine has disappeared, owing to improved means of communication, which enable persons to deal with matters for themselves, instead of leaving them in the hands of importers. The Bill adopts the law which prevails in Victoria and Western Australia, by allowing only the "actual inventor," or some

person claiming under him, to apply for a patent. There is another important matter in the same division referring to the examination as to novelty. Until 1902 no examination as to novelty was made in England. An application could be opposed and invalidated on the ground mentioned, but unless opposition was entered the grant of the patent issued as of course, if the application and specification complied with the conditions laid down. But in other countries, notably, in the United States and Germany, a general examination as to novelty is required. The Conference of experts, which was held in the Commonwealth, reported in favour of examination as to novelty to the extent of ascertaining whether the invention had been previously patented or had been the subject of a prior application for a patent. Curiously enough, a committee appointed by the Board of Trade in England arrived independently at the very same conclusion. It is now recognised almost universally that some examination as to novelty should be made, and the question is as to how far this examination should go. There are many grave objections to the practice prevailing in the United States and Germany of requiring a general examination as to novelty. The Bill, as introduced in the Senate, followed the recommendation of the Conference of officers, but an amendment was carried providing for a general examination as to novelty. This was a departure from the general scheme of the Bill, and I think that this House, in its wisdom, will restore the measure to its original form. Division 2 of this part of the Bill provides for wide grounds of opposition. Any objection on which a patent could be upset after the grant may be taken before the grant issues. This provision, coupled with the examination as to previous patenting, will afford the best security that can reasonably be provided that the patent when granted will not be open to objection. Division 3 provides for the effect of the patent and its duration. The term fixed is fourteen years, as in England and all the British dominions, except Canada, where the term is eighteen years. Division 4 relates to the amendment of specifications, and follows the English law, so that I need not trouble the House at any length, especially as this and many other parts of the Bill are essentially for consideration in Committee. Division 5 provides for the extension of a patent, and this again

follows the English law. Division 6 demands perhaps a little more consideration, because it contains a provision which has been somewhat severely criticised. This division provides for the grant of an additional patent for an improvement. This is in accordance with the recommendation of the conference, and it is purely enabling, seeing that no inventor would apply under this provision unless satisfied that his patent would be safe if he succeeded in getting it. That, again, is a matter which will be considered in Committee, and which I do not at this stage propose to discuss. Division 7 provides for the revocation of patents, and is almost identical with the English law. A patent may be revoked in case of fraud or for other good reasons known to modern law. Part V. deals with the working of patents. This part as introduced provided for the working of patents in Australia within five years after the date of the granting of the patent, and prohibited the importation of patented articles after four years, the patent being revocable on the application of the Attorney-General if this clause were infringed, and the article were not being manufactured within the Commonwealth. That is a provision which the Senate omitted, but I think there is a good deal to be said for it, and I, or the Attorney-General when he returns, will move the re-insertion of the original clause, for which there is abundant justification. The question of free-trade and protection, in my judgment, scarcely arises, because, if a patent law were regarded from that standpoint, every free-trader would vote against every patent, which in itself is a protection and grants a monopoly. A patent not only establishes a manufacturer or inventor in a better position than others in the same country or wherever the patent operates, but in regard to the process of manufacture itself gives a monopoly to a single person, and guards it for a period of time, so that there shall be no possible competition. That is the nature of the grant of a patent, and it seems to me that a provision that a patent may be revocable unless the manufacture takes place in the country where the patent is granted, is not in the direction of increasing the protection, but in the direction of taking away the protection if good ground be shown. I may mention that a similar provision is in force in Canada, Germany, and in South Australia, so that it is not

entirely new or without good warrant. This clause was not inserted for the benefit of the inventor, but for the benefit of the public. I may mention the further fact, which seems to be very strongly in favour of such a provision, that owing to its operation in Germany, manufacturers there were enabled to secure manufacturing rights in the case of linotype machines at a much cheaper rate than in England. The remainder of this part of the Bill follows the English law, which will be familiar to honorable members who have had occasion to look into the subject. Part VI. deals with infringements, and also follows the English law. An important provision of the Bill is that the Court may call in an assessor in any proceedings relating to an infringement; and the plaintiff must deliver the particulars of the infringement complained of, while the defendant must deliver the particulars of his objection. If the defendant disputes the validity of the patent he must state his grounds, and if one of the grounds is want of validity he must state the time and place of the previous application, or the previous use of the patent which he alleges. That is enough to show the nature of the proceeding. Clause 85 provides—

In any action for infringement the validity of a patent shall not be disputed on the ground of want of novelty by reason that a patent for the same invention was applied for or granted more than fifty years prior to the application for the first mentioned patent, if the invention has not been in public use in the Commonwealth or a State at any time during such period of fifty years.

Part VII. relates to the rights of the Crown, and follows modern English law. For instance, a patent under this Bill gives the same rights against the Crown as against the subject. Honorable members will be aware that under English law before modern legislation—and I need only refer lawyers to the case of *Feather v. the Crown* the Crown was held to have a right to use and make any article subject to a patent without any payment or royalty, or compensation to the inventor. But that has ceased to be the law in England, and, of course, we propose to make a very opposite law here. A responsible Minister of the Crown, however, in administering a Department, whether of the Commonwealth or of a State, may use an invention for the public service on such terms as may be agreed on with the patentee, or, in default of agreement, on such terms as may be

settled by arbitration. There is a provision that the inventor of any improvement in instruments or munitions of war may assign the invention and the patent to the Commonwealth, and the assignment is to be valid, notwithstanding any want of valuable consideration. The next provision of consequence in this part is in clause 93, which is as follows :—

The communication of any invention for any improvement in instruments or munitions of war to the Minister for Defence, or to any person authorized by him to investigate the invention, shall not, nor shall anything done for the purpose of the investigation by such person be deemed publication or use of the invention so as to prejudice the grant or validity of any patent for the invention.

Honorable members will recollect that on occasions, when the question of the Crown taking up an invention and using it for military or other similar purposes has arisen, the inventor, in many cases, has been chary of disclosing his process to the Crown or its representative, on the ground that that would be regarded as a publication of the invention, and might render the invention *publici juris* to the extent of depriving the inventor of his rights. It will be enacted here, if the House agrees, that no publication of that kind shall have any effect injurious to the rights of a patentee, so that where it is impossible to judge of the value of an invention except by becoming acquainted with all its processes, this provision will secure the patentee from prejudice. Part VIII. provides for the appointment of patent attorneys; and this is in accordance with the recommendations of the Conference. It is provided that persons may be registered as patent attorneys on passing the prescribed examination. Any person registered as a patent attorney may be removed from the register; and no person who has been employed as an officer in the Patent Office shall be registered as a patent attorney until he has ceased to be an officer for at least twelve months. The reasons for the latter provision are obvious. Any person who proves that at the commencement of the Act he was *bonâ fide* practising as a patent agent in any part of the Commonwealth, and had been so practising for six months prior to such commencement, may be registered without passing the prescribed examination. There is a penalty, which may be as high as £100, for a person describing himself as a patent attorney, unless he is registered or

entitled to practise as a patent attorney under the Act. I think that it should extend to his practising or acting as a patent attorney without having the right to do so, because obviously that would be imposing upon the confidence of the public. Parts IX. and X. contain the ordinary provisions with regard to regulations and fees. The remaining portion of the Bill to which I propose to call attention is the second schedule, which prescribes the fees to be collected. These amount to £13—£8 up to the sealing, and £5 for the renewal of a patent. At the present time, the fees amount to £5 in New South Wales, £9 in Victoria, £18 in Queensland, £8 in South Australia, £18 in Western Australia, and £38 in Tasmania. When a person wishes to patent his invention throughout Australia, he has to pay £96, whereas the fees for taking out a patent for the Commonwealth will be less than one-seventh of that sum.

Mr. WILKINSON.—That is for purely official fees?

Sir EDMUND BARTON.—I am not now referring to the payment of fees to agents or for drawings, but I shall be making a liberal allowance if I say that, in addition to the official fees, the applicant will have to pay £7 in fees for documents and drawings, bringing the total fees for a Commonwealth patent up to £20. Under the present system we may fairly allow £4 for fees in each State for a like purpose, making an addition of £24 to the £96 for official fees. That would bring the entire cost of getting a patent for the Commonwealth to perhaps £20, as against £120 to secure like rights for all the States under the present system.

Mr. ISAACS.—Only £8 have to be paid in the first instance, and £5 at the expiration of seven years, when a renewal of the patent is applied for.

Sir EDMUND BARTON.—Not more than from £12 to £15 would be payable for seven years, counting the fees to agents and fees for documents and drawings. In any event, the total cost, including agents' charges, would be probably £20 under the system we propose, whereas it is not less than £120 under the present system. I cannot put that more strongly than by quoting from a memorandum of the Board of Trade—it was presented to the Premier's Conference last year—certain figures as to patents issued in recent years for the six Australian

colonies. In the years set out the six Australian colonies issued patents at the rate of 2,600 a year. If I assume that under the new system only 1,000 patents a year will be issued, that will be more than a liberal allowance for the duplication of patents under the old system. Taking the saving on each patent at about £100, the total saving to the inventive persons in the Commonwealth will be about £100,000 a year. That argument alone should be strong enough to induce honorable members to give their attention to this Bill.

Mr. WILKINSON.—It is a striking illustration of the benefits of Federation.

Sir EDMUND BARTON.—Yes. It is a striking illustration of the benefits of Federation. It is in directions such as these, which are of a practical nature, that the advantage of Union will most commend itself to, and must evoke the thanks of, the community.

Mr. ISAACS.—In addition to that many law suits have gone on in the different States with varying results.

Sir EDMUND BARTON.—The honorable member is quite right. In the different States there have been law suits respecting different patents, but involving the same principle of law, and varying decisions have been given. That, of course, will be obviated under the new system. Having, in the absence of my honorable and learned colleague, the Attorney-General, who was to have conducted the Bill through the Chamber, gone through its main provisions, I do not think that I need detain honorable members any longer than to say that it is fairly drawn, and provides for a good workable law under modern principles and methods. It may, therefore, be fairly commended to the judgment of the House, and I shall consider it an honour to this Parliament and the Government if, before we part, it is placed on the statute-book.

Mr. WILKINSON (Moreton).—I have not the least intention of making a second-reading speech.

Mr. TUDOR.—Move the adjournment of the debate.

Mr. WILKINSON.—I do not think it would be justifiable to take that course at this stage in the history of the Parliament. I think that what the Prime Minister has told us to-night would justify us in agreeing to the second reading of the Bill and discussing its provisions in Committee.

Sir EDMUND BARTON.—I promised one or two honorable members that I would not press for the second reading of the Bill to-night, and they went away on the understanding that they would have an opportunity to speak next week on the main question.

Mr. WILKINSON.—If any honorable members have left with that understanding, I should like to move the adjournment of the debate.

Mr. SPEAKER.—Strictly speaking, an honorable member cannot move the adjournment of the debate after he has spoken to the main question, but, in the circumstances, I shall put the motion.

Debate (on motion by Mr. WILKINSON) adjourned.

### SPECIAL ADJOURNMENT.

Sir EDMUND BARTON (Hunter—Minister for External Affairs).—I understand that it is the desire of honorable members, especially of a great many who have left Melbourne, that the House, at its rising to-day, shall adjourn till Tuesday next. The House has made very good progress this week on the Estimates and otherwise, and Ministers do not begrudge honorable members an adjournment over to-morrow. I move—

That the House, at its rising, adjourn until Tuesday next.

Question so resolved in the affirmative.

House adjourned at 10.43 p.m.

## Senate.

*Tuesday, 22 September, 1903.*

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### PETITIONS.

Senator GLASSEY presented a petition from the Hope of Normanton Lodge No. 17, I.O.G.T., Queensland, praying the Senate to prohibit the introduction, sale, and manufacture of intoxicating liquors in British New Guinea.

Senator STEWART presented a similar petition from twelve electors of Queensland. Petitions received.

### HIGH COURT.

Senator HIGGS.—I desire to ask the Minister for Defence, without notice, whether he is in a position to make a statement with regard to the appointment of the Justices who will constitute the High Court?

Senator DRAKE.—I must ask the honorable Senator to give notice of the question.

### POST OFFICE EMPLOYÉS : OVERTIME.

Senator GLASSEY.—I desire to ask the Minister for Defence, without notice, if he is aware that the officers in the mail branch of the Post and Telegraph Service of Queensland have not received that portion of their earnings known as mail money, overtime, and Sunday pay since 30th June last, and, if so, will he take such steps as will enable the officers to draw all moneys due to them, and to get prompt payment of their full earnings regularly in future?

Senator DRAKE.—My honorable colleague, the Postmaster-General, informs me that he has this and similar matters under consideration, and that he is preparing a precis for submission to the Cabinet, with a view of inquiring into the grievances, and if they are shown to be well founded, endeavouring to remedy them.

Senator Lt.-Col. NEILD asked the Minister for Defence, *upon notice*—

1. Referring to the answer given to Senator Neild on the 29th July :—Is it a fact that sums paid to sorters and letter carriers in the Sydney General Post Office, for overtime and Sunday work up to the 30th June, have been charged back to the said officials, and deducted from their monthly salaries?

2. Will the Postmaster-General take immediate steps to have such deductions refunded?

Senator DRAKE.—The answers to the honorable senator's questions are as follow :—

1 and 2. Overtime paid to ten sorters to the 30th June without authority was deducted from monthly salaries, but subsequently repaid when authority to pay for the overtime was obtained.

### ELECTORAL DIVISIONS BILL.

Royal Assent reported.

### PAPERS.

Senator DRAKE laid on the table the following papers :—

Public Service Act : repeal of regulation 220, and substitution of new one.

Military Forces : regulations re clothing and corps contingent allowance, military clothing, &c.



## PACIFIC CABLE CONFERENCE.

Senator HIGGS asked the Minister for Defence, *upon notice*—

Is there any truth in the following paragraph, which appeared in the *Argus* of 11th September:—

“Ministers are in communication with Mr. Chamberlain upon the matter, with a view to avoiding the necessity of holding a conference. If in the end they had to agree to meet delegates from the other Governments interested in the Pacific route, it is understood that they would insist upon the conference being held in Melbourne?”

Senator DRAKE.—The answer to the honorable senator's question is as follows:—

It is true that a communication was sent to Mr. Chamberlain, to which he has replied. It is not a fact that any place of meeting has been suggested in the event of a conference being held.

## MILITARY ANNUITIES.

Senator Lt.-Col. NEILD asked the Minister for Defence, *upon notice*—

Referring to the reply given to Senator Neild on the 22nd July last:—Has any decision been come to in relation to Long Service Military annuities?

Senator DRAKE.—The answer to the honorable senator's question is as follows:—

Yes; the annuities conferred under regulations prior to transfer will continue to be paid in accordance with the conditions of those regulations.

## SUPPLY BILL (No. 3).

Bill received from the House of Representatives.

Motion (by Senator DRAKE) proposed—

That the Bill be now read a first time.

The PRESIDENT.—I would remind honorable senators that under the new Standing Orders, the first reading of this Bill can be debated, and that the discussion need not be relevant to the subject-matter of the Bill. Of course the question of the second reading can be debated, but the discussion must be relevant to the subject-matter of the Bill.

Senator DRAKE (Queensland—Minister for Defence).—I do not desire to have a debate on the Bill at the present time.

The PRESIDENT.—I thought it was my duty to call the attention of honorable senators to the provisions of the Standing Orders.

Motion, by leave, withdrawn.

Ordered (on motion by Senator DRAKE)—

That the first reading of the Bill stand an order of the day for to-morrow.

## FEDERAL CAPITAL SITE.

Senator DRAKE (Queensland—Minister for Defence).—I rise to move the motion standing in my name—

Senator HIGGS.—I desire to ask the Minister for Defence, before he begins his speech, whether he does not think it advisable that we should consider this motion in Committee.

The PRESIDENT.—It is irregular for an honorable senator to ask a question now. The Minister is entitled to address the Senate.

Senator DRAKE.—I think it would be as well to take the discussion in the Senate.

The PRESIDENT.—The honorable senator is entitled to proceed.

Senator DRAKE.—I propose to proceed with my speech.

Senator HIGGS.—We shall have to move an amendment.

Senator DRAKE.—In any case it is desirable that I shall open the discussion in the Senate; and if afterwards it should be considered advisable to go into Committee, that will be a question for the Senate to determine.

The PRESIDENT.—No. If a debate is initiated in the Senate it cannot be finished in Committee.

Senator Lt.-Col. GOULD.—Would it not be competent, sir, for a senator to move an amendment that the Senate should go into Committee to consider the motion in detail?

The PRESIDENT.—No.

Senator DRAKE.—That course has been taken.

The PRESIDENT.—Yes; but I pointed out that it was irregular and objectionable to have one half of the debate on a question in the Senate and the other half in Committee.

Senator Lt.-Col. GOULD.—But that would apply to a Bill.

The PRESIDENT.—No. The debate on the second reading of a Bill takes place in the Senate, and its details are discussed in the Committee. This motion was given notice of for discussion in the Senate, and if the Minister for Defence makes his speech in the Senate it will not be in accordance with the Standing Orders for the Senate to then go into Committee upon it. If any honorable senator wished to have the motion considered in Committee he ought to have given notice of an amendment. The Minister for Defence is in possession of the Chair, and entitled to proceed.

Senator Lt.-Col. GOULD.—Would it not be in order, after the motion has been moved, for an honorable senator to propose that it should be considered in detail in Committee?

The PRESIDENT.—No.

Senator Lt.-Col. GOULD.—In that case the Senate is powerless to interfere with the decision arrived at by one honorable senator. A Minister may say—"I propose to debate this question in the Senate. If the rest of the senators are anxious to have the discussion in Committee, I shall not consent to that course." I submit that it is irregular for any senator to bring forward his business in such a manner as to stifle the method of discussion which is frequently adopted when a complicated question has to be considered. While it is perfectly true that the debate on the main principles of a Bill is taken in the Senate, still in Committee each clause is open to the fullest discussion. I submit, sir, that it would be in order to allow honorable senators an opportunity of discussing each one of the nine proposed resolutions embodied in this motion. It might be that the Senate would be in favour of the first, second, and third of the proposed resolutions, but opposed to the fourth and fifth.

Senator BEST.—It could be split up in the Senate.

Senator Lt.-Col. GOULD.—If one honorable senator should move the omission or the amendment of the second of the proposed resolutions, and another senator wished to amend the third, fifth, and sixth, we should get into an interminable entanglement. While I recognise, sir, that your desire is to preserve the good order of debate, at the same time I submit that it is no part of your duty to take a course of action unless it is strictly supported by Standing Orders, which might have a tendency to stifle full discussion. We recognise that it is your duty to protect the rights of every senator, and to see that no senator is allowed to suffer an injustice. I suggest, sir, that it would be much more convenient to permit of an amendment to this motion being moved, so that all the sections might be considered in detail in Committee.

Senator PULSFORD.—I wish to support the remarks of Senator Gould. It appears to me that the first portion of the motion contains the principle of the whole matter, and that if that principle were discussed

and decided in Committee we could then proceed to deal with the details. In that way we should be doing our work in a proper manner. I do not see how we can consider the motion in the Senate without getting into a great tangle, and I think it probable that we should not achieve the result which we all seek.

The PRESIDENT.—Before the discussion is continued, and without giving a definite ruling, I wish to say a few words. All I have said is that it is not competent for one half of the discussion to take place in the Senate and the other half in Committee. Probably honorable senators have forgotten that, under the new Standing Orders, fifty or 100 amendments can be moved to a series of proposed resolutions such as are embodied in this motion, and that a senator can speak to each amendment. In these circumstances I cannot see very much difference between a discussion in Committee and a discussion in the Senate. Senator Dobson has given notice of his intention to move an amendment to the motion. If it is negatived any senator can move an amendment to the motion after the initial word "that." Every proposition in the motion can be discussed; an amendment can be moved to every proposition; and every senator can speak to each amendment. What has been suggested has been done on a previous occasion, but I pointed out at the time that it was irregular and improper, and not in order. There were peculiar circumstances in that case.

Senator BEST.—The Minister must move the motion before an amendment can be moved.

The PRESIDENT.—Yes; I do not see how we can have one half of the discussion in the Senate and the other half in Committee.

Senator Lt.-Col. NEILD.—I submit a suggestion which I think will meet the convenience of the Minister, and will also suit Senator Higgs and those who desire to go into Committee. The Minister desires to make a speech in the Senate. Suppose that the honorable and learned senator, instead of submitting this motion, moves the Senate into Committee to consider it. He could then make his speech in the Senate in support of going into Committee to consider the motion. That would enable him to traverse the whole ground. Thus the course would be clear for those

who desire the motion to be considered in Committee.

Senator DRAKE.—I may be able to shorten this discussion by saying that I have no objection whatever to the whole matter being debated in Committee. I think that it would be decidedly better for me to speak first. My reason for hesitating was that it appears that when we go into Committee, if we strictly comply with the Standing Orders, we shall be tied down to speaking to the first of the proposed resolutions. But it may make very little difference in this case, because the first contains the whole principle. Probably honorable senators could make what could be called second-reading speeches upon that proposed resolution. In some cases it might be decidedly inconvenient to go into Committee, and be prevented from speaking on the whole question. However, I do not think that difficulty will arise in the present case. I move—

That the Senate resolve itself into a Committee of the Whole for the purpose of considering the following proposed resolutions :—

1. That, with a view of facilitating the performance of the obligations imposed on Parliament by Section 125 of the Constitution, it is expedient that a conference take place between the two Houses of the Parliament to consider the selection of a seat of government of the Commonwealth.

2. That this Senate approves of such conference being held on a day to be fixed by Mr. President and Mr. Speaker, and that it consist of all the members of both Houses.

3. That at such conference an exhaustive ballot be taken to ascertain which of the sites reported on by the Royal Commission on Sites for the Seat of Government of the Commonwealth appointed by the Governor-General, on the 14th day of January, 1903, is in the opinion of the members of the Parliament the most suitable for the establishment of such seat of Government.

4. That Mr. President be empowered, in conjunction with Mr. Speaker, to draw up regulations for the conduct of such conference and for the taking of such exhaustive ballot.

5. That the name of the site which receives an absolute majority of the votes cast at such conference be reported to the Senate by Mr. President.

6. That it is expedient that a Bill be introduced after such report has been made to the Senate, to determine, as the seat of government of the Commonwealth, the site so reported to the Senate.

7. That the passage of the last preceding resolution be an instruction for the preparation and introduction of the necessary measure; and that leave be hereby given for that purpose.

8. That so much of the Standing Orders of the Senate be suspended as would prevent the adoption or carrying into effect of any of the above resolutions.

9. That these resolutions be communicated to the House of Representatives by message requesting its concurrence therein.

Question resolved in the affirmative.

In Committee :

The CHAIRMAN.—Now that the motion is to be considered in Committee the proposed resolutions will be put *seriatim*, and I shall allow what may be called second-reading speeches to be made on the first of them. The first having been carried, of course honorable senators will be confined to the subject-matter of the question before the Committee.

Senator DRAKE.—I move—

That, with a view of facilitating the performance of the obligations imposed on Parliament by section 125 of the Constitution, it is expedient that a Conference take place between the two Houses of the Parliament to consider the selection of a seat of government of the Commonwealth.

In submitting the first of these proposed resolutions to the Senate I point out that we are now taking another step, and a very important step, towards the completion of the Federation which was inaugurated in January, 1901. The importance of the subject will, I think, be apparent to all honorable senators. Various matters that have engaged the attention of the Senate up to the present in connexion with Federation have been in the direction of assisting to complete the work that was commenced when the Commonwealth was formally established in January, 1901. It is proposed by means of this motion to take the important step of deciding upon where the seat of the Federal Government shall in future be located. In this matter we really have no precedent that can serve us as a safe guide. We have the instances of two Federations—the Federation of the United States, and the Federation of Canada; but in each of those instances the history of the choice of the capital site will serve, I think, rather more as a warning than as an example. Especially is that so in the case of the United States, where, as honorable senators are aware, the matter was in issue for a very great number of years; where rather more than twenty sites were offered to the United States Government; and where other considerations than those of suitability had weight in determining the adoption of one site or another. Those who have read the biography of Alexander Hamilton, or the book *The Cong*

which is founded upon his life, will be aware that eventually the fixing of the capital was decided as a sort of make-bait in connexion with the discussion of financial proposals which had been introduced by Mr. Alexander Hamilton. In order to obtain the support of the great democratic leader, Jefferson in connexion with his financial proposals, he agreed to help him in connexion with the location of the Federal Capital. I think we must all desire very earnestly that nothing of that sort should arise in the history of this young Commonwealth. In deciding the matter of the Federal Capital, we have always to bear in mind the form of Government under which we are existing. We have to recollect that it is a Federation of six States, politically equal. It follows, I think necessarily, that it is exceedingly desirable—almost essential, I might say—that the capital of the Federation should not be in the capital of any one of the States. That was seen clearly by the framers of the Constitution, and by leading public men interested in Federation, who were looking ahead, from a period many years anterior to the framing of the Constitution. It was seen that it was necessary that the capital of the Federation should not be in the capital of any one of the States, but that it should be in territory which should belong to the Commonwealth, and be neutral so far as all the States were concerned. Again, the Constitution, as it was finally adopted by the Melbourne Convention on the 16th March, 1898, contained a provision with regard to the capital site. It was clause 124, and it read as follows:—

The seat of government of the Commonwealth shall be determined by the Parliament, and shall be within territory vested in the Commonwealth. Until such determination, the Parliament shall be summoned to meet at such places within the Commonwealth as a majority of the Governors of the States, or, in the event of an equal division of opinion amongst the Governors, as the Governor-General shall direct.

It will be remembered that the Constitution containing that provision was submitted to the people. In the State of New South Wales, the law provided that a certain minimum affirmative vote should be necessary. The Constitution was rejected by the people of that State. Subsequently, in January of 1899, the Premiers of the various colonies met in conference, and amongst other things they reconsidered

that particular clause. I will not refer to the details of the discussion which took place in connexion with the framing of the original clause of the Constitution, because probably most honorable senators have seen it. The representatives of the various States moved that the capital should be in their particular territories, but in each case those proposals were set aside. All attempts of the kind were defeated. At the subsequent meeting of Premiers, in January, 1899, the matter was reconsidered, and, in place of the clause which I have quoted, the following section was inserted. Honorable senators will notice as I read it the change that was made from the clause of the Constitution that had not found favour with the people of New South Wales. The new section, No. 125, reads as follows:—

The seat of government of the Commonwealth shall be determined by the Parliament and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and, if New South Wales be an original State, shall be in that State, and be distant not less than 100 miles from Sydney.

Such territory shall contain an area of not less than 100 square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.

The Parliament shall sit at Melbourne until it meet at the seat of Government.

That was the form in which the Constitution was submitted to the people of the various States at dates from June, 1899, to September, 1899, and in that form the Constitution was accepted by the people of the whole of the States of Australia. That is the point from which I think we have to start in dealing with this important matter of selecting the site of the Federal capital. The Government have been charged with delay in not having brought the subject to the present stage earlier. We have also been charged with undue haste—with endeavouring to rush the matter. I apprehend that we may take those conflicting charges as evidence that we have steered the proper safe course, and have proceeded in this business with all expedition.

Senator PEARCE.—With expeditious caution.

Senator DRAKE.—With expeditious caution—I think the honorable senator for that phrase. I think that if we had hastened more than we have done we should have been in danger of not giving sufficient

time to insure an absolutely wise choice. What is necessary is to give all the time that should be given, and to see that all the means that could be employed are employed to insure that Parliament, before giving a decision upon this most momentous question, shall have before it all the evidence that it is possible to obtain without causing unnecessary delay. It will be remembered that the last referendum was taken on the 2nd September, 1899, and in November of that year Mr. Alexander Oliver, the President of the Land Court of New South Wales, was appointed for the purpose of inquiring and reporting upon the suitability of sites. That gentleman proceeded to report upon the various sites that had been pointed out, and recommended within what has been called the favoured area—that is to say, the whole of New South Wales, excluding the 100-miles radius from Sydney. His report was laid upon the table of the Legislative Assembly of New South Wales on the 30th October, 1900. I may mention also that that report was circulated amongst all the members of the Federal Parliament as soon as it was ready. In June, 1901, steps were taken with a view of enabling members of this Parliament, who desired to visit the suggested sites, an opportunity of seeing them. In January, 1902, a number of the members of the Senate went on a long tour through New South Wales, visiting most of the sites that had been reported upon by Mr. Oliver. At the same time a correspondence was proceeding between the Prime Minister and the Premier of New South Wales with regard to the action that should be taken by the Government of that State in connexion with the territory which might eventually be chosen for the purpose. This correspondence, which is somewhat voluminous, and which has been printed and circulated amongst honorable members, started on the 13th April, 1901, when the Premier of New South Wales was asked whether the Government of that State was—

Prepared to offer to the Commonwealth under the provisions of the Commonwealth of Australia Constitution Act any sites for the Federal district or territory within which the capital of the Commonwealth is to be situated.

It was intimated that the Federal Government desired—

To consider offers of tracts of larger area than the minimum prescribed.

And it was also suggested that the Government of New South Wales should reserve

Crown lands within the areas offered. In reply to that letter the Premier of New South Wales stated that steps had been taken to reserve all Crown lands within three of the areas referred to, and asking whether there were any other sites, with regard to which the Prime Minister would desire that similar action should be taken. The course of the correspondence shows that other places were indicated as sites that might probably be chosen, and the Government of New South Wales took similar action with regard to those sites, in reserving lands within reasonable distance of the areas. The next thing done by the Government, in addition to carrying on that correspondence, was the appointment of a Commission of Experts. They were appointed at the end of 1902. The commission consisted of Mr. John Kirkpatrick, Mr. A. W. Howitt, Mr. Henry C. Stanley, and Mr. Graham Stewart. They were requested to report on certain sites that had been named by the Federal Parliament. Parliament first of all, by resolution, indicated particular sites, including nearly all those which had been reported on by Mr. Oliver, and asked the Commission of Experts to examine into them. Eight sites were named. The commission were empowered to take evidence, and to report upon the sites with regard to the following particulars. I quote this to show how very searching was the inquiry that was committed to these gentlemen.

Senator DOBSON.—Is not the honorable and learned senator going to refer to Mr. Oliver's report?

Senator DRAKE.—I have already referred to it.

Senator DOBSON.—Is that all the honorable and learned senator is going to say about it?

Senator DRAKE.—Does the honorable and learned senator expect me to read the whole of Mr. Oliver's report? I have read for my own information all those parts of it which appeared to me to have anything to do with this inquiry. But honorable senators have had copies of the report and of the other reports to which I am going to refer. We have had since the presentation of Mr. Oliver's report the report of the Commission of Experts who were required to report upon the proposed sites in regard to the following particulars:—1. Accessibility; 2. Means of communication; 3. Climate; 4. Topography; 5. Watersupply; 6. Drainage;

7. Soil; 8. Building material; 9. Fuel; 10. General suitability of site; 11. Cost of acquirement; 12. Any other matters considered material to the settlement of the question.

Senator DAWSON.—Broad enough surely.

Senator DRAKE.—Broad enough surely. Those gentlemen took a considerable time in making their inquiries. They called evidence with regard to the questions enumerated, and the report itself dated 16th July, 1903, has been placed in the hands of honorable senators. There, again, is more evidence which has been collected and laid before Parliament with a view of enabling us to arrive at a wise decision. Honorable senators have received what is called a short review by Mr. Oliver of the report of the Commission of Experts, a review which was laid on the table of the Legislative Assembly of New South Wales on the 20th August, 1903. There is another report by the Commission of Experts, dated 4th August, 1903, on an additional site submitted to them subsequently to the presentation of the report on the eight sites to which I have referred. It will be seen that the Government have been in correspondence with the Government of New South Wales in regard to the probable action of the latter in connexion with any site which may find favour with the Commonwealth Parliament, and along with Mr. Oliver's report on a number of sites, we have the report of the Commission of Experts. Then we have the advantage—I presume it is an advantage—of the information that honorable senators and members of the House of Representatives have been able to glean by a visit to the localities. In addition, honorable senators have had supplied to them a great deal of information with regard to nearly every site. That information has been compiled—no doubt with great care—and circulated at the expense of persons who may be interested in particular sites. Of course, that evidence may be considered as rather tainted with partiality, seeing that it has been distributed for the purpose of inducing favourable consideration to be given to particular sites; but, still, it is information which, I dare say, honorable senators will not be inclined to altogether despise. It is very desirable that there should be no undue delay in deciding the question. We must all, I think, agree that vested interests ought not to be allowed to rise in connexion with any particular site,

and thus prevent Parliament from having an absolutely free hand.

Senator DAWSON.—Vested interests are the most deadly influence with which we shall have to contend.

Senator DRAKE.—It was with the object of preventing the creation of vested interests that the Government communicated with the Government of New South Wales, asking the latter to reserve lands within any reasonable distance of areas which might possibly be selected. In spite of those efforts, however, we cannot fail to see the possibility of speculations in land within a certain distance of particular sites.

Senator O'KEEFE.—I think speculation has commenced already.

Senator DRAKE.—That may be so; and the further speculation is allowed to proceed, the greater will be the difficulty of choosing the site, and the greater the probability of the selected site not being the most suitable. All the arguments which have been advanced, as to the undesirability of choosing a site now, have been used before in connexion with other Federations. In the United States, when it was proposed to fix the capital on a portion of Maryland, near the Potomac River, the site was described as a howling malarial wilderness.

Senator PEARCE.—Those words have quite a familiar sound.

Senator DRAKE.—Nearly every place mentioned as a possible site for the capital of the Commonwealth has been described in similar terms of opprobrium. We may be fairly well assured, however, that after the exhaustive inquiries which have been made by Mr. Oliver, by the Commission of Experts, and by honorable senators, and members of the House of Representatives, there is not the slightest possibility of any more suitable sites having escaped notice. By a process of selection the number of sites has been gradually reduced, and we may be quite satisfied that the place which will be chosen will be one of the sites examined and reported on. Therefore I cannot see that any possible gain will result from further delay. I do not think it is necessary for me to raise the question of the necessary expenditure in connexion with the ultimate settlement on a site in the territory to be granted by the Government of New South Wales, and accepted by the Commonwealth. That question clearly does not arise now. Whether the expenditure be great or little, the necessity

for fixing the site remains; and all the arguments which appear to have any weight tend to show the desirability of the question being determined with as little delay as possible.

Senator DAWSON.—That is admitted; but what we want to know is the reason for the proposed method of selection.

Senator DRAKE.—That is exactly what I am coming to. If we are all agreed that there should be no delay, and that there has been a thorough examination of the areas in which the site of the Federal capital must be—that we have before us all the evidence that can be obtained up to the present—the question is, how the choice of Parliament is to be made. The Constitution provides that the seat of the Government of the Commonwealth shall be determined by Parliament. How are we to get a determination from the Parliament, consisting of the two Houses? The motion proposes, in the first place, that there shall be a Conference between the two Houses. That is to say, before a Bill is brought in to indicate the choice of a particular site by Parliament, the members of both Houses shall meet in Conference in order that they may gain any information required, and thus supplement the evidence already obtained in the ways I have indicated.

Senator DAWSON.—Does the Minister for Defence think that the report of the Commission of Experts is incomplete?

Senator DRAKE.—Everything is incomplete—there is nothing perfect in this world. We might go on for a hundred years discussing different sites for a capital, and at the end of that time somebody would jump up and ask for some more information. Mr. Oliver seems to have gone very fully into the matter in his report, and the Commission of Experts went even more fully into details with regard to the particular sites referred to them. Considering the time available since January, 1901, the evidence obtained is reasonably complete—not absolutely complete, but reasonably full. If members of Parliament agree to a Conference, they will be able to obtain any more information that may be desired; and inasmuch as, in order to effect anything the two Houses must ultimately come to be of one mind, it is much better that there should be an opportunity first of all in a joint sitting to hear all that can be urged by members of either House in favour of particular sites.

Senator MATHESON.—Why cannot the information be got from *Hansard*?

Senator DRAKE.—*Hansard* is not published before, but after, the proceedings.

Senator PEARCE.—Besides, we cannot quote *Hansard* of the same session.

Senator DRAKE.—I am speaking of the probable proceedings at the joint Conference. Each member who is interested in any particular site favoured by his constituency, will have an opportunity of presenting his case in full. If any further evidence is needed it can be obtained, and members of both Houses will have the great advantage of considering the question fully before they pledge themselves in regard to any particular site. Honorable senators will see from the series of motions that, after the Conference, the proposals for the adoption of a site will have to take the form of a measure to be introduced by the Government and carried through both Houses.

Senator MATHESON.—Would the Senate commit itself at the Conference?

Senator DRAKE.—Certainly not. How can the Senate commit itself? Members of the Senate and the House of Representatives will sit to hear all the evidence that can be produced with regard to any site, and express a collective opinion. Honorable senators who attach importance to the evidence laid before them by Mr Oliver and by the Commission of Experts, will probably attach some weight to the opinion expressed by the members of both Houses collectively. I know that I should do so myself. I should not accept that expression of opinion as in any way binding on me, or on any other member of the Senate, but I should certainly have some respect for it as the collective opinion of the members of both Houses.

Senator DAWSON.—There will be a moral obligation.

Senator DRAKE.—The two Houses will be in a much better position to come to an agreement by discussing the matter fully and freely beforehand, than they would occupy if the Conference were held after each House had been debating the matter separately, and after, perhaps, members had committed themselves to very strong expressions of opinion in favour of some particular site.

Senator PEARCE.—Both Houses would have committed themselves.

Senator DRAKE.—I mean that each House may have committed itself to a particular

site, and, knowing human nature, we can see the probability that at the Conference there would perhaps be a tendency to unduly press the claims of the particular sites favoured. On the part of those who desire that we should in the interests of Australia at large come to a decision, there cannot be the slightest doubt that it is better for us to discuss this matter with our fellow members before we are in any way pledged, and when we have an open mind. I trust, therefore, that the proposal which I submit, will be assented to. If we adopt the method proposed I see no difficulty in the way of our being able to agree on the site this session. I do not propose at this stage—nor indeed at all, because I do not think it desirable—to discuss this question in connexion with any legal difficulties which may arise. We know that, in regard to a portion of section 125 of the Constitution, it has been pointed out that there are certain expressions which may perhaps raise Constitutional questions; but I do not think that we need discuss these now. We know at the present time, from the correspondence which has taken place between the Commonwealth and the Government of New South Wales, that fortunately the latter are most friendly disposed in this matter. We have every reason to believe that not only will no difficulties be thrown in the way by the Government of New South Wales, but that, as soon as the Commonwealth Parliament indicates its choice, the State Government will do all they possibly can to carry out the purpose of the Constitution. I regard this as a particularly propitious time to settle the question, seeing that the Government of New South Wales are fully in accord with the Government of the Commonwealth. Delays are proverbially dangerous, and delay in this matter may involve us in difficulties similar to those met with in the United States and in Canada.

Senator PLAYFORD.—The Canadian Government were involved in no difficulty, because Queen Victoria chose the site at Ottawa.

Senator DRAKE.—No doubt Queen Victoria chose the Canadian capital, but there was great difficulty when Upper Canada and Lower Canada were first united in 1840. The Federal Parliament sat in Kingston for a short time, but were not satisfied; subsequently Parliament sat, first in one place and then another, but that

arrangement was equally unsatisfactory, and the difficulty was not got over until the Federation of 1867, when the expedient was adopted of asking the Queen to choose the site. However, there are no difficulties in our way at the present time of carrying out the provisions of the Constitution, and I trust that honorable senators, after duly considering the matter, will agree to the motion, and leave the way free for the Conference proposed by the Government.

Senator Sir RICHARD BAKER (South Australia).—It seems to me that the speech of the Minister for Defence has not touched, or, at any rate, has touched only very lightly on the main issue. Under the Constitution we have to choose a site, which must be in New South Wales, and, in my opinion, it does not now concern us very much by what methods the people of Australia arrived at that conclusion. In my opinion we need not at the present moment concern ourselves, to any very great extent at all events, with the reports of the experts. What we have to consider now is whether the method by which we are asked to arrive at a conclusion as to what should be the site of the Federal capital, is or is not a good method. The Constitution provides for a bi-cameral Legislature. There are to be two Houses of Legislature, and these two Houses are to sit separately, except in the case provided for in section 57. In that section it is enacted that, under certain peculiar circumstances, when there is a crisis—when both Houses have been dissolved—the methods prescribed by that section shall be adopted, and the two Houses shall sit together. Does not that section by implication enact that the two Houses are not to sit together under other circumstances? If, on this question of the Federal capital, we are to have a Conference consisting of the two Houses sitting together, why should we not have similar conferences on other questions—on every matter which arises? I know that this method of procedure will get the Government out of a difficulty. I am always anxious to help the Government, and would very gladly get them out of a difficulty if I could come to the conclusion that this procedure would commence and end with the choice of a site for the Federal Capital. But, having once initiated a practice of this nature, we must look ahead. I think that honorable senators should look ahead, and consider that, whenever such



a Conference took place, we should be outnumbered by the members of the House of Representatives. In standing order 330 it is laid down that at a conference the Senate shall be represented by as many members as the House of Representatives. That seems to me a principle which the Senate should uphold. I am very much afraid that the practice which it is desired to initiate would have a tendency to grow. Senator Dobson has given notice of an amendment in which he asks honorable senators to affirm—

That this Senate is not prepared to surrender its rights and privileges, and is unable to concur in the proposal to hold a joint Conference of the two Houses, on the ground that at such Conference the Senate would be deprived of some of the powers vested in it by the Constitution.

I do not think that the Senate is asked to surrender its rights and privileges or its power, because I understand that the object of the conference is to elicit an opinion from the individual members of both Houses, that when that opinion has been elicited neither House is to be bound by it, that the members are simply to be asked to sit together and to tell the Government what they think is the best site.

Senator HIGGS.—But if we are not morally bound, what is the use of going into the Conference?

Senator Sir RICHARD BAKER.—That is the point. If we are not morally bound, if the two Houses should after the Conference go its own sweet way and hold its individual opinion, I cannot see much good in the Conference. And if we are to be bound by the decision, I object to the Conference, because we should be sitting in an assembly in which we should have only one-half of the voting power of the other House, whereas, by the Constitution Act, the Parliament consists of two co-ordinate Houses, which should each sit in its own chamber and come to its own conclusion. At the same time, I do not think we are justified in putting on record that at such a Conference the Senate would be depriving itself of some of its powers. I look upon the Conference as a somewhat futile proceeding. It is a method of arriving at a certain conclusion which is not to bind anybody. Therefore, I do not think we are being deprived of our powers. If the procedure were to begin and end with the choice of the Federal capital, very much harm would not be done. What

I am afraid of is that, although it might begin there, it would not end there; that, concerning some other Bills or subject-matters, it would be argued that it would be convenient for the Houses to sit together, and relieve the Government of the responsibility which they ought to take in introducing measures.

Senator PEARCE.—It would never be done without the consent of both Houses.

Senator Sir RICHARD BAKER.—I would remind the honorable senator that once a precedent is established it always furnishes a strong argument for the continuance of a practice. The Senate may arrive at the conclusion, after due deliberation, that it ought to sit with the other House and determine matters, and, of course, the honorable senator is correct.

Senator DRAKE.—This would not be a determination.

Senator Sir RICHARD BAKER.—It would not be a determination, but some honorable senators would feel that they were under a moral obligation to vote for the site which was agreed on. I should not consider myself bound by the decision. As a matter of fact, the motions say that the Conference is only to give an instruction for the preparation of the necessary measure. If that is so, why should we have a Conference? I would make the suggestion to the Ministry, that each House should sit in its own Legislative Chamber, in its own legislative capacity, have an exhaustive ballot, and select the site which it thinks the most preferable. If the Houses came to the same conclusion, the matter would be settled and the Bill could be introduced.

Senator DRAKE.—If they did not?

Senator Sir RICHARD BAKER.—If they did not come to the same conclusion, why should not the Government introduce a Bill containing both the selected sites, and let the two Houses settle the matter in a proper constitutional manner. According to our practice and our Standing Orders, the proper time for a Conference is after it has been proved that the Houses cannot agree, and the other House has similar Standing Orders. I hope that the Committee will not agree to the new practice which the Government seek to initiate, not because, in this instance, very much harm would arise, but because it might lead to most undesirable results in the future.

Senator DOBSON (Tasmania).—It may save time if, after the useful remarks of Senator Baker, I at once move the amendment of which I have given notice, as it goes to the root of this matter. I move—

That all the words after the word "That," line 1, be left out, with a view to insert in lieu thereof the following words:—"this Senate is not prepared to surrender its rights and privileges, and is unable to concur in the proposal to hold a joint Conference of the two Houses, on the ground that at such Conference the Senate would be deprived of some of the powers vested in it by the Constitution."

I gave notice of this amendment, because I conceived that it was sought to bind the Senate to the decision at which the the Conference might arrive. Although Senator Baker and the Minister for Defence have said that we should not be committed to the decision, I take the same view as some honorable senators on my right—that in honour we should be bound to vote for the Bill when it came up, whether the site selected were Tumut or Bombala. I should not consider that I would be doing my duty if, at the conference, I voted for Tumut, and a week later, in the Senate, voted for Bombala. It will be very unwise to depart from the usual parliamentary practice. When a Bill is introduced in the other House we get the benefit of the exhaustive discussion in that House, the benefit of the criticisms of, and the letters in, the press. Our attention is focussed on the Bill. We have plenty of time in which to make up our minds. We hear arguments which, perhaps, we were at first opposed to. After a reasonable time the Bill comes before the Senate and another exhaustive discussion takes place. I shall illustrate my remarks by a reference to the Defence Bill. Two years ago it was initiated in the other House, and a most lengthy discussion took place on the second reading. Its provisions were criticised within as well as without the House, and the Bill was dropped. During the recess we had more reports, more suggestions, more criticisms. In the present session the Bill was introduced in the other House; it was submitted to exhaustive discussion and criticism, and finally it was forwarded to the Senate, where it has yet to receive the finishing touches. That method of procedure gives time for thought. It puts the Senate in its proper position as the chamber of review—as the second thought of the Commonwealth. It gives time for the formation of opinions.

There is no undue haste, nor can it be said that there is unnecessary delay. If we agree to this motion we shall abandon that procedure, which, I think, is very advantageous, especially where there is room for one or more opinions on the question at issue. My first point is that the Parliament is required by the Constitution to select the site. In this case we must take the ordinary acceptance of the term "Parliament." The Constitution does not give us the right to decide this matter at a Conference. It says that it shall be decided in the ordinary way, and that is, that the Government shall take their proper responsibility and bring in a Bill to establish the seat of government. I am reminded of what takes place when a Speaker or a President has to be chosen. The members of the House meet informally, and certain names are submitted and balloted for. Although the result of the ballot is not binding legally, still it is regarded as binding in honour. Suppose that at a Conference a site were chosen by a majority of votes, I take it that we should be practically bound to vote for that site when the Bill came up. I object to a Conference, because it is asking the Senate to give up its voting power. We have a voting power as regards States which is all important. I take it that no honorable senator was sent here to surrender that power. I often think that honorable senators grossly exaggerate the power of the Senate as an Upper Chamber. Except in one respect I can see little difference between the Senate and an ordinary Upper Chamber.

Senator MILLEN. — The honorable and learned senator has a lot to learn.

Senator DOBSON.—The great difference is that the smaller States have equal representation with the larger States in the Senate, and it is that right of equal representation which, I understand, they are asked to give up. With the House of Representatives comprised of seventy-five members and a Senate comprised of thirty-six members, we might have the seat of government selected by a majority of ten, and we might not have a majority of the Senate in favour of that site. For instance, we might have a majority of ten in favour of Tumut, and we might have a majority of the Senate in favour of, say, Bombala. If that is likely to be the result of an exhaustive ballot, I ask honorable senators how we can

consent to a Conference in which we should be outvoted?

Senator MILLEN.—If this is only an ordinary Legislative Council, it does not matter what we do.

Senator DOBSON.—The Senate is not an ordinary Legislative Council.

Senator MILLEN.—The honorable and learned senator said it was just now.

Senator DOBSON.—I said it was except in one important particular. My honorable friend seems to wish to make the Senate an ordinary Legislative Council by surrendering that very power which makes all the difference between the Senate and an ordinary Upper Chamber. I ask again—What is the good of a Conference if we are not to be bound by its decision? It would be useful to the Government, but it would be far better for the Government to accept their proper responsibility, for the members of the other House to fix upon a site and send up a Bill, and for the Senate, after a lengthy discussion, to perform its functions in a constitutional manner. I am afraid that my honorable friends opposite will say that I desire, by this amendment, to delay the settlement of the question. I earnestly and honestly desire to delay settlement, because, in spite of what I have heard to-day, I believe it would be to the interests of the Commonwealth to do so. I gave notice of an amendment, in which I pleaded for delay, but I do not propose to proceed with that amendment. If a majority of the Senate should be in favour of an immediate selection of a site, I shall go with them at once. I should not agree with their view, but I should not stand here and fight or stone-wall. If a majority of honorable senators say that, in the interests of the Commonwealth, this important matter is now ripe for discussion and decision, bearing in mind that that decision will be irrevocable, I shall bow to their will. The present amendment has nothing to do with my desire, in the interests of the public, to delay the selection of the site or the construction of the capital. My only wish is to put the Senate in its proper position and the Government in their proper position, and to secure that full consideration of this question which its importance deserves. Look at the amount of discussion which was aroused by the Judiciary Bill. In regard to a matter where the decision will be irrevocable, where more time instead of less time for its consideration is required, the Senate

is asked to adopt a course which will give less time to honorable senators for its consideration and less time to the public for the expression of their opinions. Is it right that this most momentous matter, as Senator Drake says, of choosing a capital should be dealt with in far less time than any simple Bill which has yet been introduced?

Senator MILLEN.—How less time, seeing that a simple Bill will follow?

Senator DOBSON.—My honorable friend will try to argue that a thing can be and cannot be at the same moment. I am arguing that this question will be decided at the Conference, and that the Bill will be passed through the Senate as a matter of form. I understand that the Government advise the Parliament to adopt this method of selecting a site. If the Conference is to mean merely a preliminary and unofficial talk let us understand it. But I do not believe that these draft resolutions can be read in that way. It is proposed that at this Conference the name of the site which absolutely receives the majority of votes shall be reported to the Senate; and that it is expedient that a Bill be introduced after such report has been made to the Senate to determine the site so reported. Can any one misunderstand that language? It is to be an instruction both to the Senate and to the Government. I cannot understand how honorable senators can argue that we shall not be bound—that we shall be at liberty to take the Bill that is introduced and negative it, or put it into the waste-paper basket. If we did so, would not the people say that we had been making fools of ourselves and playing with parliamentary business, by going into a Conference of this kind and making a selection, and then saying that we would not be bound by what was done? Is it to be supposed that, after the Conference had come to a decision, we should strike out the name agreed to and add a name of our own? Then, again, I should like to ask, what is the meaning of an exhaustive ballot? I think that the motions before the Senate, if they are agreed to—and I hope they will not be—ought to provide that there must be a majority of the members of both Houses of the Federal Parliament at the Conference in favour of a particular site. Do we want to come away from the Conference bound in honour—bound morally—though not bound legally; the other place having agreed, sav-

to Tumut by a majority of ten or eleven, whereas a majority of the Senate may be in favour of Bombala or Albury? Is that the way in which we are going to do our business? If we desire not to surrender our privileges by settling this matter more promptly than anything has ever been settled before by this Parliament, we are bound to add to the motion the further proposal that the selection of the seat of the Government must obtain a majority of the members of both Houses of the Legislature. Otherwise, we shall be doing a very wrong and foolish thing. Then I should like my honorable and learned friend, the Minister for Defence, to point out whether there is to be a secret ballot or not—whether the public are to be kept from knowing what takes place or not? It appears to me that it should not be a secret ballot. Everything should be done openly and in public. The more criticism we have the better. The more the public have an opportunity of expressing their opinions, and criticising and giving us the benefit of their knowledge concerning the proposed sites, the better. Then, again, is the capital site to have a port, or is it not?

Senator DAWSON.—That is another subject altogether.

Senator DOBSON.—I will reserve that point; but on behalf of Tasmania I do not feel myself to be at liberty to vote for this motion. I should feel myself to be a traitor to those who sent me here, and to the Constitution, if I concurred in the motion and gave up my voting power as a senator by agreeing to join in any general Conference with another place for the purpose of selecting the site of the capital of the Commonwealth.

Senator PEARCE (Western Australia).—I think that Senator Baker has rightly put the question—that what we should now discuss is the proposed method of selecting the Federal capital; and I propose to confine my few remarks entirely to that question. Senator Baker and Senator Dobson both seemed to say that if we agree to the holding of the proposed Conference we shall be giving up our rights as a Senate. I take it that that depends upon whether the Conference will result in a legislative act. Will it lead to a legislative act within the meaning of the Constitution? The Constitution only says that the Parliament shall do certain things, and that the two Houses shall sit in separate Chambers

in order to do these things—that is, in order to act in a legislative manner. But the proposed Conference would not pass any legislative act. It would not bind the other House to any course of action, nor would it bind the Senate, nor would it bind the Government.

Senator MCGREGOR.—Then what good is it?

Senator PEARCE.—I propose to show what is the good of the Conference, but I am speaking now as to the bogey which has been raised that we are giving up the rights of the Senate by passing this motion. I am one of those who believe in conserving those rights. I am not one of those who, like Senator Dobson, is ready to look upon the Senate as a House of review. The idea of the honorable and learned senator getting up to protect the rights of the Senate, and then saying that he looks upon the Senate merely as a House of review!

Senator DOBSON.—I did not say that.

Senator PEARCE.—The honorable and learned senator said that one of our functions is to be a House of review. But I contend that the Senate is a House in which we can and should initiate legislation.

Senator DOBSON.—Every one knows that.

Senator PEARCE.—The honorable and learned senator is prepared to place the Senate in the same position as a Legislative Council, and yet he accuses those who support this motion with being ready to give away the rights of the Senate. Whenever a question affecting the rights of the Senate does arise I am sure that those who are now supporting the Government will be ready to assert those rights and to see that they are conserved. Let me ask—What have the States to lose by this Conference? Is there any fear that the smaller States will suffer at the hands of the larger States because the Senate meets the House of Representatives in Conference? If it is a question of State rights, those honorable senators who say so, should be able to indicate some way in which they think the smaller States will suffer as the result of the Conference. As a representative of Western Australia I look at the question in this light. The site for the Federal Capital has to be chosen by both Houses of the Legislature. Before it can be chosen, the two Houses must be in agreement. What is the best way to bring about an agreement? That is the practical question with which we are faced. Will the best way be to introduce a Bill into the Senate or into

the House of Representatives containing the name of the proposed site? The result of that would be that the name that commended itself to one House might not commend itself to the other. We should then have the two Houses choosing two different sites. That would not tend to bring about an agreement. What possibility will there be of an agreement when both Houses have committed themselves to certain sites? We know that there is always a certain feeling between the two Houses of the Legislature, that one of them may have to give way to the other upon some important question. We know the feeling that arose in connexion with the Tariff. The other House then felt that it had to give way to the Senate. On a subsequent occasion, the Senate had to give way to the House of Representatives. There has always been an attempt on the part of one House to score off the other.

Senator DAWSON.—The Senate did not give way; the Senate considered that the dispute in question was not large enough to raise the issue involved.

Senator PEARCE.—This is a question which does not affect the smaller States as opposed to the larger ones. It is not a question which should afford a battle ground for a conflict between the two Houses. It is purely an Australian national question. It should be settled in such a way as not to permit one House to score off the other, but in accordance with the interests of the people of Australia. Senator Baker said that inferentially the Constitution provides that the two Houses shall not sit together except on certain contingencies happening. But that is so far as legislative action is concerned. The proposal is not that the two Houses should sit together to legislate. When such a proposal is made it will be time to urge that the Constitution does not give us the power to do so.

Senator HIGGS.—The honorable senator knows that the decision of the Conference will bind the Senate.

Senator PEARCE.—The leader of the Government, who is responsible for the motion now before us, has told us that the Government do not look upon the result of the Conference as one that will be binding upon this or upon the other House. What better assurance can we have than that? The Government do not expect the agreement to bind a single honorable senator.

The motion retains power for the Senate when it comes to deal with a legislative act to put in the Bill the name of any place it prefers. It is said that if the Conference is not binding it is of no use. I contend that it is better to have a Conference before a Bill is introduced. A Bill can then be introduced in the light of what is determined by the Conference.

Senator DAWSON.—How does the honorable senator know that both Houses would not agree about a site if a Bill were introduced?

Senator PEARCE.—I hope they would agree. In my opinion, only one site is "in it," and I hope that others will agree with my opinion. But whatever difference of opinion there may be as to the proposed sites, I entirely disagree with the view that the votes of the senators at the Conference would be swamped by the votes of the members of the House of Representatives. There will be a division of opinion amongst the members of the House of Representatives, just as there will be a difference of opinion amongst honorable senators. Those who think that the votes of the senators will be swamped overlook the fact that the same division of opinion as exists here exists there also. The proceedings of the Conference will be useful in paving the way to an agreement between the two Houses. It is because I wish to see this question settled, and recognise the urgency of carrying out the compact that was made between the people of New South Wales and the rest of the Commonwealth, that I desire to see the site fixed as early as possible. I can quite understand Senator Dobson's objection to the proposed Conference. He has made no secret, at least, since he left Bomabala, of his desire to postpone the settlement of the question until some indefinite time in the distant future. I can quite understand him seeing in these proposals a means of bringing the question to a climax.

Senator DOBSON.—Had not the honorable senator better discuss the motion on its merits

Senator PEARCE.—I am doing so; but I cannot forget that the honorable and learned senator has already tried to commit the Commonwealth to delay in connexion with this subject. I trust that those who are disposed to support the honorable and learned senator's amendment will recollect that by so doing they will be assisting one who has not hesitated to show his hostility

to the settlement of the question and his desire to postpone it indefinitely.

Senator MILLEN.—And his desire to undo what the Constitution provides.

Senator DOBSON.—That is not discussing the merits of this motion.

Senator PEARCE.—It cannot be contended that the results of the Conference will have any legislative effect. Therefore, except for purposes of delay, the amendment is unnecessary. After the Conference has met and has come to a decision, a Bill will have to be framed and introduced. The result of the Conference will not bind this Senate one way or the other. If that result does not commend itself to the Senate I am sure that we shall exercise our power of negating what is proposed rather than stultify ourselves. But I feel that I can attend the Conference and vote there for the site which I favour, and even then, if the result does not meet with my approval, vote against the Bill when it is brought before the Senate. Or I can vote to amend the Bill with a view of inserting the name which I think should be agreed to. The advantage of the Conference is that we shall be able to have a free discussion. We shall meet the House of Representatives on common ground, and discuss the various proposals which are made. We shall not give away a shred of our legislative power or our control over the legislative action of this Parliament. The idea that we shall be swamped by the other House is altogether ridiculous, because the members of the other House are not combined to support any one site, but are just as much divided as we are ourselves.

Senator MILLEN.—A small majority in the Senate may turn the tables in the House of Representatives.

Senator PEARCE.—I believe that that will be the case. It has to be borne in mind that the interests of the two larger States are diametrically opposed to each other in regard to this question.

Senator DAWSON.—And they may combine and vote down the representatives of the other States.

Senator PEARCE.—They cannot do so, because their interests are so diametrically opposed. What suits New South Wales does not suit Victoria, and there is no possibility of an agreement between them. Senator Dobson asks what is the use of the Conference? I might say that one use of it is to give the honorable and learned senator

a chance of voting on both sides of a question—a chance of voting for one site in the Conference, and for another on the floor of the Senate. But it would be kinder to say that it gives him an opportunity of influencing, so far as he is able by his vote and his voice, the members of the House of Representatives, and of affecting in that manner the decision that is arrived at. There is no possibility of doing that so long as we confine our attention to the proceedings of the Senate. More than that, if Senator Dobson is unable to carry out what he believes to be right in the Conference, he still has reserved to him the power by his vote and his voice in this Chamber—if he has a majority of the senators behind him—to prevent the resolution of the Conference being carried out. For these reasons, after giving consideration to the question from all points of view, I am prepared to support the proposal of the Government, believing the method proposed to be the best way of arriving at a settlement of the question.

Senator PLAYFORD (South Australia).

—I agree with the opinions of the honorable senator who has just sat down. I suppose that all of us in common fairness have come to the conclusion that we should at the earliest possible moment fix the site of the Federal capital. It is only fair to New South Wales, who is keeping considerable areas of land out of the market. It is only fair also to ourselves, seeing that the Constitution distinctly states that the Federal capital shall be in New South Wales, and not within 100 miles of Sydney. The choice of a Federal capital site has always proved difficult, as was shown in the case of the United States, though not so prominently in the case of Canada. In the Dominion, the Parliament felt that they would not be able to agree, and, therefore, the matter was left to Queen Victoria, who made a most excellent choice of Ottawa. I am not in the secrets of the Cabinet, but I suppose we all know that the Government individually are very much divided as to which is the best site. At any rate, we can readily imagine that to be the case, and there is unmistakably a division of opinion amongst the members of both Houses. If the Government were to introduce a Bill proposing one particular site, its discussion would, no doubt, give rise to party feeling. We know that the duty of the Opposition

is to oppose, and it is hard to imagine that party feeling would be quiescent.

Senator DAWSON.—Why?

Senator PLAYFORD.—Party feeling could not be helped under the circumstances, for, as Senator Dobson said a few moments ago, human nature will assert itself. It is exceedingly undesirable that, on an important question of this kind, party politics should have any influence; and I do not see any better plan than that of a Conference between the two Houses. By a fair and exhaustive ballot we could, at all events, fix on a site, which could be inserted in a Bill, but which neither House would be bound to support.

Senator MCGREGOR.—That is what Sir Edmund Barton said about the Naval Agreement.

Senator PLAYFORD.—I know nothing of the Naval Agreement, except what I have seen in print. Our object should be to keep party politics out of this question of the capital site, and I consider the procedure proposed by the Government the very best under the circumstances. If the proposal be carried out, the name of a particular site will be inserted in the Bill, not by the Government, but by the two Houses at a joint sitting. If, however, I voted for a particular site at a Conference, and I knew that my colleagues in the Senate were, by a fair majority, in favour of another site, I should not consider myself bound in the Senate to support the site for which I voted at the Conference. Senator Dobson's whole argument, which rests on the assumption that we, as a Senate, would be bound to agree to the site chosen at the Conference, falls to the ground. The honorable and learned senator said that we want a great deal more discussion than we have had on this question. But have we not had all the information which it is possible to obtain in regard to the several sites? We have had Mr. Oliver's report, and the report of the Commission of Experts.

Senator DOBSON.—Absolutely contradicting each other.

Senator PLAYFORD.—We have also Mr. Oliver's second report, severely criticising the report of the Commission of Experts. A great many members of both Houses have visited the sites, and there is enough literature on the subject to enable an honorable senator to stonewall for a week without much trouble. Members of both Houses must have come to some sort of

conclusion, after reading all the reports; and I do not see that any further discussion is needed than that which will take place at the proposed Conference. I anticipate that the proceedings of the Conference will be public—that it will be open to the newspaper reporters—and under these circumstances we shall unmistakably have the fullest and freest discussion. There will be quite as much discussion as we had on the Defence Bill, which Senator Dobson has cited as one of the measures which received great consideration in this Chamber. Senator Dobson contends that Parliament ought to decide the question. But the Conference will consist of the two Houses, and therefore will be Parliament in a larger sense of the word.

Senator DOBSON.—The Conference will not be Parliament.

Senator PLAYFORD.—And after the Conference, each House will consider the Bill separately.

Senator DAWSON.—And then, I suppose, honorable senators may alter their minds?

Senator PLAYFORD.—And then honorable senators may alter their minds.

Senator Sir WILLIAM ZEAL.—That shows the Government proposal to be a farce.

Senator PLAYFORD.—Would it not be unreasonable if honorable senators could not alter their minds? The proposal of the Government is, in my opinion, the best which could be made to enable us to arrive at a decision. I do not think it would be wise to allow the determination of the Conference to be final—that it would be wise for the Senate to give up its right to an equal voice with the other House. No matter how much more numerous the other House may be, the Senate has a voice equal with that of the House of Representatives in this matter of the Federal capital site. The Conference is merely intended to take preliminary steps for the introduction of a Bill in which one site will be mentioned, and then the fullest opportunity will be given to both Houses to change the site if it should be thought fit. I have already said that if the Government were to introduce a Bill proposing one particular site, the Opposition would probably oppose it for party purposes, and the whole scheme would thus come to grief. The method proposed by the Government may not be perfect, but it is the best under the circumstances. Senator Dobson also urged that by adopting the motion the

Senate would be giving up its voting power ; but that argument I have already answered. I contend that there is no evidence of undue haste. The Minister for Defence pointed out that the Government have been charged, on the one hand, with delay, and, on the other, with undue haste ; and, under the circumstances, I agree with the honorable gentleman in his conclusion that the Government must have hit the happy medium. Whatever the Committee may do in regard to the motion before us, the amendment ought not to be passed. I do not say that the amendment is untrue, but it is inaccurate when it says that the Senate "is not prepared to surrender its rights and privileges." No rights and privileges of this Chamber will be surrendered by agreeing to a Conference of the two Houses. The Bill proposing the capital site will have to come before us in the usual course, and there will then be the right to vote in the same way as on any other measure.

Senator Sir WILLIAM ZEAL.—Why did the honorable senator not advocate a Conference on the Defence Bill ?

Senator PLAYFORD.—A Conference was never suggested. I cannot agree with Senator Dobson that the mode proposed by the Government will deprive the Senate of any of the powers vested in it by the Constitution. The right remains for us to pass a Bill through all its stages in the ordinary course, and all that the Conference can do is to make the choice of one particular site to be inserted in the Bill. It will be a great deal better to negative the motion than to take what I may call the absurd course of passing the amendment. Possibly some one may be able to suggest a better mode than that proposed by the Government, but our endeavour should be to lift the question out of party politics, so that each member of either House may vote according to his conscience.

Senator Sir JOHN DOWNER (South Australia).—I do not take the view that this Senate is merely a Legislative Council. I have always been of an exactly opposite opinion. I disagree with both the motion and the amendment, but I distinctly disagree with the motion. I do not like to make reference to the Constitution, because Senator Playford will, no doubt, observe "King Charles' head." Seeing, however, that the "head" is the Constitution, we may as well keep it until we are deprived of it in some way or other. I understand

that the proposal before us is simply intended as a way of getting Ministers out of a difficulty. No one has spoken to me about that matter, but, reading between the lines, that is the conclusion at which I arrive. The Government ask us to pass a motion affirming that—

It is expedient that a Conference take place between the two Houses of the Parliament to consider the selection of a seat of government of the Commonwealth.

How can Senator Playford say that persons who vote for that motion will not be bound by the decision arrived at—that they afterwards will have a free mind ? The very condition of the Conference is that it is expedient that a Bill be introduced to determine the site of the capital, as reported.

Senator DAWSON.—Is that not a moral obligation ?

Senator Sir JOHN DOWNER.—Here is a legislative act, for emphasizing which I am obliged to Senator Dawson—

That it is expedient that a Bill be introduced after such report has been made to the Senate, to determine, as the seat of government of the Commonwealth, the site so reported to the Senate.

How could I, after assisting at a Conference to the creation of which I was a party, afterwards come back to this Chamber and say, "The Conference was only a friendly chat ; I am now going to do just as I like" ? I hope I take a little higher view than that indicated by the minor considerations of the proposal before us. My view is that it is absolutely wrong to hold this Conference. We have a written inflexible Constitution which we have to observe, and according to that Constitution there are two Houses of Parliament, each House, within its limits, co-extensive in authority. We have means of adjusting disputes. We have the possibility of Conferences ; if a first Conference is inefficient, there is power to suspend our Standing Orders and allow a second. We may allow as many Conferences as we like, and ultimately send representatives to a Conference with instructions to agree to what we think is the best *modus vivendi*. Our powers are absolutely unlimited, but they must be exercised constitutionally—they must be within the area of the Constitution which the people have created. Where is the warrant for the proposal that the two Houses shall sit together ? The fixing of a capital site is one of our duties under the Constitution—a legislative duty imposed on



Parliament. Where is the authority to depart from that duty? It is a distinct departure from the authority of the Constitution to propose that the two Houses shall sit together, with a self-imposed obligation to pass resolutions, in relation to which, supposing each House be unanimous, the House of Representatives will outnumber the Senate by two to one.

Senator PRABCE.—That is an assumption.

Senator Sir JOHN DOWNER.—It is an assumption which we must make in order to reach the *reductio ad absurdum* of the proposal before us. The Conference is an absolute abrogation of the Constitution, and it means a promise to legislatively carry out in each House the resolution arrived at.

Senator Sir WILLIAM ZEAL.—It might be made the procedure in regard to every Bill.

Senator Sir JOHN DOWNER.—I agree with the honorable senator. In the present instance a Conference may be comparatively unimportant, but I regard it as the "thin end of the wedge." It may, though I do not say it will, create a precedent to be used at other times by persons less scrupulous than we are. The precedent might be used to undermine the Constitution and bring about a condition of affairs which neither the framers of the Constitution, nor the people who affirmed it most distinctly ever contemplated. I hope the Committee will not pass the resolution.

Senator Lt.-Col. GOULD (New South Wales).—There is a strong and earnest desire on the part of the people of New South Wales to have this question settled at the earliest possible moment. That also is my desire.

Senator MCGREGOR.—We are all agreed as to that.

Senator Lt.-Col. GOULD.—The honorable senator, if rumour be correct, is one who may possibly take up an attitude which will have a tendency to cause still further delay.

Senator MCGREGOR.—No, no.

Senator Lt.-Col. GOULD.—I recognise the difficulty that has been pointed out by the President, and also by Senator Downer, in respect to the course of action now proposed. I recognise that the Ministry have suggested an unusual course of action, but I do not agree with honorable senators when they assume that it is in direct opposition to, or in contravention of the powers vested in us under the Constitution. The proposed resolutions themselves very carefully guard us in that

respect. It is shown by them that it will be necessary for a Bill to be introduced, and that it is upon that Bill the action of the Legislature will be determined.

Senator DAWSON.—In the meantime we prejudice every case.

Senator Lt.-Col. GOULD.—Not at all. I admit that this is an extraordinary and exceptional case. I ask honorable senators why members of both Houses should not meet together for the purpose of discussing a matter of common concern in the hope of arriving at a conclusion which will enable us to legislate upon it with the least possible delay.

Senator HIGGS.—There is a very great difference between having a general discussion, and having a discussion and then taking a vote which will be binding upon us afterwards.

Senator Lt.-Col. GOULD.—Whether the Government are to blame for the delay that has taken place or not, there is no question that there is a strong feeling out of doors that the Government have been highly accountable for that delay. We are driven now to the very end of the first Parliament of the Commonwealth before we are given an opportunity to deal with this question effectively. As an honorable senator representing New South Wales, and one who is anxious that the agreement upon which we entered into Federation shall be acted upon, I desire to see it carried out within a reasonable time, and I am, therefore, prepared to go to the extent of concurring in what might be regarded as an extraordinary course of procedure to settle the question. I recognise, as Senator Playford has said, that the proposal is one which will relieve the Government of considerable difficulty.

Senator Sir WILLIAM ZEAL.—That is the trouble.

Senator Lt.-Col. GOULD.—I believe that at the present time the members of the Ministry are not of one mind as to where the Federal capital should be located, and this proposal is made to enable them to overcome the difficulty.

Senator DRAKE.—I do not think it is the business of the Government to decide it.

Senator Lt.-Col. GOULD.—A Government having a true sense of its own responsibility would have accepted the position, and would have submitted a Bill for the selection of the site which they considered most suitable in the interests of the Commonwealth.

Senator BARRETT.—Then the honorable and learned senator should vote against the motion.

Senator Lt.-Col. GOULD.—The Government does not accept that position, but proposes the adoption of a course which enables them to go to members of Parliament and say — “Tell us which line of action we should adopt,” so that they may be enabled to overcome the difficulty amongst Ministers, and any difficulty which might occur in either Chamber. While I hold that opinion as strongly as any honorable senator can hold it, and while I say that the Government are culpable in not having assumed the responsibility of submitting for approval the site which, in their opinion, would be most suitable, I am not prepared to delay the settlement of the question for an indefinite period.

Senator Sir WILLIAM ZEAL.—Why assume the delay?

Senator MILLEN.—Because it is preached in the Melbourne newspapers.

Senator Lt.-Col. GOULD.—Not only is delay preached in the Melbourne newspapers, but it is directly preached by the honorable and learned senator who has proposed the amendment. If we were to take the ordinary course of procedure in dealing with a matter of this kind very considerable delay would be involved. We will assume, for the sake of argument, that the Government did what they should have done earlier in the session, and introduced a Bill recommending some particular site to be selected by the Parliament for the Federal capital. Assume, also, that honorable members in another place determined upon one site, whilst honorable senators determined upon another, would that not involve a considerable delay? We are told that we might have a Conference in such a case, but we might have conference after conference without getting a single step further in the settlement of the question. Honorable members in another place might say—“We have selected A, and you have selected B, but we are not prepared to accept B.” On the other hand, honorable senators might say that they were not prepared to accept A. What is to be done, then? Are we to say that, as we cannot agree to either A or B, we shall select C, which both parties recognise would not be so suitable as either A or B? Yet that is the only way in which a difficulty arising out of a Conference could be decided. I remind honorable members

that conferences of that kind would occupy considerable time. I may be told in reply that the Constitution provides a means for the settlement of the question. It is true that the Constitution provides for the settlement of a difference between the two Houses, but at what expense of time, and at what expense of money, to the whole Commonwealth?

Senator DAWSON.—The free-trade party may be coming into power.

Senator Lt.-Col. GOULD.—I do not care whether the free-trade or the protectionist party is in power for the purpose of dealing with this question. Section 57 of the Constitution provides—

If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if, after an interval of three months, the House of Representatives, in the same or the next session, again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree.

The Governor-General may dissolve both Houses of Parliament and send them to the country, in order to determine the question, but this would be at enormous expense and would involve a delay of not less than twelve months.

Senator Sir JOHN DOWNER.—What was that provision passed for?

Senator Lt.-Col. GOULD.—Of course it was passed in order to get over dead-locks between the two Houses.

Senator Sir JOHN DOWNER.—To insure caution, was it not?

Senator Lt.-Col. GOULD.—To insure caution! I can understand that honorable senators who are anxious for delay will regard this as a very valuable provision in the Constitution.

Senator Sir WILLIAM ZEAL.—Why say that? The honorable and learned senator has no reason for saying that.

Senator CHARLESTON.—The honorable and learned senator must know that many of us are not anxious for delay.

Senator DAWSON.—The honorable and learned senator has no justification for saying that.

Senator Lt.-Col. GOULD.—Section 57 of the Constitution was passed in order to deal with a matter in connexion with which the two Houses could not come to any conclusion, and which they considered of

sufficient importance to justify extraordinary steps being taken to arrive at a settlement. So far as the Federal capital site is concerned, it cannot be said that it is not a matter that Parliament must determine in some way or another. It is not a matter which can be put on one side and allowed to rest, as might be the case with many a Bill, until popular opinion changed upon the subject. If we take, for instance, such a question as was dealt with by the other House recently in the Arbitration and Conciliation Bill, we shall find that that is a matter which Parliament can afford to allow to stand over until public opinion is crystallized in one direction or another, but this question of the selection of a Federal capital site is in an entirely different position. It is a question which under the Constitution must be settled. Whether we shall pass a compulsory Arbitration and Conciliation Bill is not a question which under the Constitution must be settled. It may be left unsettled for all time without the Constitution being in any way violated. But if we say that the choice of the Federal capital site is a matter which may be left to all time we shall directly contravene the Constitution, and it will be not only a breach of the Constitution but a gross breach of faith with the people of New South Wales, because it is a notorious fact that it was one of the conditions upon which they accepted Federation that the Federal capital should be in that State.

Senator Dawson.—But there is no specified time.

Senator Lt.-Col. GOULD.—I am aware of that, but the Constitution says that we must have a Federal Capital and that it must be in New South Wales; and that our Parliament shall sit in Melbourne only until the capital is selected. That does not mean that we are at liberty to delay the settlement of the question for an indefinite period. It means that we shall settle it with all reasonable haste and expedition.

Senator Sir WILLIAM ZEAL.—We are all agreed about that.

Senator MILLEN.—But honorable senators all favour methods which make for delay.

Senator Lt.-Col. GOULD.—Everything advocated here makes for delay. If we were to adopt the constitutional course provided in section 57, by means of which deadlocks may be surmounted, it would involve a delay of a period of three months

between the passing of two Bills, then a dissolution of both Houses of Parliament, and an election throughout the Commonwealth.

Senator Sir JOHN DOWNER.—What have we done in the direction of delay? We never heard of the matter before.

Senator DAWSON.—It is a new discovery.

Senator Lt.-Col. GOULD.—I do not think it is a new discovery. I am pointing out my objection to this particular course. And I remind honorable senators that if even then both Houses cannot agree we must adopt the very course which Senator Drake asks us to take to-day.

Senator Sir WILLIAM ZEAL.—We should try the constitutional method first.

Senator Lt.-Col. GOULD.—I am not prepared to wait twelve months to try it. I think we have waited long enough already. Section 57 of the Constitution provides that if after the re-election the Houses do not agree upon the Bill the Governor-General may convene a joint sitting of members of both Houses. Then the members present at the joint sitting deliberate and vote together upon the proposed law; and, although the Senate only numbers thirty-six members and the other Chamber seventy-five, the Senate will have no greater voting power proportionately than it will under the present proposal.

Senator Sir WILLIAM ZEAL.—But here we have an equal voting power with the other House.

Senator Lt.-Col. GOULD.—At the present time we have; but when it comes to a direct conflict between the two Houses, which may possibly happen if the course suggested be adopted, the two Houses may have to sit together, and if the House of Representatives chooses to use its weight of members it can overpower the Senate, and force it into a position which that House may desire it to take.

Senator MCGREGOR.—Will the Conference here proposed do away with that possibility?

Senator Lt.-Col. GOULD.—This Conference may not do away with it, but it will have a strong tendency to do so. Therefore the Ministry say—shirking the duty which properly devolves upon them and leaving the matter to be settled late in the session—"Let both Houses come together and see if by arguments at a Conference they cannot arrive at some conclusion which will be acceptable to both."

Senator CHARLESTON.—And that conclusion may not be upheld.

Senator Lt.-Col. GOULD.—Of course the matter will have to be dealt with afterwards, but I am disposed to say with Senator Downer that I should be strongly inclined to be guided by the decision of the Conference, even though it favoured the selection of a site which I did not consider altogether the best one. We have all some preconceived idea in favour of a particular site, and when we hear the views of other honorable senators expressed we may find that they will throw additional light upon the subject.

Senator DAWSON.—Has the honorable and learned senator in all his parliamentary experience ever known a vote to be affected in that way?

Senator Lt.-Col. GOULD.—Votes are sometimes altered in that way. When a man joins a conference with no very strong views, he may, after listening to arguments, come to a conclusion which will help to swell the majority. I say that the course now proposed is, under the circumstances, the only course open if we are determined that the question shall be settled during the present session of Parliament.

Senator CHARLESTON.—There is no guarantee that this will settle it.

Senator Lt.-Col. GOULD.—I am aware of that, but this is the only course which in my opinion affords a possibility of settling it. We know very well that there cannot be very much work done by the present Parliament in any case. The term of office of certain honorable senators will expire at the end of the current year, and a fresh election must take place, probably in December. We know that honorable senators must be given an opportunity of visiting their constituents, and while this is going on the other House cannot sit and do business. We know perfectly well that a general election will be upon us in all probability in the month of December, and I say that it is most important that we should be in a position to tell the people that we have settled upon the place which is to be the future capital of Australia. We can only put ourselves in such a position by adopting the proposal of the Government. We are told that this proposal contravenes the Constitution. I admit that it is not the course laid down in the Constitution, but the Constitution is not intended to deter us from dealing with matters in

any way other than that directly provided for therein, so long as we do not contravene its provisions. We have certain powers under the Constitution, and we can only legislate in the manner provided; but surely it will not be contended that we are not to have an opportunity of meeting together and discovering whether it is not possible to arrive at some common conclusion which will hasten legislation upon what is certainly not a party question. With all due respect to Senator Playford, I do not regard this as a matter in connexion with which the Opposition would believe it to be their duty to oppose any proposal made by the Government. If the Government proposed the selection of a site which would be considered suitable by the Opposition they would receive the most hearty support at their hands. Honorable senators are, no doubt, aware that a deputation representing the Opposition recently waited upon the Prime Minister, and the members of that deputation pledged themselves to do all they could to assist the Government to select a site at the earliest possible moment. After they have done that, is it fair to assume that they would oppose, merely for the sake of opposition, any particular proposal made by the Government. I hope honorable senators will recognise that the course proposed by the Government is the only course open to us for the settlement of this question at the present time.

Senator DAWSON.—Is that the result of the honorable senator's parliamentary experience?

Senator Lt.-Col. GOULD.—One result of my parliamentary experience is that it is sometimes necessary to adopt extraordinary measures if a proper decision upon a question is to be arrived at.

Senator DAWSON.—I should like to hear some justification for it.

Senator Lt.-Col. GOULD.—The justification I put forward is that under our Constitution we are bound to select a site for the future capital of the Commonwealth.

Senator DAWSON.—This session?

Senator Lt.-Col. GOULD.—We are bound to deal with the question within a reasonable time, and we have no right to postpone action in the matter indefinitely. If we desire to do that, the Constitution provides a proper course to take. We know perfectly well that we could not secure an amendment of the

Constitution of the character suggested. I say that the time has now arrived when we should select the site of the Federal capital, and we should not allow the question to stand over in an indefinite way, as some honorable senators desire. Senator Playford has clearly pointed out that we shall not be depriving the Senate of any of its powers by meeting honorable members in another place in Conference in the way proposed. So far as I could gather, Senator Dobson in his speech in no way showed that we should be deprived of any of our powers by agreeing to the proposals submitted by the Government. Certainly there is a possibility that, notwithstanding the Conference, we may not be able to settle the question except by the mode prescribed by the Constitution itself, but still I say we should in the first instance try any means which may assist us to deal with the question speedily, and show the people of the Commonwealth that Parliament has not regarded the compact contained in the Constitution as a mere farce. We know that under the Constitution the question of Customs duties had to be dealt with within a limited period of two years.

Senator DAWSON.—No Conference was suggested at that time.

Senator Lt.-Col. GOULD.—It was felt that it should be the very first business dealt with by the Federal Parliament, and a time was fixed in order that there should be no unnecessary delay in dealing with that matter.

Senator CHARLESTON.—It is better that there should be a delay of twelve months than that a bad site should be selected.

Senator Lt.-Col. GOULD.—Why should the honorable senator assume that a bad site may be selected?

Senator Sir WILLIAM ZEAL.—Certainly, if we are going to rush in this way.

Senator Lt.-Col. GOULD.—When the matter has not been decided in three years, I do not think that can be regarded as rushing.

Senator Sir WILLIAM ZEAL.—How long is it since Mr. Oliver's report was sent in? It is not three weeks.

Senator Lt.-Col. GOULD.—How long is it since Mr. Oliver's first report was circulated? I admit that his last report was submitted only recently, but it is merely a criticism of the recommendations of other

people. Has the honorable senator not had time to read it?

Senator MCGREGOR.—How long will it be before it is adopted?

Senator Lt.-Col. GOULD.—If the honorable senator chooses to take that line, I would ask him when he thinks many matters contemplated by the Constitution should be dealt with? I would ask him why he did not leave the appointment of the High Court to the next Parliament.

Senator MCGREGOR.—Because it was necessary.

Senator Lt.-Col. GOULD.—I should have liked the Minister to have dealt with the whole of the proposed resolutions when he spoke.

Senator DRAKE.—We shall come to the others in time. I said everything which bore on the first of the proposed resolutions.

Senator Lt.-Col. GOULD.—Another proposal which was made in the course of the address was that each House should have the opportunity of sitting by itself in Conference and determining upon a site, and that if their choice did not fall upon the same site the two alternative sites should be submitted in a Bill. Of course it is only another easy method of relieving the Government of the responsibility which they should assume. If it is desirable for each House to sit by itself in Conference how much more desirable is it to afford an opportunity to the members of the Senate to hear the arguments which might be adduced by the members of the other House, and *vice versa*.

Senator FRASER.—They will read them in *Hansard*.

Senator Lt.-Col. GOULD.—How much better would it be for the members of both Houses to take part in a general discussion in a Conference, and to answer any arguments which might be used, more especially when the question must be dealt with finally by Bill in the ordinary way? Suppose that a member were to vote in the Conference for place A, and the Bill were to refer to place B, he would be at liberty to advocate the substitution of the former. The only disadvantage that I recognise in this procedure is that many will consider themselves bound by the decision of the Conference. If any honorable senators hold that view they will not be able to complain of the site which may be selected ultimately. I earnestly ask honorable senators not to look upon this extraordinary course of procedure as one which is likely to be drawn into a precedent. So far

as I can judge, there will never be any circumstances arising which would justify its adoption again. Let honorable senators show the people of the Commonwealth that they are now prepared to deal with this question. We have had report after report on the subject, and every opportunity of inspecting the different sites.

Senator STEWART.—The people are not clamoring for the selection of the site.

Senator Lt.-Col. GOULD.—The honorable senator forgets that there are some persons who desire to see questions settled quickly. Even if there were no demand for the immediate settlement of this question, every member of this Parliament is pledged to carry out this constitutional mandate as early as practicable. Why should honorable senators urge a course of action which could only tend to cause further delay and disappointment?

Senator FRASER.—There is no real urgency in this matter. There is nothing to be gained by hastening the selection of a site.

Senator Lt.-Col. GOULD.—Is there anything to be gained by having the capital anywhere except in Melbourne?

Senator FRASER.—No; I think it is likely to lead to great loss.

Senator Lt.-Col. GOULD.—The Parliament of the Commonwealth, instead of being accommodated in its own Houses, is dependent on the great generosity of the Victorian Government, which placed these premises at our disposal.

Senator BARRETT.—The Parliament can have the premises as long as it likes.

Senator FRASER.—We are willing to go to Sydney, and occupy the State Parliament House.

Senator Lt.-Col. GOULD.—The people of Sydney say—"We entered the Commonwealth on certain conditions, and we do not ask for any change."

Senator FRASER.—What does Sir John See say?

Senator Lt.-Col. GOULD.—I do not care what he says. There are many persons who would like Sydney to be the Federal capital, but that is irrelevant to the question before the Committee. I hope that honorable senators will not by their votes help to cause that undue delay which is likely to take place unless this motion is adopted.

Senator DAWSON (Queensland).—It is very pleasing indeed to hear at last a voice from New South Wales. The modesty and retirement of honorable senators from

that State this afternoon is as surprising as it is commendable. Their natural inclination is to be turbulent and aggressive, but this afternoon another side of their character has been shown. I listened very carefully to Senator Gould, and I gathered from his remarks that he was expressing the views of New South Wales on this proposition. The burden of his song was that the rejection of this motion would mean unnecessary delay in the selection of a site. With the reasons which he gave I absolutely agree, but with the conclusion at which he arrived I entirely disagree. I contend that by the acceptance of this motion we should assist the Government to delay the selection of a site. Suppose that the Houses met in Conference, the discussion would be as wide as the discussion on a Bill in the other House.

Senator MCGREGOR.—It would last until Christmas.

Senator DAWSON.—It would all depend upon the wind of the representatives of New South Wales and the leather lungs of the representatives of Victoria. The representatives of other States would have to sit and suffer. That would be the first result. A Bill would then have to be introduced to carry out its decision. In each House it would be quite competent for a member to move that another site should be adopted, and if defeated to go through the list of sites. Every hour spent in the Conference would be so much time lost. With the limited time at our disposal, and with one half of the senators preparing to appeal to their constituents, every hour is very precious, and no waste of time should be encouraged. A Conference could result in no gain. The Government should have accepted their full responsibility in this matter. The proposal for a Conference is a shirking of Ministerial responsibility. It is idle for the Minister for Defence and for Senator Playford—who, I suppose, will shortly be leading the Senate—to say that a Conference is necessary, in order that the Government may elicit the opinion of the members of each House. This question has been under the consideration of the Government ever since the Parliament was opened. They asked ex-Commissioner Oliver, at great expense, to go over the sites and to furnish a report. After making an exhaustive inquiry, he sent in a full report. The Government, after due deliberation and certainly undue

delay, came to the conclusion that it was not full enough to justify them in bringing down a Bill. Then they appointed a commission of professional men competent to report on the various features necessary in a district to justify its selection. The Government not only obtained this diversity of talent, but they chose men representative of the States. These experts went to the various sites and made a report, which was submitted to the Parliament. Apparently the Government have accepted the report. In my opinion they should have accepted their full responsibility and brought down a Bill in accordance with that report. I know that Sir William Lyne said he had made arrangements for a "fair go" between Tumut and Albury. I do not know whether he meant a fight to a finish, or a twenty-round contest; and I am not sure whether it is the Mayor of Albury that Sir William Lyne is going to have this "go" with. The Government should have exhibited their full responsibility upon that report. It is really the second of the reports they called for. The first report was that submitted by a man who was supposed to be highly qualified, namely, Mr. Oliver, of New South Wales. But it was not satisfactory to the Government. In order to obtain a more satisfactory report, they appointed a Commission of Experts, qualified in every respect, to find out in which particular district the favorable circumstances were so concentrated as to justify the selection of that place as the Federal Capital. That was the excuse made all along by the Prime Minister for the delay in fixing the capital site, and bringing on a discussion something like that in which we are now engaged. The Government have had that expert's report. But they now propose to shirk their responsibility. I am not prepared to allow them to do so. I would not permit them to shirk their Ministerial duty in such a shuffling manner as that. I should like to direct the attention of honorable senators to this aspect of the question, due to the gross shirking of Ministerial responsibility. The Government accepted the report of the experts whom they appointed, but they have not founded a Bill upon that report. But what did they do with the electoral divisions—taking that matter by way of contrast? The Government appointed Commissioners. In all those cases where the reports of the Commissioners were acceptable to the Government, they brought in a Bill founded on them. They accepted

Ministerial responsibility. In all those cases where the reports were not favorable to the Government, they still accepted Ministerial responsibility by bringing down a proposal to disagree with what the Commissioners recommended. In both instances the Government observed Ministerial responsibility. But in this case they shirk it in the most shameful manner. I am very much surprised that a constitutional authority and a man with a large parliamentary experience like Senator Gould should encourage the Government to shirk its duty and its responsibility.

Senator Lt.-Col. GOULD.—I do not think the honorable senator found me doing that the other day.

Senator DAWSON.—What the honorable and learned senator did "the other day" is not involved in this matter.

Senator Lt.-Col. GOULD.—I have stated what I think of the action of the Government.

Senator DAWSON.—The honorable and learned senator has delivered a speech which is a very severe indictment of the Government for not accepting their Ministerial responsibility, and bringing in a Bill founded upon the report which they apparently accepted. But he has done what many wobbling politicians often do. They give strong reasons for disagreeing with the proposals of a Government, but they finish up with a "but." They say, "but on this occasion, I will support them, notwithstanding their sins." I say that the honorable and learned senator attached that "but" to his speech this afternoon. There has been no more severe indictment of the attitude of the Government than that delivered by Senator Gould; but he finished up by saying, "But on this particular occasion I am willing to forgive all their sins of omission and commission, and vote for the motion they have proposed."

Senator Lt.-Col. GOULD.—I do not forgive them; I did not say I forgave them.

Senator DAWSON.—The honorable and learned senator intends to give them absolute at any rate. The only reason given by Senator Gould for voting for the motion is that its rejection would mean delay. I say that it is entirely the other way about. The most expeditious, as well as the most honest and straightforward way in which to proceed is to insist that the Government shall take their full responsibility.

Senator MILLEN.—How can we?

Senator DAWSON.—By refusing to go into the Conference; by saying—"We will have no hand or part in it." That would absolutely compel the Government to do one of two things—either to accept their full Ministerial responsibility, and to bring in a Bill founded upon the Commissioner's report, or to reject that report and drop the whole matter. Then they would have their full responsibility for their actions upon their shoulders. It came as a surprise to me to hear the responsible mouthpiece of the New South Wales senators talking about delay in the selection of the capital site. Certainly the Government cannot escape blame in not confining the Commission to a hard and fast date when they should submit their report. But the New South Wales representatives are very much to blame for the delay, owing to the fact that in consequence of the greediness of the New South Wales representatives, both in the Senate and the House of Representatives, there were eight or nine sites to be reported upon. As a matter of fact, if they had had their own way, there would not have been a district in New South Wales that would not have been reported upon at this moment. The tolerance of the representatives of the other States, and particularly of Victoria—which is vitally interested—was really wonderful, in allowing these eight sites to be reported upon. The Commission should have reported only about three sites. So far as the larger number is concerned, the representatives of New South Wales are to blame, as well as the Government.

Senator Lt.-Col. GOULD.—The honorable senator means that Parliament should have had three sites thrust upon it, even though it did not approve of them.

Senator PEARCE.—Queensland wanted Armidale—that is the trouble.

Senator DAWSON.—Personally I have no particular affection for Armidale. The Queenslanders have no particular affection for any of the suggested sites; but they certainly have an absolute unutterable disgust for Melbourne. So far as I am personally concerned, though I have my own opinion about a particular site, if it is not selected, and if, in the wisdom of the Federal Parliament, the seventh circle of Dante's Inferno were chosen, I should prefer it to Melbourne.

Senator Sir WILLIAM ZEAL.—That is strong.

Senator DAWSON.—It is strong, and it comes from my heart.

Senator CHARLESTON.—Where is that place?

Senator DAWSON.—It is the place where the honorable senator will be shaking hands with Senator Gould in the sweet by-and-by. To my mind, the difference between the Conference now proposed and the Conference provided for by the Constitution is this—that by holding a Conference now, there will be a grave possibility of undue delay, waste of time and waste of effort. Every one of the suggested sites may be put into the Bill, either by the Senate or by the House of Representatives after the Conference is over. The suggested trouble about the House of Representatives selecting one site, the Senate selecting another, and the Bill alternating between the two Houses, and leading to a Conference, would be brought about in any case, even if we did not have a Conference in the first instance. If the members of the House of Representatives have set their minds on a particular district, and the Senate has set its mind upon another, whether a Conference is held previous to the Bill being introduced or not, it is evident that there must be a second Conference to determine the question in the constitutional way. The whole trouble must occur over again. Thus there will be waste of time. The essential difference between a Conference held in the ordinary constitutional way, and the proposed Conference is that, if there is a difference of opinion between the two Houses upon a Bill, it is narrowed down to one point, and there is no waste of time in going into a Conference. But in having a Conference in the first instance, we have to alternate between eight opposed sites. We do not get clear of any of those sites until a Bill has been passed in the other House and sent down to the Senate. The number will then be narrowed down to two. At the present stage I have no intention of delaying the proceedings, but I wish to say a word upon the aspect of the question that has been touched upon this afternoon. I do think that by agreeing to this motion the Senate will be surrendering its rights to the more numerous House. If we go into the Conference, we voluntarily surrender the rights we have as a Senate. We shall lose our distinct identity if we go into this Conference. One honorable senator has said that we shall not surrender our rights because we shall still be able to exercise those rights after the Conference is over—that if we do not agree with what is



done in Conference, we may exercise our rights as senators. But if there is nothing binding legally or morally in what is done at the joint sitting, what in the name of common sense is the use of the Conference? Surely the Conference must carry with it some obligation one way or the other. Are we simply to have an Indian Pow-wow, out of which nothing will come? If there is to be no obligation one way or the other, the Conference will be useless, and if it is to be binding, it is too dangerous a proposal for me to support. I hope that honorable senators will show their wisdom by rejecting the proposal. I strongly advise Senator Dobson to withdraw his amendment, which will simply have the effect of complicating the issue. I hope that the Senate will refuse absolutely to have anything to do with the Conference at the present stage, and thus force the Government to take the responsibility of dropping the whole business or of accepting the report of the duly qualified experts appointed for the special work.

Senator MCGREGOR (South Australia).—I assure the representatives of New South Wales that I now have, and always had, every intention of carrying out the Constitution in its relation to the creation of a Federal capital. I also have an earnest desire that this matter should be settled as speedily as possible, and all honorable senators from other States with whom I have conversed, are prepared to do all they can in a reasonable way to carry out the obligation imposed by the Constitution. But I have a very serious objection to a Conference of the kind proposed, where over 100 representatives of the different States may discuss the merits of eight different proposed capital sites. We may imagine how long such a discussion would last, with every representative eager to advance his own opinions on the question; and it is because of the delay which I fear may result, that I oppose the Government proposal. Senator Gould said that by means of a Conference the members of another place would hear the views of honorable senators, and *vice versa*; but from our parliamentary experience we know that such an idea is nonsense. When a discussion of that description had lasted for a couple of days, those who remained would be speaking to about a third of the members of both Houses, and the absent ones who were interested would take their information from *Hansard*. Why

should we go into this, if not unconstitutional, at any rate unnecessary Conference? Why should we force members of this Senate who have declared members of another place to be practically unfit to associate with, to meet those members in Conference? Why should members of the Senate be compelled to sit with members of another place of whom it has been said that they do not pay their debts, and in many ways have violated their moral obligations?

Senator FRASER.—Senators will not be compelled to sit in the Conference.

Senator MCGREGOR. — If honorable senators may remain away from the Conference, the object contemplated by Senator Gould will not be attained, and any vote will be given in the dark. I feel that the Government are in a difficulty. Some members of the Cabinet probably have strong inclinations for some particular site, and may not be able to agree with other members of the Government. But what is there to prevent the Government introducing a Bill including more than one site?

Senator PLAYFORD.—Or a Bill which mentions no site?

Senator MCGREGOR.—That might be done, and the blank filled up by the decision of Parliament. If there were two sites mentioned in the Bill, say Lyndhurst and Albury, the House of Representatives might knock out one and adopt the other, or omit both and insert a third name.

Senator PEARCE.—The Ministry might be "knocked" out.

Senator MCGREGOR.—The Ministry will take no responsibility. Honorable senators have declared that this is not a party question, and that they are prepared to accept the decision of Parliament. When the Bill reached the Senate we might be satisfied with the choice which had been made, but if we were not satisfied then we could insert the name of another site. As Senator Dawson has already pointed out, the question would then be confined to two sites instead of eight, and the ordinary constitutional method of arriving at a conclusion might be adopted.

Senator PEARCE.—A dissolution?

Senator MCGREGOR.—No; the honorable senator knows that a great deal has to occur before the stage of a dissolution is arrived at. The Government might lay aside the Bill, as they have laid aside other

measures, and there would be no responsibility attaching to them beyond the responsibility of causing undue delay. When we arrived at the position in which only two sites remained, the ordinary Conference between the two Houses might take place, and when one site had been selected, the whole question would be settled. But the Government propose a Conference which will occupy three months, if every parliamentary representative does justice to the position. I am sure that it would take the twenty-six New South Wales representatives in another place and the six senators thirty-two days in which to express their views; and we should then be very near Christmas. I hope that instead of wasting time over the proposed Conference, the Government will see the advisableness of introducing a Bill at once, and thus finally decide in a constitutional manner the question of the capital site.

Senator FRASER.—The matter ought to be left until next session.

Senator MCGREGOR.—My desire is to see the question settled this session.

Senator FRASER.—There is not time.

Senator MCGREGOR.—There is not time to have the Conference.

Senator FRASER.—Certainly not.

Senator MCGREGOR.—The only chance of settling the question is to have a Bill introduced immediately. I agree with the opinion expressed by Senator Fraser, but I am not actuated by the same motives as is the honorable senator.

Senator FRASER.—The honorable senator does not know my motives.

Senator MCGREGOR.—Yes, I do. Senator Fraser is affected by the Melbourne *Age* and Kyabram, and consequently he does not want the Commonwealth Parliament to leave Melbourne for the next fifty years. Melbourne is much more convenient to Senator Fraser and other members of the Federal Parliament than would be any place in New South Wales. There are a number of Victorian representatives—I was going to say who are honest enough, but I should not like to imply that in this case Senator Fraser is not as honest as anybody else—who are as willing as the representatives of any of the other States to carry out the provisions of the Constitution in regard to the establishment of the Federal capital. I give those members every credit for the position they take up; but, sooner than that an unsuitable choice should be

made, I would rather the selection of a site were delayed for years. We must remember that the choice is to be for all time, and we should not allow future generations to blame the first Parliament for making an unsuitable selection. I hope that Senator Dobson will withdraw his amendment, and content himself with voting against the Government proposal. If we reject the motion the Government will be compelled to adopt some other means of accomplishing their object. I dare say the Government believe that the method they propose is the easiest and shortest, but the arguments advanced in the Senate to-day show that that is a mistaken view. My hope is that a Bill will be introduced and a decision arrived at before the end of this session.

Senator Sir WILLIAM ZEAL (Victoria).—The Government before they proposed this extraordinary procedure should have given the House some grounds for their action. The same line of policy might be adopted with regard to every Bill. Why was the Defence Bill or the High Court Bill not treated in the same way?

Senator PEARCE.—There is more than one issue in the present instance.

Senator Sir WILLIAM ZEAL.—There is only one issue, and that is the good of the country. It rests with the advocates of the proposal to show undoubted reasons for its adoption, and not merely to make statements which they cannot prove. Senator Gould has told us that ordinary haste should be used in carrying this motion. But what are three years in the history of a nation? Has any great question of the kind ever been settled in a few days? What was the procedure adopted in New Zealand? Was the capital there settled in one session? Was the locality of the capital of the United States settled in one session? If honorable senators representing New South Wales are so extremely anxious to have this question settled, why do they not, in the name of common-sense, first arrive at some agreement among themselves?

Senator MILLEN.—The honorable senator will not give us an opportunity.

Senator Sir WILLIAM ZEAL.—In season and out of season different suggestions are made to us, and what is the result? We have had Commissioners making a definite proposal, and persons moving the Government of New South Wales have brought forward Mr. Oliver again to veto the

proposal of the Commissioners. In these circumstances, what conclusion can we, as outsiders, arrive at? As has been said here fifty times, I would sooner that Sydney should be selected as the capital than that we should be driven into the wilds of the wilderness.

Senator MCGREGOR.—We are not going to discuss that now.

Senator Sir WILLIAM ZEAL.—I am mentioning only my own views, and, as a matter of common-sense, and with a view to the convenience of a large number of the members of Parliament that is the course that I think should be adopted, until the Government have exhausted the constitutional means at their disposal for settling this question by attempting to pass a Bill in the ordinary way. I shall not support the proposal made, because it seems to me to be a cowardly way of getting out of a difficulty. If the Government had the courage of their opinions they would come forward and advise what we should do, and they would not leave this an open question upon which members of the Parliament may express any opinion they please. In my opinion, the Government have altogether failed in their obligations to the country in submitting this question in the way proposed. I have no desire to unduly prolong the discussion, but I say that the proposal of the Government is not one which is likely to secure an early decision of the matter. I shall support the amendment.

Senator FRASER (Victoria).—I cannot for the life of me see why the Government should have gone out of their way to wrench the Constitution in dealing with this question. The Constitution merely says that the seat of government shall be determined by the Parliament; not by a Conference of Parliament, but by Parliament in the usual way.

Senator BARRETT.—And the Parliament means the two Houses.

Senator FRASER.—The Parliament means the two Houses. It does not mean that we should be rushed into a Conference before Parliament is asked to deal with a subject like this in the ordinary parliamentary way.

Senator PEARCE.—Does the honorable senator think it means that the shire councils of Victoria should settle it?

Senator FRASER.—I can quite realize the reason for the great haste of representatives of New South Wales in dealing with

this subject. I am not against New South Wales having the capital, and personally I would rather that Sydney should be selected as the capital than that it should be in some remote place in the country. It would be more convenient for all concerned if Sydney were selected. I desire to say that the course which the Government has proposed is not strictly constitutional.

Senator PEARCE.—Neither is the proposal to have the capital in Sydney, according to the Constitution.

Senator FRASER.—It would be if, by taking the constitutional course of altering the Constitution, we made it so.

Senator MCGREGOR.—I have heard of people who talked about repudiation in the days gone by.

Senator FRASER.—Members of the Labour Party talk more of repudiation than any other persons I know. I hope the Government proposal will not be carried. If a majority of honorable senators are prepared to vote for it they will place themselves in a false position. It is not a constitutional course, and I protest against it. However, it is just what the Government might have been expected to do; whenever they have anything to do they generally do it in the wrong way. I could name fifty courses which the Government have taken during the last two and a half years, and in the majority they have adopted the wrong course. This is a wrong course. I protest against it, and I shall vote against the motion.

Senator KEATING (Tasmania).—With respect to the contention set up by the last two preceding speakers, that the Government is going out of its way in the method now proposed for the determination of the capital site, I should like to point out that the proposed resolutions, though they provide for a Conference do not empower it to determine the seat of government of the Commonwealth. The whole argument of Senator Fraser is that the Constitution provides that Parliament shall determine the seat of government, and Parliament, the honorable senator contends, is not a Conference of the two Houses, but the two Houses sitting and legislating, as they ordinarily do, in connexion with ordinary Bills. If the honorable senator will look at the first of the proposed resolutions, he will find that it says that it is desirable that there should be a Conference to consider the selection of the seat of the government.

of the Commonwealth. At the Conference the selection will merely be considered. That will be the first step in the proceedings. The machinery the Government provided in these draft resolutions is of a character designed to meet an extraordinary occasion. Members of both Houses have had afforded to them by the Government an opportunity of inspecting various competing sites. Most members of both Houses, having gone through that inspection, would like to have some voice in selecting from the competing sites the one which each thinks most fitted to be the seat of government. If we were to follow the course suggested by Senators Zeal and Fraser, many honorable senators and honorable members of the other House would be denied any opportunity whatever of suggesting a particular site.

Senator Sir WILLIAM ZEAL.—Why?

Senator KEATING. — For the simple reason that it would necessitate, on their part, the moving of an amendment proposing that the particular site selected by the Government should be omitted from the Bill with a view to substituting some site which the mover of the amendment thought a better one.

Senator Sir WILLIAM ZEAL.—What difficulty would there be about that?

Senator KEATING.—The difficulty attendant upon that would be that if all members of the Parliament wished to exercise their right in that respect, it would take months and months to get the Bill through.

Senator Sir WILLIAM ZEAL.—Will there not be the same difficulty under this proposal, even if this motion be passed?

Senator KEATING.—There cannot be the same difficulty if a Conference is held, because there will be an opportunity given to honorable senators to focus in one particular centre their views with regard to all the competing sites, and it will be competent for the Government to determine, from what may be done at the Conference, which site is most likely to meet with the most general approval in both Houses of the Parliament. They will then, under another of the proposed resolutions, be able to introduce a Bill containing the name of that particular site which finds most approval, and will be able to submit it to both Houses of Parliament with a certain measure of confidence.

Senator CHARLESTON.—Then any honorable member in either House who desired to do so, might move that a different site should be selected, and we should have the whole discussion over again.

Senator KEATING.—It will be quite competent at that stage for any member in either House to move that the particular site referred to in the Bill be struck out, with the view to insert one which he considers more suitable. But there will be this to be considered by any member in either House having such a desire. He will know that a Conference has been held, that this procedure has been gone through, and that as a result of it there is a general feeling amongst the great body of members of both Houses that the particular site named in the Bill is the one most suitable for selection. In these circumstances, he will be deterred from submitting his amendment to a much greater extent than he would be if the Government, without any preliminary proceedings, took the responsibility of submitting a particular site for approval and then left the matter to be decided by the Parliament.

Senator Sir WILLIAM ZEAL.—That was not our experience with the Defence Bill.

Senator KEATING. — How can the honorable senator compare the two things? Here we have one issue to be ultimately determined, and that issue is to be raised by selecting one place, from a number of places which are to be submitted to Parliament, as the seat of government of the Commonwealth. How can the honorable senator compare that with the Defence Bill, in which we dealt with a variety of different matters? If we had a Conference with regard to the Defence Bill, and had an exhaustive ballot with regard to every one of its clauses, it would be something totally different to what is now proposed. Here we have only one issue to decide.

Senator Sir WILLIAM ZEAL.—There are eight sites suggested.

Senator KEATING.—What I mean is that when the Bill comes before Parliament there will be but one issue, that such and such a place be the seat of government of the Commonwealth or not. Before arriving at that issue we have to consider some eight different places and to decide which shall be selected. At present there are eight different sites, any one of which may be selected to be the site at issue in the proposed Bill.

That is a totally different set of circumstances from that which would present itself to any Government about to submit a measure like the Defence Bill. This is a course of procedure proposed for an extraordinary occasion. We shall not have to select a seat of government in succeeding sessions of the Federal Parliament, if we go through this procedure now. This is a machinery procedure to enable the Government, before preparing a Bill for submission to Parliament, to in some measure gauge the opinions entertained by members of both Houses of the Parliament, after having been supplied with complete reports on the competing sites, and after having been afforded an opportunity of making a personal investigation of the localities and surrounding conditions. Having gauged the opinion of members of both Houses who have had these advantages, the Government can save considerable time by then submitting a Bill containing the name of the site which seems to be most favoured by members of both Houses. I take it that this is not any attempt on the part of the Government to shuffle out of their responsibility in any way.

Senator DAWSON.—That is the whole object of it.

Senator KEATING.—It is nothing of the kind. The object is that the matter may be dealt with expeditiously and, at the same time, with the utmost fairness to every member of both Houses. This is the only way in which that could be provided for, because every honorable senator and every honorable member in another place will have an equal voice in determining the policy of the Government in regard to this question. It is not any attempt on the part of the Government to shuffle out of responsibility, but a proposal by which we shall all be enabled to participate in an equal degree in determining the policy of the Government, and the Government will be able to submit a Bill with some prospect of having the matter decided.

Senator DAWSON.—Is not that shuffling out of their responsibility?

Senator KEATING.—Certainly not. It is giving every member of both Houses an equal opportunity in the selection of the sites.

Senator FRASER.—It is swamping the Senate; what else is it?

Senator KEATING.—Certainly not. Senator Fraser assumes that we shall go to

the Conference with the whole force of the members of the other House in opposition to the members of the Senate.

Senator FRASER.—There will be twenty-six members from New South Wales to start with.

Senator KEATING.—Does the honorable senator think that the whole twenty-six members from New South Wales will be ranged in force against the Senate.

Senator FRASER.—We shall have twenty-three members representing Victoria against them.

Senator KEATING.—Senator Fraser is assuming that, when we enter the Conference, we shall have the whole of the members of the House of Representatives standing in array against the members of the Senate. We have no reason for assuming that any such thing will take place. We require to have one issue, and it has to be prepared. We have from eight particular sets of circumstances to draw the issue, and every member of Parliament is equally equipped with knowledge to decide which place should be selected.

Senator MCGREGOR.—How long is the Conference likely to sit—a month?

Senator KEATING.—It will sit for a reasonable time, if the members of both Houses act reasonably; but I distinctly repudiate the suggestion that there is any attempt by the Government to shuffle out of or to shirk its responsibility. This is the most convenient and easiest way in which to deal with this important question. At the same time it affords to every member of each House the fullest opportunity to exercise his judgment, and none can complain that he had no opportunity of influencing the selection of the site.

Senator CLEMONS (Tasmania).—I do not quite agree with the conclusion of Senator Keating. The whole of his argument seemed to be based on the assumption that in deciding this question the Senate should recognise that each senator has exactly the same value as a voter as has a member of the other House. I cannot see that at all. Whatever the outcome of this debate may be, I shall discuss the Bill when it comes up without any prejudice, or, rather, without being bound by the decision of the Conference.

Senator STEWART.—How can we be free?

Senator CLEMONS.—The great difficulty which confronts the Senate—judging from the utterances of the last speaker—is that

there will be an obligation on us to ratify the decision of the Conference.

Senator KEATING.—No; I say that the Senate will have an equal influence with the other House in guiding the determination of the Government.

Senator CLEMONS.—Obviously there will be an implied obligation on the part of the Senate to respect the decision of the Conference. I cannot conceive that there is an honorable senator who does not face that position with a considerable amount of misgiving. I am concerned also with the Constitution, and nothing that I can do will be done with the intention of defeating the provision of section 125. I am in favour of selecting a site for the Federal capital. I am not necessarily in favour of expending a lot of money either now or in the immediate future; but I am distinctly in favour of selecting a site at the earliest opportunity. I suppose that we ought to ask ourselves the question, if it is true, as the Government state in their motion, that—

In order to facilitate the performance of that obligation in the Constitution it is expedient that a Conference should take place.

It may be expedient, if the Senate has full confidence in itself. If we are strong enough to say, "If we do not like the selection, which will be borne in upon us by the overwhelming number of the other House, we shall oppose the passing of the Bill," I see no harm in having a Conference. I admit that not much good could come out of a Conference; but it is just conceivable that the selected site might meet with the approval of a large majority of the Senate. If that should fortunately happen, most certainly the question would be solved.

Senator MCGREGOR.—What reason has the honorable and learned senator to suppose that we should not agree with any selection which the other House might embody in a Bill? There is just the same possibility.

Senator CLEMONS.—It depends on the individual strength of honorable senators. If they are prepared to say that they will not surrender any of their constitutional power, and will exercise their undoubted right of rejecting the Bill when it comes up, if the selected site does not please them—if we are sure of our position, and quite self-reliant, we can enter into a Conference, for this reason, that we might be able to arrive at a speedy solution of the question. There is a great deal about this proposal of which I do not approve, but I do

not like to see the Government attacked unjustly. I do not think it is cowardly on their part to suggest a Conference. We cannot draw a parallel between an ordinary Bill and a practical suggestion by the Government for speedily arriving at the solution of a difficult question. They have never suggested yet such unconstitutional means for settling an ordinary difficulty in legislation. Any one might very fairly excuse Ministers for saying: "In our opinion, this is an expedient way of getting over a difficulty."

Senator Sir JOHN DOWNER.—Does the honorable and learned senator think it is constitutional?

Senator CLEMONS.—I do not think that the test of constitutionality ought to be applied to this question.

Senator FRASER.—It is ignoring the proper course of parliamentary procedure.

Senator CLEMONS.—The honorable senator will admit that this very extraordinary position is not likely to recur. Why should the Government be blamed if they seek to discharge a most peculiar duty in a peculiar way? What I am most afraid of is the weight of the moral obligation implied. If I thought that there was any risk of the selection, made in a Conference of 111 members of Parliament, being imposed upon the Senate, I should vote against the motion, because we cannot, and ought not to, get away from the fact that in this matter the vote of a senator is equal to two votes of a member of the other House.

Senator KEATING.—When the Bill comes before us.

Senator CLEMONS.—Precisely; but if we are going to create a moral obligation by agreeing to a Conference, and to lose the double value of our vote, we shall be putting ourselves in a dangerous position. I feel some alarm about holding a Conference, because I recognise that the only method of settling the question is an exhaustive ballot. The Government have not suggested, as they might have done, that finality should be arrived at by the majority of the members of both Houses sitting together but voting separately. It is very significant that no such method is proposed. It would be a speedy way of arriving at the opinion of a majority of the Senate and of a majority of the other House. Nor do I find any provision for giving an absent member of either

House the opportunity to record his vote. As a machinery detail that is bad. In the case of an ordinary Bill, facilities are offered to members of Parliament to pair, but in this case an absent member of either House would have no opportunity of recording his vote. It is quite possible that a good many members would be absent.

Senator PEARCE.—Is not that objection met by the fourth of the proposed resolutions, authorizing the President and the Speaker to draw up regulations?

Senator CLEMONS.—No, for this reason—that the cardinal feature of the proposed resolutions is that the question shall be settled by an exhaustive ballot. I cannot conceive it possible that the enlightened genius of the Speaker and the President combined could devise any arrangement by which an absent member could record his vote.

Senator Sir JOHN DOWNER.—The more the proposition is inquired into, the more involved it is seen to be.

Senator CLEMONS.—The more I look into this proposition, the less I like it.

Senator Sir JOHN DOWNER.—It creates a new legislative power—the President and the Speaker.

Senator CLEMONS.—Yes. I have very considerable doubt whether it is my duty to vote for the motion. I should like to see this question settled this week, but I do not like the method proposed for its settlement. The motion will have to be brought into a form which will meet with my approval before I can see my way to vote for it.

Senator Sir JOHN DOWNER (South Australia).—The more I have listened to the discussion, the more convinced have I become of the correctness of my original view. We have here a very involved method of determining what the Constitution provides shall be settled in a proper way. We have two Houses of Parliament with their functions and duties, and yet we are asked to intervene between the ordinary duties which the Houses ought to discharge, a tribunal composed of those Houses sitting unofficially, but voting as one. If the Government had been anxious to ascertain the opinion of members of Parliament individually and unofficially, why did they not call an informal meeting of the members of each House, as is done in the case of the election of a presiding

officer? When a President or a Speaker has to be chosen what course is adopted? The members of the House are called together, they unofficially agree to a nomination, and there is no debate in the House. If the Government had any settled view as to where the Federal capital should be located, or, if they had none, why did they not send a private note to every member of Parliament saying that a meeting of the members of both Houses would be held to talk over this subject, which nobody can pretend is a party one? We could talk the matter over and see if we could arrive at a conclusion. If we could, the majority would, no doubt, consider themselves bound, and the minority would consider themselves at liberty to defend the opinions they had expressed. But here I cannot avoid saying that we are trying to do a legislative act. We are calling a body together to act authoritatively. Otherwise the body should not be called together at all. If the Conference is only to result in a preliminary proceeding it is absurd; if it is to be an end to our proceedings in reference to the matter, it is illegal. Where is the saving of time? What possibility is there by any degree of condensation of opinion of arriving at a settlement this session by the means proposed? I desire to stand strongly by the Constitution. The capital is to be fixed in New South Wales. I agree with that. The difficulty has been hitherto that the representatives of New South Wales cannot agree among themselves.

Senator MILLEN.—We have not had the chance.

Senator Sir JOHN DOWNER.—That is the difficulty, is it not? If it is proposed to place the capital in one place, one man says he will resign and will not sit in the House; and if another place is mentioned another man says he will resign. As we have agreed to the cardinal principle that the capital is to be in New South Wales, surely we are not unreasonable if we say to the New South Wales representatives—"Kindly tell us where you want it to be; then we shall have some basis to agree upon, and can see whether what you suggest is agreeable to ourselves." But there seems to be just as many capital sites suggested as there are members. Therefore it would appear that the whole business is to be thrown into chaos, and we are to be asked unconstitutionally to agree to a Parliamentary Conference, which

have no right to do. I think that the procedure proposed is, first of all, illegal, and secondly, will lead to an immense waste of time. It will be much better for us to negative the motion.

Senator MILLEN (New South Wales).—The speech that most impressed my mind amongst those that were delivered to-day was that of Senator Dawson. His indictment of the Government for failing to accept their due measure of responsibility was a strong and logical one. But, while I go so far with him, I should like to ask those who adopt his view of the position whether, seeing that the Government have left this matter to the eleventh hour of the present session, the course proposed is not the better one to adopt? The only alternative is to bring in a Bill. After the Bill is brought in, unless it can be assured that an absolute majority is in favour of a particular place, every place that is proposed will be negated in turn. A blank will be created, and there will not be an opportunity to fill it. That will be the result of the course suggested at some stage or other. If we wish to avoid that result an exhaustive ballot must be taken. That argument disposes of the contention that we can proceed in the ordinary course by a simple Bill. We shall have to adopt an exhaustive ballot at some stage or other. We therefore have to consider whether the proposal of the Government for having an exhaustive ballot at a meeting of the members of the two Houses has anything to commend it or not. I think there is no time for us to take anything but the most expeditious course open to us, and therefore the proposal before the Senate is one that ought to be adopted. While I admit that the result of the Conference cannot bind any honorable senator, I think, nevertheless, that it will influence a great number. The effect of it will be to weed out all the weaker sites which have a lesser number of supporters, who would then be in a position to vote for the sites that command a greater amount of support. Suppose that I am favorable to a site which has very few friends. The result of the proceedings of the joint Conference would enable me, and those who think as I do, to ascertain what chance the particular site favoured by us might have. On discovering that its chances were slight, I could refrain from asking the Senate to consider that particular site, and the supporters of it could either

give their support to the selection of the joint Conference or to the proposal of some other group of members. It must be assumed that we shall be influenced by practical considerations, without in any way considering ourselves under a moral obligation to support the site approved of by the Conference. There is another reason why I ask honorable members to agree to the procedure proposed by the Government. In stating this reason I desire to pick my words as carefully as I can. In New South Wales to-day there is a very nasty flavour in the mouths of the people in consequence of the systematic efforts to delay the selection of the capital site. The people of New South Wales are not blind to the fact that the principal public journals of the State of Victoria have publicly preached the doctrine that the Constitution does not bind us to fix the capital in New South Wales. We have the shire councils of Victoria heading a crusade for breaking that provision of the Constitution. I am not going to say that underlying this movement there is a distinct desire for repudiation. But these things, coupled with the persistent efforts of Senator Dobson and others to delay matters, and even to amend the Constitution itself, have created in New South Wales a suspicion that there is a movement on foot to depart from that provision of the Constitution which secures the capital for that State.

Senator MCGREGOR.—Those people in Victoria have no more effect than a fly on an elephant.

Senator MILLEN.—Well, after the Kya-gram movement New South Wales has more respect for the shire councils of Victoria than she otherwise would have had.

Senator Sir WILLIAM ZEAL.—Victoria is not jealous of New South Wales in any respect.

Senator MILLEN.—I am not saying that she is, but I do say that there is a general public feeling in New South Wales in the direction I have stated.

Senator BARRETT.—The people there have been crying out for the last two years, and unnecessarily.

Senator MILLEN.—Our people have not sung out a day too soon. When we were asked to accept the Constitution there was not one of the prominent public men in Victoria who took the position that they take to-day. The provision regarding the capital was then referred to as a bargain that was



to be loyally adhered to. But now we are told by the *Age* newspaper that it is a bargain that does not bind. The uneasiness in my own State justifies me in asking those who wish to see Federation working smoothly to agree to the proposal of the Government, so as to allay that feeling. Presuming that this motion is to be carried, there are one or two amendments which I intend to propose upon the subsequent motions, and I will indicate the purport of them. I intend to propose that there shall be a series of ballots in order to make a selection of the various sites in particular districts. There are, for instance, three sites in the western division. I propose that first of all a ballot shall be taken to determine which of those sites shall survive. Similarly with the south-western district a ballot should be taken to determine which of the sites there is preferred. I intend to move an amendment in that direction in order that every particular site shall receive fair consideration. If some such plan is not adopted, the supporters of the sites in a particular district, being divided amongst themselves, will be out-voted on every occasion; whereas if a determination is arrived at as to which of the western sites is most preferred each site would have a fair chance. My amendment will be made upon the fourth of the proposed resolutions. There are also one or two other amendments of a minor character which I intend to move in order to make clear what is meant by an exhaustive ballot. I intend to support the motion.

Senator DE LARGIE (Western Australia).—During the debate this afternoon I have heard a good deal of adverse criticism in regard to the time that has been wasted by the Government. My opinion is that the Government are very little to blame so far as time is concerned. It was hardly reasonable to expect them to introduce a proposal for settling this matter much sooner than they have done. Indeed, in listening to the debate it appears that no matter what the Government had proposed to do they would have failed to please some honorable senators. Some have blamed them for hurrying too much and some for delay. Seeing that we are practically near the end of the session, I think that the proposal of the Government is the only reasonable one that could have been made. Senator McGregor has asked how long the Conference is going to take. In my opinion,

if a Bill were introduced either into the Senate or the House of Representatives, a great deal more time would be taken than by having a Conference. Therefore, it seems to me that the proposal is in the direction of economizing time.

Senator MCGREGOR.—A Bill will have to be introduced afterwards.

Senator DE LARGIE.—But we shall be more clear with regard to the Bill when it is introduced if we have a Conference first. The question of the site will be to a large extent settled by the joint sitting of the two Houses. This preliminary work will have to be undergone in both Houses if the proposal comes before us in the shape of a Bill. I therefore think that the method suggested by the Government is eminently fair, and one which can be carried into effect in the minimum time. Parliament is justly entitled to choose the capital site. This matter was referred to by every candidate during the Federal elections, and the opinion was then expressed that the question should be settled at the earliest possible moment. It cannot be said that there has been any undue haste, seeing that only at the end of three years are we talking about selecting a site. After the question of the site has been settled, a considerable time must elapse before the erection of the necessary buildings, and shall only be carrying out the promise made during the Federal elections if we place ourselves in such a position that we can go to the country with the knowledge that something has been done in this matter. If I adopted a selfish attitude I should oppose the proposal for a Federal capital at the present time, seeing that in the State which I represent there are more pressing public works required.

Senator MCGREGOR.—What are they?

Senator DE LARGIE.—There are so many that I need not refer to them; but one is the transcontinental railway. But a selfish attitude is not creditable to a Federal member. We have heard a great deal about the parochial spirit, and it is on questions of this character that that spirit is made manifest; but I claim to be free from any parochial influences when I express my intention to adopt the proposal of the Government.

Senator CLEMONS.—May I ask, Mr. Chairman, whether it is your intention to put the motions separately, and, when they have been carried or amended as the case

may be, to put them *in globo*? While some of us might vote for the motions if amended in one particular part, we might be compelled to vote against them if they remained exactly as they are. In other words, the motions must be read not only separately, but as a whole after they have been passed as drafted or amended.

Senator PEARCE.—While the Chairman should put each motion separately, it would, I think, hardly be following our ordinary procedure—and indeed it would be unnecessary—to put the whole of them afterwards as one motion. I suggest that the proper course is for the Chairman to report the resolutions to the Senate, and for them to be adopted or rejected as reported.

The CHAIRMAN.—I have already indicated my intention. First of all, I allow a second-reading debate on the first motion. It is my intention to put each motion separately, and then report the resolutions as passed to the Senate. I shall not put the motions as a whole; it will be for the Senate to decide whether the resolutions as reported be rejected.

Senator CHARLESTON.—What will be the effect if any of the amendments we may carry are not in accord with the amendments passed by another place?

The CHAIRMAN.—This is not the time to contemplate that position. I shall simply report the resolutions of the Committee to the Senate.

Senator CLEMONS.—I desire to make a few remarks in the nature of a personal explanation. I shall vote for the first motion, because, subsequently in dealing with the third, I propose to move an amendment to the effect that in this Conference of both Houses, while sitting together the Houses shall vote separately. I have no objection to the Conference, but I have a decided objection to it unless the Houses are to vote separately. If the Houses are to vote separately, I give the proposal my entire approval.

Senator HIGGS (Queensland).—I have not much to say upon this question. When I first heard of the idea of a joint sitting of the two Houses, the proposal appeared to me to have a great deal to commend it, but since the Government have treated the Senate in a scornful manner, and have paid no attention whatever to its resolutions, I am very much inclined to object to any proposal of this kind.

Senator CHARLESTON.—Did the honorable senator expect to be sent for to form a Ministry?

Senator HIGGS.—I expected that when the Senate passed a resolution expressing its disapproval of the action of the Government in a certain direction, they would have hesitated to continue in that course. The Government have continued to pursue the course to which we objected. I think the great danger of going into a Conference of the kind proposed is that we shall, to a great extent, sink our identity as a Senate. The only object of inviting the Senate to take part in a joint sitting with the other Chamber, and to take part in an exhaustive ballot, is to destroy the power of the Senate. The Government know very well that about fifteen members of the Senate can select the Federal capital site. Every one who has paid any attention to the divisions which have taken place here on various Bills and motions, will admit that. Once we enter this Conference, if it is to be a Conference on the lines of the motions submitted, we shall be overpowered by the seventy-five members of the other House. I happen to be allied on this question with certain honorable senators who, for reasons of their own, are opposing the selection of the Federal capital site. I have no sympathy with Victorian representatives who desire either to postpone the selection of the Federal capital for all time, or to secure the selection of Melbourne as the seat of government.

Senator DRAKE.—Then the honorable senator should not help them.

Senator Sir WILLIAM ZEAL.—The honorable senator should not impute motives.

Senator HIGGS.—I have no desire to impute motives; but Senator Zeal will admit that it is contended that the Federal capital site should not be selected, because it would involve very great expense, and that the Federal Parliament should continue to sit in Melbourne.

Senator Sir WILLIAM ZEAL.—I did not say anything of the sort.

Senator HIGGS.—I am not speaking of the honorable senator, but of a section of the Victorian people who are against the selection of a Federal capital site. Certainly if the Federal Parliament decided to select a site to-morrow in order to get out of Melbourne as soon as possible, the Melbourne people would have only themselves to blame, or would have to blame

the morning press of Melbourne, that has treated the Commonwealth Parliament in the shabbiest manner. Indeed they have made the position of a member of this Parliament most objectionable in many respects, and have almost taken away the last shred of honour attaching to the position of a member of this Parliament. We could not be blamed if we desired to get out of Melbourne to-morrow. I am very anxious that we should carry out our compact with New South Wales, and that we should select a site as soon as possible. I think it should be sufficiently extensive in area, and managed on such lines that we should be able, from the revenue derived from the Federal territory, to meet all the expense incurred in the construction of Federal public buildings and the carrying out of other public works. It is because I believe that the majority of other honorable senators are in favour of the view that we shall keep Federal territory for Federal purposes that I am afraid to go into this Conference. What do we find? We find that the New South Wales members, generally speaking, are bound to try to make some kind of selection at once, be it good, bad, or indifferent. There is an outcry in New South Wales that there is some attempt to break the compact.

Senator PULSFORD.—There is a recognition of the attempt.

Senator HIGGS.—The honorable senator will agree that there has been no attempt on the part of representatives from Queensland, Western Australia, or South Australia to break the contract.

Senator PULSFORD.—That is perfectly correct.

Senator HIGGS.—There is a feeling in New South Wales that the Federal Parliament does not desire to act up to its responsibilities and obligations in this matter. I say that the New South Wales representatives must vote for a site, good, bad, or indifferent, at once, and if we go into the Conference, they will vote on those lines. I must say that I have been very much disappointed with the report of the Royal Commission. In our anxiety to get the site settled, we passed resolutions appointing a Royal Commission without paying sufficient attention to details, and the Commissioners have gone about their work and investigated, not a Federal territory, but merely 4,000 acres which those gentlemen think will be suitable for a Federal city. That

was not our view in their appointment. The Constitution provides that we are to have not less than 100 square miles of territory. The Commissioners in their report show that in their opinion 4,000 acres in various parts of New South Wales have a certain preference for choice, and Tumut and Albury are placed near the top of their list. We ought to know from the Commissioners what is to be the cost of the 100 square miles mentioned in the Federal Constitution, and what might be the cost of the larger area which many members of the Federal Parliament think should be contained in the Federal territory. We shall get no light upon that subject from the Commissioner's report. If honorable senators will look at the proposed resolutions, they will find that the procedure has been based upon the selection made by the Royal Commission. Mr. Oliver's reports are not referred to. Though Mr. Oliver's reports may recommend themselves to some of us, the exhaustive ballot proposed is to take place only on the sites selected by the Royal Commission.

Senator DRAKE.—Mr. Oliver has reported on all of those sites.

Senator HIGGS.—That is so; but he has also reported upon other sites, and if the proposed resolutions are carried in their present form, we shall be required to give a decision only with respect to sites selected by the Royal Commission.

Senator DRAKE.—It was Parliament that imposed that limit.

Senator HIGGS.—But the honorable and learned senator will acknowledge that when the motions for the appointment of the Commission were placed before us, we voted on the understanding that the Commissioners were to report on the Federal territory, and he will see that they have interpreted their instructions to mean that they should report merely upon the land which to them appeared suitable for a Federal city. Thus we find in the case of one site, which I visited last week, that they have selected 4,000 acres of land which are very valuable indeed, and worth no less than £20 per acre for agricultural purposes. I think we have not sufficient information to justify us in entering upon a Conference of this kind.

Senator DRAKE.—Could not the Conference obtain that information and supply the deficiency?

Senator HIGGS.—I do not think so. What will happen if we go into the Conference? I imagine that the President or the Speaker will leave the chair, and the Chairman of Committees of the Senate or of the House of Representatives will preside. Undoubtedly we shall have to consider the question in Committee, and once we start to discuss these matters in Committee, there will be no time for calling experts, unless Mr. Oliver and the members of the Commission are to be called to the Bar of the Conference.

Senator DOBSON.—I think they ought to be.

Senator HIGGS.—I should not object to that.

Senator DRAKE.—I believe the information which the honorable senator desires will be easily obtainable.

Senator HIGGS.—I should not object to the members of the Royal Commission appearing at the Bar of the Conference and explaining why they have placed Albury so high amongst the places suggested, when Albury, in the minds of most members of the Federal Parliament, was considered absolutely impossible. It might be of advantage, also, to have Mr. Oliver handy, that he might be questioned regarding certain matters. Senator Drake will admit that the Royal Commission have given us no idea whatever as to what would be the probable cost of the 100 square miles of Federal territory.

Senator DRAKE.—I think that information could be easily obtained.

Senator FRASER.—The New South Wales Government is bound to give the land free of cost.

Senator DRAKE.—Only Crown lands within a certain area.

Senator HIGGS.—Honorable senators will see that the Royal Commission have reported, generally speaking, with respect to 4,000 acres in each case, whilst we require a report as to the probable cost of 64,000 acres. The Crown lands in most of the sites suggested are of very little value. If, for instance, we take the Crown lands in the district of Tumut, they are composed mainly of hills which are almost barren. The greater portion of the land is, unfortunately, in the hands of private owners, and the Commonwealth will have to acquire those lands. That brings me to another consideration, that is, that the Government before asking us to select a site should

have brought forward a Bill providing for the basis upon which we shall acquire the Federal territory. Honorable members know that the moment the site is selected, land in the district will go up in value. Certain exchanges will take place, and we shall probably find that we shall be asked to pay some pounds per acre more for the land than we should be required to pay if such a Bill as I suggest were passed before the selection were made.

Senator DRAKE.—The longer the selection is delayed the worse it will be in that respect.

Senator HIGGS.—That may be so, but so long as people do not know where the site of the future capital is to be they are not likely to buy up land in a dozen different places. If honorable senators will go to Tumut at the present time they will find that land there has gone up in value to the extent of some pounds per acre, because the Royal Commission has reported that it should be the site of the Federal Capital. If we pass these proposed resolutions, I trust that it will be in such a form that they will contain an instruction to the Government, before selecting a capital site, to pass a Bill through both Houses deciding the basis upon which we shall acquire the lands, and the methods by which we shall control them when we have acquired them.

Senator FRASER.—I think that would not be right.

Senator HIGGS.—I think we ought to do that. Everything will depend upon what our ideas are regarding the management of the Federal territory.

Senator Sir WILLIAM ZEAL.—Why not set one site against the other, and other things being equal select the cheapest?

Senator HIGGS.—We desire that the best site possible shall be selected for the Federal capital. I assume that our desire is to construct the Federal capital on the most artistic lines so that it shall be an attraction to the people and an example to other cities. For that purpose a large sum of money will be required. We shall have to get a revenue from some source. It cannot be obtained from the general taxpayer who, especially in the back blocks, has sufficient to do to earn his living and pay his ordinary taxes. We should acquire a Federal territory at a reasonable price, and that object would be achieved if the suggested Bill were passed. The land could be leased in residential sites and agricultural areas, and

the Commonwealth would obtain the unearned increment, as it is entitled to do, and so be in a position to pay the interest on the capital cost of the public buildings. If the view is taken that we ought to construct the capital out of public funds, and to get no revenue from the Federal territory to meet the interest on the outlay, it will matter very little what site may be chosen. I now come to the method of procedure. It has been said that if we took part in an exhaustive ballot at the Conference we should be perfectly free to reject the Bill, which would have to be introduced to give effect to its decision. And it has been suggested as a reason why we should agree to a Conference, that we might disagree with the other House and that then there would be considerable bitterness. Suppose that we took part in an exhaustive ballot and disagreed with the Bill, would not the members of the other House have the right to say that we had broken faith with them? Or, if they did not say so, would not the public have the right to say that we had committed a breach of faith? If it should be decided to hold a Conference, and to have an exhaustive ballot, I shall abide by the result whatever it may be. I shall not enter the Conference on the understanding that "it is heads I win and tails you lose."

Senator PEARCE.—If the honorable senator pledges himself he cannot pledge others.

Senator HIGGS.—Certainly not. If honorable senators should agree to the proposal of the Government in its present form, although they might not consider themselves bound by the decision of the Conference, I venture to think that the public would say to the senators, "You went into the exhaustive ballot, you were beaten, and you should take your beating like men." We should dismiss from our minds the idea that we shall be free to do as we please after the Conference is held, unless it is so stated in this motion.

Senator PEARCE.—Although the Minister for Defence, in introducing the motion, told us that we shall not be bound?

Senator HIGGS.—Yes. Before the Prime Minister went to England he said, "I am not going to bind the Parliament on any important matter." In England he signed the Naval Agreement, and on his return he said to the members of the other House "If you reject the agreement it will be taken

as a vote of censure, and the Government will resign."

Senator PEARCE.—There is no analogy.

Senator HIGGS.—There is an analogy. Did not Senator Cameron say, "I am against the ratification of the Naval Agreement; but it has been signed by the Prime Minister, and I must vote for its acceptance"? I submit that unless it is stated to the contrary in the motion, we shall be bound by the decision of the Conference. I do not agree with Senator Downer, that a Conference would be valueless. It would be valuable in this respect, that we should hear all the arguments, and would not be put to the trouble of reading *Hansard* to learn what the members of the other House thought. The Government should have brought in a Bill to provide that an exhaustive ballot, or some other form of ballot, should be taken on the sites, and that if any member had desired to add a site to the list he could have moved in that direction. It is to be regretted that that method was not adopted. With regard to the exhaustive ballot, I can conceive that it might be quite possible that a site which would be well up in the running under another system, might be left out, and so not get a chance of being considered. Certain combinations are taking place, I understand, in another place, with regard to certain sites. Under the proposal of the Government a member of either Chamber would have no chance to indicate his second preference. It would be better, I think, to apply the proportional system. If nine sites were submitted for the consideration of the Conference, the members could then indicate their preferences. Otherwise it might happen that a site which would be number two in the first ballot might be left out of consideration.

Senator CLEMONS.—We should have to invite Miss Spence to come over and turn the handle of the machine.

Senator HIGGS.—I do not think so. I propose, if the first motion is carried, to move an amendment in that direction. I think that in consenting to a Conference, we shall to some extent surrender our rights and privileges. I do not believe that we should have received this invitation if the members of another place, and the Government, had not thought that they would have us in the hollow of their hands. At the present time we stand on velvet. Taking the average division in

the Senate, fifteen senators could undoubtedly select a site. I think that fifteen members of the Senate have made up their minds that a territory of over 100 square miles should be selected, in order that a revenue might be obtained to defray the cost of constructing the public buildings. In my opinion it would be a great mistake for the Senate to surrender itself to the factions in another place. It must be admitted by everybody that there are factions in another place, and in order to carry out their plans it was necessary to induce the Senate to take part with them in an exhaustive ballot. I hope that the motion will be rejected. I am afraid that if it were carried we should not be able to arrange for a separate ballot to be taken by each House.

Senator CLEMENS.—I think we shall.

Senator HIGGS.—If we could arrange for a separate ballot to be taken I see very little to find fault with. We should be maintaining our rights, and if it were found necessary to disagree with the other House we should not be placed in an invidious light before the public.

Senator CHARLESTON (South Australia).—I presume that the object of Senator Drake in submitting this motion was to facilitate the selection of a site. Each House has been occupied all day in discussing the proposal, and we have not got much nearer to the kernel of the question. I think it has been very clearly shown that unless we agree to be bound by the decision of the Conference very little good can result and no time will be saved. If the Government had been anxious to push forward the settlement of this question they ought to have been able to take some definite step in this direction long ago. Suppose that the position of the Government is that they have had such a large amount of work to do during the session that they have not had much time to attend to this question. If they feel that, in order to meet the growing demands of New South Wales, the first Parliament ought to select a site, and so comply with the command of the Constitution, then it seems to me that, if they were afraid to introduce a Bill, they might have asked the Houses to sit together, and each House to take an exhaustive ballot.

Senator O'KEEFE.—Could it not be done by each House just as well in its own chamber?

Senator CHARLESTON.—Suppose that the other House should select A, and the Senate should select B, how much nearer should we be to a settlement of the question? What I am afraid of is that we are being dragooned into selecting a site in the last week or two of the life of this Parliament, and that in our great anxiety to do something we may be forced into the position of selecting a site which will not reflect credit on this Parliament in years to come. The selection of a site is a very important question; and it cannot be laid to the charge of the members of the Senate, nor, I think, to the charge of the members of the other House, that they have attempted to delay its settlement. All we have been anxious to ascertain has been which site will best meet the requirements of the Commonwealth, not only in the immediate future, but in 200 years to come. We have not to look after our own immediate surroundings and comfort, but to cast our prophetic eye around and see what site can be chosen that will meet the requirements of this great Commonwealth in the future. The feeling, so far as I can gather, in the minds of the members of the other House is that this motion will really bind all who are taking part in it to abide by the decision of the Conference. When I first read it I thought that was the object of it. I thought the intention was to facilitate the performance of the obligation imposed upon this Parliament. But I am convinced that instead of facilitating we may delay the selection of the site to an enormous extent. In fact, by adopting this procedure we may make it impossible to do anything this session. If I were anxious to delay the matter indefinitely, I should be more inclined than I am to agree to this proposal. But I think the Government ought to have taken upon themselves the responsibility of proposing a site. They ought to have taken an exhaustive ballot of the other House, and, upon the strength of that, ought to have introduced a Bill and sent it up to us. The number of sites would then have been narrowed down to two. If we differed from the other House there would be only two sites in the running, and as practical men anxious to arrive at a conclusion we could have met the other House in Conference in the ordinary way, and could have arrived at a decision. But the mode proposed will lead to an interminable discussion, and will, I feel sure, fail to

accomplish the object in view. Each site will be discussed in the Conference at length, and will then have to be discussed again in connexion with the Bill. Every New South Wales representative who has a proposed site in his electorate will be bound to make speeches over and over again, and to fight for his site to the best of his ability. In the interests of an immediate selection of a site I shall vote against the motion, and if it is rejected I trust that the Government will adopt a better method of getting out of the present difficult position.

Senator STEWART (Queensland).—I regret very much that a question of so much importance as the fixing of a site for our capital should have been delayed till this late hour in the life of the present Parliament. The Parliament is in its dying hours, so to speak; and here we are asked by the Ministry to take up and deal with one of the most important questions that has come before us during the present session. The Government are very much to blame for the sad lack of light and leading they have displayed in dealing with the question. Commission after Commission has been appointed to investigate and report, and yet I venture to say we have not one real and effective document to which we may refer for information as to the Federal Capital.

Senator FRASER.—That is the usual way with Governments.

Senator STEWART.—Unfortunately it is the usual way with every Government. I consider this question to be of so much importance that I am quite willing to wait for more information before dealing with it. Personally I do not feel qualified to say which is the best site for the capital. Of course I cannot speak for other honorable senators. Probably they have made up their minds. If I am forced to vote I know pretty well how my vote will go. But even then I should not like to say that I should be voting for the best site.

Senator FRASER.—The honorable senator is not infallible.

Senator STEWART.—I am not infallible unfortunately. I am unlike the honorable senator. If he is not infallible he approaches as near to it as it is possible for any human being to do. In fixing a capital site we are doing something which cannot be undone. If we make a mistake it will be perpetuated. It will be felt in future generations much more

strongly than now. If we pass a law which turns out to be a bad one we can amend or repeal it; but once the capital site is fixed it is fixed for all time. That being the case, it is absolutely incumbent upon us not to come to any decision until we have the very fullest and most exhaustive information before us. What do we require in the way of a capital site? The Government have not given us any light. They have dealt with the question in a most slipshod fashion. They have not made the slightest attempt to form public opinion upon it. We do not know what the ideas of the Government are. They have been so busy I suppose in providing for certain appointments that they have had no time, or have made no attempt, seriously to study the very important question of the capital site. I blame the New South Wales members, or rather the people of New South Wales, for the urgency which has been imported into the discussion. There appears to be a sort of feeling in the minds of the people of that State that by some curious manipulation of events Melbourne is going to filch the capital from New South Wales. I can assure them that so far as I have been able to gather, there is not the slightest possibility of that ever happening. We who are in favour of delay are not in favour of the capital remaining in Melbourne. That is not our reason at all.

Senator PEARCE.—It is the reason given by the honorable senator's allies.

Senator STEWART.—We are not responsible for our allies. Even the best of men occasionally get into bad company. I find my honorable friend very often in the company of the free-traders. I should be very glad to see him out of that company, but I recognise that he is quite sincere in being there, and that if he is in bad company, it is not his fault, but his misfortune. I have no sympathy with Kyabram or with Maffra, or with any of the people who desire to keep the capital of the Commonwealth in Melbourne. But I do desire to secure that when we fix the capital site, it will be a site, not only of which we who live now may be proud, but of which the people who come after us may also be proud. I see a very great danger, if we rush into the settlement of the question in this manner, of coming to an altogether inadequate decision. As I have already said, I blame the people of New South Wales for that. There appears to be a kind of hysteria in their minds

on this subject. They desire to rush through the selection of the capital city. There is not the slightest danger that Victoria will filch it away from them. Therefore my own opinion is that we ought to approach the question patiently, deliberately, and in such a frame of mind as will conduce to the very best results. With regard to the proposed Conference, I may say at once that I have listened very patiently to the arguments which have been advanced in favour of it, but I have not heard a single one sufficiently strong to persuade me that we should be right in agreeing to the motion. If we enter into this Conference what do we do? We not only surrender our rights, as some honorable senators put it, but we do something which is very much worse. We shirk our responsibilities. I do not believe in shirking responsibilities. This Senate has powers altogether distinct and separate from those possessed by the House of Representatives. We have been told that this is not a matter in which State rights intervene. Well, I do not know that State rights can be said to enter into this question. But it is, I submit, a question on which the smaller States ought to be particularly careful. We find two big States engaged in a tug-of-war in regard to the capital city. We find New South Wales on the one hand and Victoria on the other, each one exerting its powers to the very utmost to get a particular place chosen. That being the case, I think it behoves those of us who come from the more distant portions of the continent to be keenly alive to the interests of the people who do not live in either of these two States. The very fact that we are not personally interested or concerned places us in a much superior position to deal with the question. By entering into this Conference we practically merge ourselves in the House of Representatives. It is absolutely ridiculous to think of thirty-six men conferring with seventy-five men. Of course, we shall be told that the members in the other House are divided. But we also are divided; and in any case, as I have already pointed out, we have a duty to perform with regard to the choosing of the Federal capital site. I know that a large number of honorable senators are in favour of choosing a comparatively large area of country in which an experiment in land nationalization may be tried. But the probability is that, if we enter into this Conference, we may find

*Senator Stewart.*

ourselves tied down to a site where such an experiment is impossible. Several honorable senators, more especially Senator Pearce, have claimed that by entering into the Conference we bind ourselves to nothing. That is a most extraordinary position. Why does the Government invite a Conference? The motion tells us distinctly that with a view to facilitating the performance of obligations imposed on Parliament, it is expedient that a Conference shall take place.

Senator PEARCE.—Finish the sentence.

Senator STEWART.—That it is expedient a Conference shall take place between the two Houses of Parliament to consider the selection of a seat of government for the Commonwealth. Then there is the process of the exhaustive ballot. I have often heard of people trying to hoodwink other people, but it is extraordinary to find honorable senators attempting to hoodwink themselves—to draw blinds, so to speak, over their own eyes. The Government invite us to a Conference for the express purpose of choosing a site.

Senator PEARCE.—For considering the selection of a site.

Senator STEWART.—The Government invite us to enter into an exhaustive ballot and to report the result of the choice to the Senate, a Bill to be subsequently introduced containing the name of the site chosen. Does any honorable senator imagine for a moment that, after going through all the formula, he can, with any kind of decency, oppose the choice of a majority of members of the Conference? If honorable senators reserve to themselves that right, of what earthly use is the Conference? If honorable senators, like Senator Pearce, enter the Conference with the mental reservation that if the result is not to their mind, they will do exactly what they would have done if there had been no Conference, it is idle to talk of the Government proposal.

Senator PEARCE.—It is not a mental, but a stated reservation.

Senator STEWART.—I do not care which it is. If I favoured a Conference, I should say—"By all means let us have it, and I shall take my chance of the result." I should not take part in an exhaustive ballot, and then in the Senate vote against the decision of a majority of the Conference. A procedure of that character would, to say the least of it, not be very creditable.



Senator MCGREGOR. — It would not be very democratic.

Senator STEWART. — It would be neither democratic nor creditable to the members of the Commonwealth Parliament. I really cannot imagine how honorable senators can reconcile themselves to such a position. If they enter the Conference, they do so with a stated reservation; and, in these circumstances, would it not be better to allow the choice of a Federal site to take the natural course of ordinary legislation? Let a Bill be introduced in either this or the other House, naming a particular site, or having a blank in which a name may be inserted. Let this measure be passed through one House and carried to the other, and after that has been done, a Conference may under our Standing Orders be summoned at any time, and, if possible, an agreement arrived at. For a number of reasons, that appears to be the better form of procedure. I cannot speak for other honorable senators, but what I want is more information on the question.

Senator DRAKE. — That is what we propose to get.

Senator STEWART. — We can get more information very much better in the ordinary fashion than is possible by having a joint sitting. What will be the result if we have a Conference of all the members of both Houses? Probably 100 members from both Chambers will attend, and it is equally probable that ninety per cent. will desire to speak. If each man is allowed an hour, how long will the Conference last?

Senator PEARCE. — All night.

Senator STEWART. — How many nights? The discussion, it appears to me, would be interminable.

Senator DRAKE. — I do not suppose that nine per cent. would desire to speak.

Senator STEWART. — We all know that members of the Parliament are extremely anxious to place on record their opinions on an important question of this character. Representatives of Victoria and New South Wales in particular will wish to speak at length, and will speak from their respective points of view almost unanimously; and even if a single other member did not open his mouth, there would be sixty-two speakers. Unless this session is to be extended until the very last possible hour, the question of the capital site cannot be dealt with, or if it is, it will not be dealt with in a fashion to reflect credit on the

Parliament of the Commonwealth. If a Bill were first submitted in the House of Representatives, honorable senators would have the privilege of reading the speeches of members of that House, and the advantage of the information which, I have no doubt, they would be able to give. But if the two Houses sit in Conference, there will be a perfect Babel. While a member is speaking talking will go on all the time, and, with representatives passing in and out, the whole proceeding will be a mere farce without any of those elements of deliberation and order which ought to characterize the discussion of such an important question. I cannot see any occasion for what I must call the indecent haste in choosing a capital site. There seems to be some power behind the Government, pushing them forward against their will. New South Wales has apparently lashed itself into a condition of hysteria. Senator after senator claims that New South Wales is being defrauded of its rights, and asserts that if it had been known that this treatment would be meted out, that State would never have entered the Commonwealth. That is not saying very much for the Federal spirit, so far as New South Wales is concerned. It was very mean on the part of that State to make a condition in regard to the Federal capital. It would have been more creditable to the leading statesmen or politicians of New South Wales if there had been no such condition placed in the bond. When stipulations of that character are made, one is apt to question the sincerity of the motives which lie behind. The statement which was made here this evening that if New South Wales had known that delays would have taken place in choosing the capital site, she never would have entered Federation, reflects very little credit on that State. But I am charitable enough to believe that honorable senators who express that opinion do not represent the feeling of the people of New South Wales, but merely echo the opinions of the Sydney press, and a few Sydney tuft-hunters, about whom we need not particularly care. The reason I am so anxious that the choice of the capital site should be delayed lies in my desire that the very best possible selection should be made.

Senator PULSFORD. — That could be said in ten years' time.

Senator STEWART. — The honorable senator is in a desperate hurry.

Senator PULSFORD.—The Melbourne *Age* talks about fifty years.

Senator STEWART. — One would imagine, to hear Senator Pulsford, that Australia is going to bound up like a rocket and come down like a stick or a stone, and that, therefore, there is an absolute necessity for choosing the capital site immediately. I contend that there is really no hurry. I have no desire to remain in Melbourne; neither have I any desire to get out of Melbourne. We are probably just as comfortable here as we should be any where else on the continent. As to the malign influences about which honorable senators complain so much, I have not felt them. Neither the social, financial, nor the press influences of Melbourne, have, so far as I am able to discover, had the slightest effect on any utterance I have made, or any vote I have given in this Chamber. Seeing that we are in the death grip, in the mortal agony, and that, as an honorable member in another place put it recently, "We want to be in our electorates; the other bloke is there already." We ought really to put off the settlement of this question until the next Parliament. I may not be here, but if I am not probably some person very much better qualified to give a decision on the matter will be here in my place. At all events I do not feel that any very special responsibility lies upon my shoulders with regard to the fixing of the capital site except the responsibility of choosing a site which will be suitable not only to the times in which we live, but to times hundreds, and perhaps thousands of years to come. That being the case, I again submit that there is every reason why we ought not to enter into Conference with the other Chamber. We ought neither to surrender our rights with regard to the fixing of the capital site, nor to shirk any duty thrust upon us. For the reasons I have given I am opposed both to going into Conference with the other Chamber and to the settling of the question this session. I think we ought to wait for more light. The Government should submit a programme upon this question, if they have any programme. They should afford some leading, not only to members of Parliament, but to the people of the Commonwealth, upon this very important subject. We all look to the Government for guidance. We do not get it sometimes, but we expect it. On this particular subject we have not

got it. The Government have deliberately shirked all their obligations, so far as this matter is concerned. I, for one, do not feel inclined to assist them in taking that course. I intend to vote against the proposal to go into a Conference, and I hope honorable senators will not be so silly as to be drawn into this net which has been so obviously spread before them by the Government in another place.

Senator BARRETT (Victoria).—I must compliment Senator Stewart upon his admirable speech. The honorable senator has made the speech I intended to make, but has made it very much better than I could have done. I can scarcely accept the honorable senator's excuse that he has not been influenced in some way by the Melbourne press, which seems to be uppermost in the minds of some honorable senators. As I sat here listening to what the honorable senator had to say, I thought he was certainly under the influence of the Melbourne press when he spoke so much in favour of delay. The honorable senator made an excellent speech in support of delay, and I am entirely in favour of that. This has been a very interesting discussion. The question of the selection of the Federal capital site is one which seems to set honorable senators by the ears. Even in the case of the staidest and quietest members of the Senate, one has only to whisper something about the question of the Federal capital, and they become raging volcanoes. I could scarcely contain myself when some honorable senators opposite made references to the wicked underhand practices supposed to have been adopted in the State of Victoria with the object of filching the Federal capital from New South Wales. Upon more than one occasion I have tried to assuage the feelings of honorable senators who have spoken in that way. If they will take my declaration, repeated again to-night, let me say that I have no intention personally or as a representative of the State of Victoria to take away from New South Wales any right to which she is entitled under the Constitution. I do not think such a thought exists in the mind of any man or woman in this State. But we have to look at this matter from every point of view. If I could be persuaded that the selection of the capital site would not entail an enormous expenditure upon the Commonwealth I should be prepared to give a vote at once in favour of

a site. I have, however, to look a little ahead and to consider some of the dangers referred to by Senator Stewart and other honorable senators. I have to consider what this motion will ultimately lead me to, and I must, therefore, be cautious in dealing with it. Senator Stewart has made out an excellent case in support of his contention that it would be better to delay the selection of the Federal capital site until we have more information, for the benefit not only of the Federal Parliament, but of the people of Australia. We should allow them to express their opinion upon the matter within the next eight or ten weeks. The question is very much involved. Even in the Senate we have had several proposals with regard to it, and before we complete the consideration of these proposed resolutions there will be shown a very great divergence of opinion. Mention has been made of the delay which has taken place in the consideration of this question. For my part, I am glad that it cannot be said there are any specific instructions in the Constitution as to the time when it is incumbent on Parliament to select the Federal capital site. We are unfettered in that respect, and I say that the delay which has taken place has been beneficial. It was never anticipated or thought that we should pass all the measures referred to in the Constitution, or select the Federal capital in the first Federal Parliament. I join with Senator Stewart and other honorable senators in saying that it is wrong for the Government in the closing hours of the session, and when a dissolution of Parliament is immediately ahead, to submit this motion, and I shall do my best to defeat it. Reference has been made to the contradictory character of the information placed at our disposal. The experts who have reported with the object of giving us light upon the question, have submitted divergent views. Even since their reports have been submitted to us, and since some of us have visited the sites suggested, changes have taken place. Different sites even in the localities first proposed, are now favoured. There is a great difference of opinion even amongst the representatives of New South Wales on the subject. I agree that if we are to have any leading in regard to this matter, and it is desired to come to a unanimous conclusion, honorable senators, and representatives in another place coming from New South Wales, should amongst themselves arrive

at a conclusion with regard to the best site. If that were done, it would help us very materially in selecting the site of the capital. I do not propose to speak at length upon this motion, because it has been well discussed by preceding speakers. My great objection to the proposal is that the method which the Government seek to adopt is foreign to the Constitution. I indorse every word which has been said by those who have preceded me in contending that this proposal is meant to enable Ministers to shirk their responsibilities. There is the further important consideration that we have no right to give up to another place any power which the Constitution gives the Senate. It seems to me that the secret was let out this afternoon by Senator Playford, who told us distinctly that the reason why this procedure was proposed by the Government was that there was a division of opinion in the Cabinet upon the question. It was thought that by adopting this course the Ministry would be given some indication as to the views of honorable members in both Houses on the question.

Senator MCGREGOR. — The honorable senator should not have let that out.

Senator BARRETT. — He should not have let it out, but we know that the honorable senator has been very solicitous about the Government for some weeks past. I agree with the contention that the Government must and shall take their responsibility in connexion with this question. With the evidence before them they should come down to Parliament with a proposal, and, if that proposal were not acceptable, it would remain for Parliament to make the best selection possible in the interests of the people. In the circumstances, believing the course proposed by the Government to be wrong, I intend to vote against the motion.

Senator Lt.-Col. NEILD (New South Wales). — There has been a very considerable amount of beating the air in the discussion which has taken place this afternoon and evening, because, as I understand it, there is no proposal on the part of the Government, in the motion submitted, that this Senate shall abrogate any of its functions or relinquish any of its powers.

Senator FRASER. — Then why take the unusual course proposed?

Senator Lt.-Col. NEILD. — Because the circumstances are unusual. If my honorable friend will restrain his enthusiasm for a moment, he will perhaps find that there

is very much in agreement between us. I understand that the idea submitted to the Chamber for its consideration is practically for a meeting that in any circumstances must be largely informal. A decision arrived at, or a motion submitted by the Conference, cannot have any force of law whatever. It cannot in any way trammel the authority of either House, and can do no more than afford a method for ascertaining the opinion of the majority of the members of the two Chambers with reference to the most suitable site.

Senator DOBSON.—What is the meaning of the words “a Bill . . . to determine the site so reported”?

Senator Lt.-Col. NEILD.—I take it that no matter how we may proceed, it will be impossible for us to determine the site without a Bill, as my honorable and learned friend must know.

Senator DOBSON.—It is plain English.

Senator Lt.-Col. NEILD.—Not happening to be a professional hair-splitter, I cannot follow all the mysteries which my honorable and learned friend invents for himself and others. But I do think that there has been disclosed during the debate a very strong party in favour of delay. That certainly has been the key-note of the majority of the speeches against the proposal. But the proposal appeals to me as a relinquishment by the Government of the responsibilities of office. I take advantage of the present opportunity to complain of and protest against, as I have done on many occasions, not only here, but elsewhere, the loss of constitutional methods and of responsible government now becoming more and more, frequent and less manly. Why did not the Government, instead of submitting this proposal, introduce a Bill? If they were not prepared to submit one site in a Bill for the consideration of the Parliament, why did they not have the name of every one of these blessed sites printed in italic letters—which would represent a blank in the parliamentary sense—or leave a blank to be filled by the Houses? Instead of taking one of these courses, however, they have taken a course which, while it relieves them from all responsibility, reminds one of the agistment advertisement—“Every care taken but no responsibility.” It leaves to the members of the Houses all the risk, all the trouble, and all the difficulty concerning a selection,

which I thought was one of the duties and functions of a responsible Administration. But we have come to a period in the session when it is not possible to do more than raise one's voice in protest against this condition of things. Apparently it is left for us now either to accept this proposal or to relinquish all hope of a site being selected during the present Parliament. I cannot help remembering that when the Parliament first met I took the responsibility of submitting a motion—it was the first one submitted by a private member—in favour of appointing a joint committee—taking one representative of a State from each House—to winnow out the plethora of sites, and to bring them down to a reasonable number. Had that course been taken, instead of considering eight or nine sites, we should have been considering at the outside three or four.

Senator DOBSON.—Let us have a Conference to pick out three sites.

Senator Lt.-Col. NEILD.—That is exactly what I am in favour of, but my honorable and learned friend wishes to do something else. He does not make any scruple about acknowledging his desire to delay the settlement of this question, not only for the term of the present Parliament, but for the next ten years. If a site is not selected during the present Parliament, we know very well that it will not be selected during the next Parliament, and that is the object sought by many of those who have spoken and intend to vote against the motion. It is well known that in Victoria not one candidate will dare to do anything else than promise that he will give no vote for the selection of a site during the coming Parliament. Not one candidate will be returned in Victoria who will dare to give a pledge to vote for the fulfilment of the provision of the Constitution.

Senator DOBSON.—That is rather a bold statement to make.

Senator Lt.-Col. NEILD.—If there is such a man he will have my sincere respect. I shall be very sorry if I find that I have done any one the smallest injustice. Let me put the idea in another form. I do not think that any man will have a chance of being elected in any part of Victoria unless he pledges himself to vote against the selection of a site. I judge this by the newspapers, the members of Parliament, the shire councillors, poultry farmers, and dog-show men who are congregated together at the public expense to “barrack” against the fulfilment of the condition of the Constitution,

under which alone the great State of New South Wales consented to enter the Federation which was howled for by the people of Victoria.

Senator DOBSON.—Victoria has behaved more generously than New South Wales, I think.

Senator Lt.-Col. NEILD.—I shall be very pleased to be assured that such is the case. How New South Wales has stood in the way of the fulfilment towards Victoria of every condition of the Constitution I have yet to learn. But I have not yet to learn that Victoria has done anything else as a State than in every possible way—through her press, her public men, her municipal and other institutions—to “barrack” in season and out of season in opposition to the fulfilment of a solemn obligation of the Constitution.

Senator DOBSON.—That is not correct.

Senator Lt.-Col. NEILD.—If it is not correct, as we are in Committee my honorable and learned friend can contradict me by a statement of facts, and not by bald contradictions which prove nothing except that he is forgetful or lacking knowledge.

Senator FRASER.—New South Wales was selfish enough to refuse to enter into an honorable compact without getting a benefit. That is not much to her credit.

The CHAIRMAN.—Order! I cannot allow these recriminations to take place.

Senator Lt.-Col. NEILD.—I can quite understand that my remarks have aroused a little feeling. We find ourselves in the position of having either to vote for the proposal of the Government or to give up all hope of a settlement of this important question. I understand that the proposition of the Government is merely to have what may be called a friendly Conference. I think I may say, in passing, that they have given an official air to the proposed meeting by reason of the unnecessary number of conditions submitted, when a simple proposition for a joint meeting to discuss the matter was all that was necessary and all that could be effected.

Senator DOBSON.—But that is not what is proposed.

Senator Lt.-Col. NEILD.—Although a number of phrases are used and a number of propositions are submitted, still the result must be the same. It can only be a friendly Conference: it may be formal, but it cannot be official.

Senator DOBSON.—Then the motion hoods us.

Senator Lt.-Col. NEILD.—I do not think that my honorable and learned friend is so exceedingly immature in the ways of the world or of politics as to be so easily hoodwinked as his observation suggests. Any result which might be arrived at by the Conference could only be made effective through the medium of an Act of Parliament.

Senator FRASER.—If we agreed to the motion, how could we refuse to pass the Bill?

Senator DOBSON.—It gives leave to bring in a Bill “to determine the site so reported to the Senate.”

Senator Lt.-Col. NEILD.—I take it that the honorable senators who so enthusiastically interrupt me must be aware that it is by no means an uncommon thing for a Bill to be founded on the resolutions of a Committee. That is practically all that is proposed by the Government. We are asked to go not into a Committee, but into a Conference, and on the resolutions of the Conference a Bill will be founded. It is well known that Bills relating to trade, money, and religion have to be initiated in a Committee. What is the advantage of the Committee stage, except to admit of free exchange of opinion? And what is the proposition of the Government but practically a Committee stage? There is nothing unusual about the proposal, except that there is not the same amount of formality and effectiveness in a Conference as in a Committee of either House. All we can do, if we consent to go into a Conference, is practically to ascertain the names of, I suppose, two or three sites, and when a Bill comes before each House, we shall, I conclude, winnow out the one that will eventually be the home of the Commonwealth, which, I believe, it is the desire of every honorable senator to promote and justify the existence of, by the care and honorable attention which will be given to the performance of this duty.

Senator DOBSON (Tasmania).—I do not think I need trouble the Chairman to put the amendment which I have proposed. It has been fully discussed and has served its turn. It has accentuated the position which we wanted to discuss, and now I ask leave to withdraw it, so as to allow the Committee to pass or negative the motion. But I desire to say that I have heard no single argument which, in the slightest degree, alters —

opinion or alters the course which I think the Committee ought to take. Senator Neild sees perfectly well the weak spot in the whole business, though he tries in an ingenious way, for which I give him every credit, to get round it. But he does not get round it. He argues that the Government have simply asked the two Houses to meet unofficially and informally. But that is what they have not done. They have surrounded these motions with all the formality and ceremonial they could, in order to give them a constitutional effect. Nothing could be more plain than that if the Conference is held, and the site is selected, the Bill brought in will be held to have emanated from the Conference. If words mean anything, I take it that we shall be guilty of a breach of faith if we go back upon what the Conference does. The whole object of the motions is to bind us and keep us bound. I think that the Minister for Defence has set us a very bad example. He has submitted this motion with all the earnestness of which he is capable, and yet he tells us that we shall be committed to nothing if we attend the Conference. Other honorable senators have adopted that language, and have tried to shelter themselves behind the Minister's statement that we shall be committed to nothing. I think that the Minister has no right to come here and propose motions of this kind, and then tell us that we are not bound or committed to anything. I cannot agree with any of those arguments. With regard to the onslaught which Senator Neild has made upon Victoria, let me give him one or two arguments to show why I differ from him. I have always said that the public men of this State have behaved more generously in regard to this question than have the public men of the great mother State of New South Wales. I was a member of the Convention, and was not absent from it for five minutes during the whole of its sittings. There was a very marked distinction between the fairness and generosity of the Victorian representatives as regards this question, and the attitude of the representatives of the mother State. Every time some of those representatives arose, they could not sit down without demanding and asserting the right of the mother State to have the capital within her territories. But in spite of that, the first draft of the Bill, as submitted to the electors, did not contain a provision giving that right to New South Wales. The Bill

left the matter to the Parliament to decide. Afterwards, at a Conference of the Premiers, the right of the mother State was asserted, and the Premier of Victoria, speaking on behalf of the whole of this State, gave in and conceded what the Convention would not do. That was certainly behaving in a generous way, sinking all localism and provincialism and self-interest, and seeking only for the good of the community. Victoria then gave to the mother State a right which perhaps she could not have obtained otherwise. I assert, without fear of contradiction, that if it had not been that that right of the mother State was asserted so aggressively in the Convention, the capital would have been located in Sydney at the instance of the Convention. Nothing will alter my opinion in that respect. I have spoken with twenty or forty of the leading men of this State, and with one exception every one of them said that they would prefer to have the seat of government in Sydney rather than have a capital built in the back blocks. I believe that those men are sincere and honorable in that opinion. I regret to find that my honorable friend Senator Neild, and two or three others, think that the people of Victoria—the shire councillors or any other bodies—have a desire to deprive New South Wales of any of her constitutional rights. I do not believe there is any such desire. I do not think that any public men in this State have said such a thing. I quite agree that it would be a gross breach of faith if we did anything of the kind. But it was natural that, after hearing so many different opinions about altering the Constitution, and about the capital being in Melbourne and Sydney alternately, some people in the country should have taken the action they did, without having the slightest notion that they were committing a breach of faith. The mere fact that the Premier of New South Wales said that he would prefer to see the capital in Melbourne or in Sydney rather than in the back blocks justified some of the people of Victoria in the opinion they expressed. I do not mean to say that my honorable friend the Premier of New South Wales was guilty of any offence in saying that he would prefer to see the capital in Melbourne or Sydney, but he felt so strongly that the circumstances of Australia were not similar to the circumstances of the

United States and of Canada, that he was forced to the conclusion that it would be far better to have the capital in one of the existing cities instead of trying to attract population to another great city. I think that the attitude of the public men of Victoria all along in regard to this question has been very generous, patriotic, and unselfish. Before I sit down, I should like to say that in my opening remarks I objected to the motion on two grounds. First, I urged that the exhaustive ballot should be conducted by open voting. I understand that there is an amendment to be moved to that effect. I also said that there should be an amendment providing that the site must be selected, not by a majority of all the members sitting together as one House, but by a majority of each House, and that no site ought to be selected unless a majority both of the House of Representatives and of the Senate agreed to it. I understand that Senator Clemons has prepared an amendment which will meet both of those objections, which were patent on the face of the Minister's motion. Therefore, if the first motion is carried, I shall have much pleasure in joining with Senator Clemons, and in supporting amendments to make the subsequent motions as perfect as possible. One more word and I have done. I listened with very great pleasure indeed to the speech of my honorable friend Senator Stewart. Nearly every word of that speech was pregnant with common-sense and statesman-like forethought. Suppose, as I think is not only possible, but probable, that the House of Representatives prefers a city in the bush. It will then have to be determined whether the site is to be inland, when in time of revolution or of riot the territory of the Commonwealth might be surrounded possibly by people who were discontented; or whether the capital is to have a port of its own. It is quite possible that the Senate may be in favour of a place with a port, namely, Bombala. A question may arise as between a place with a port and an inland site. Upon that question we want more light and more guidance than we have at present. This is essentially one of the questions with regard to which I claim that we should proceed in the ordinary way in which we proceed with Bills, giving proper time for discussion at every stage. As to the idea of a general Conference, I may remark that at the Convention we

had hours and hours of discussion about it. When is the Senate compelled under the Constitution to submit to a general Conference and be out-voted? If a Bill or a resolution is sent to us by another place and is rejected, three months have to elapse, and, in another session of Parliament altogether, the same Bill or resolution has to be submitted again. If it is again rejected by the Senate, the Governor-General can dissolve both Houses. Then the people have to decide, and a Conference follows. If that method were adopted in regard to this question, it would be the people who would have to decide as between Tumut without a port and Bombala with a port. But we are departing from that principle. Honorable senators who are supporting this motion want to do away with every shred of procedure that was inserted in the Constitution to protect the rights of the Senate. We are asked to reduce our voting power with regard to an important matter, which, when decided, will be absolutely irrevocable. It is said that we who oppose the motion are in favour of delay. I repudiate the word "delay" in the sense in which my honorable friend Senator Neild uses it. I want to save honorable senators from undue haste, but not to have any delay in the sense in which that word is used. I want to have delay in the sense in which every Bill is delayed in order that it may be discussed in its proper stages. We have not yet passed the machinery Bills which are necessary for the proper working of the Federal Departments. The Defence Bill is still before us. It has been before us for two years, and we have gained by the delay. We have had more criticism in the meantime, and have obtained more information. What is the state of this Federal capita question? We had laid upon the table about three weeks ago a report from Mr. Oliver, who is the most capable man of the five Commissioners who have investigated the question. That is what I meant by my interjection during Senator Drake's speech this afternoon, when I asked whether he was going to deal at greater length with Mr. Oliver's report. It is a most admirable report. He has corrected the report of the Federal Commission, and has suggested,—what? I should hardly like to put it into words. But the two reports absolutely contradict one another, one saying that Tumut is first in regard to climate and Bombala sixth or seventh, although there is only a difference

of 6 or 7 degrees between the mean temperatures of the two places. I should have liked to have the Commissioners at the Bar of the Senate, in order that I might ask them questions; and I should ask them a great many. I do not believe that either Parliament or the people have yet all the information necessary to enable a wise choice to be made. In the last resort, it is the people who will have to settle between Bombala and Tumut, or Bombala and Albury. The people are being robbed of their rights by the Government proposal, and I am not at all certain that what we are asked to do is constitutional. If the Constitution says that Parliament is to decide the question—and I put this view in all seriousness—and on a decision by what, according to the Government, is an official Conference, but what, according to Senator Neild, is an informal chat, we pass a Bill, the Senate being in a small minority, I do not know that the Court could upset the measure. But the Court would never approve of the steps we are asked to take in order to get a Bill placed on the statute-book. I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Senator DRAKE.—As Senator Dobson has withdrawn his amendment, it is not necessary for me to say anything on that subject, though he has told us that he thinks his proposal has done its work. I do not think that the honorable and learned senator has convinced any one that, by the action proposed by the Government, the rights and privileges of the Senate will be in any way infringed. If the honorable and learned senator still believes that that would be the effect, he ought to persist with his amendment.

Senator DOBSON.—I am going to try to negative the motion, which will amount to the same thing.

Senator DRAKE.—I cannot see how the rights and privileges of the Senate can possibly be infringed by the action of the Government; nor can I see how in any way the proposal can be drawn into a precedent. The question to be decided is absolutely unusual and novel, and one not likely to arise twice in the lifetime of a nation. We provide expressly in the motion that the Standing Orders shall be suspended for this particular purpose. It is exceedingly satisfactory to find that Senator Dobson, and those who follow him in arguing in favour

of delay, are going to vote against the motion.

Senator MILLEN.—And on their own showing they would vote against any other proposal.

Senator DRAKE.—Clearly what they desire is delay. I want to refer particularly to an argument which apparently has had weight with some honorable senators, namely, that by the course proposed the Senate will be in some way prejudiced in its subsequent action. The Government have been accused of shirking their responsibility by not bringing in a Bill with the name of one site included. But that argument cuts exactly the other way. If the Government had undertaken to determine the question which the Constitution says must be determined by Parliament, what would have been said when the Bill was brought down? It would have been said that the insertion of the name in the Bill placed Government supporters in the position of having to vote for the site proposed, or to vote against the Government.

Senator Lt.-Col. GOULD.—Not at all.

Senator DRAKE.—That is what has been said in connexion with other measures. That is what was said in connexion with the Naval Agreement—that members of Parliament did not have their hands free if the Government in the first place declared in a certain direction. Instead of taking that course, the Government propose a Conference, with a view of deciding which name shall be placed in the Bill, and when that Bill is brought down the hands of every honorable member in both Houses will be absolutely free. The Bill may be rejected in either House, or either House may strike out the name and insert another.

Senator DOBSON.—That is not the meaning of the motion.

Senator DRAKE.—The Government proposal keeps party entirely out of a matter which should be looked at entirely from a national stand-point. If the Government brought down a Bill in favour of a certain site, party considerations would at once enter, whereas, if the proposal now before us be carried out, every member of each House will be able to deal with the Bill on its merits, without any suggestion that he is influenced by party considerations. Every honorable member will be free to look at the matter not from a party stand-point, but simply from the



national stand-point of what is best for the people of Australia.

Senator O'KEEFE (Tasmania).—This is a question on which honorable senators may candidly and freely admit that they have an open mind. At least I am free to admit that at the commencement of this discussion my mind was open; and, after listening carefully to all the arguments, I just as cheerfully admit that the question raised is one that has given me more trouble than any which has been before the Senate. I am not amongst those who believe that there should be delay for any unreasonable time, nor am I amongst those who listen to the cries of some sections of the press that the settlement of the matter should be deferred. But I am amongst those who are anxious to ascertain which is the best site and which is the best mode of procedure. Quite apart from the question of which is the best site, there is the question of whether we as a Senate are right in accepting the proposal of the Government; and that is the question in regard to which I have had so much difficulty in making up my mind. After listening to the arguments on both sides, I may say that the views of those who hold that the Senate would to a certain extent yield up some of its rights and privileges, weigh most with me. In my opinion this is a piece of legislation which should have been introduced in the ordinary way of a Bill. I do not blame the Government for unreasonable delay, and I think such a charge is absurd, because, on the other hand, they are accused of rushing this matter with undue haste. At the same time I do not think that the Government have gone the best way about the business. The correct method for the Government would have been to submit to the other Chamber a proposed capital site; and then the Bill would have been sent on to the Senate in the ordinary course. I admit that, like several other honorable senators, I am making a sort of "yes-no" speech. I also admit that it might be possible to settle the question more expeditiously by means of this Conference than by insisting on the right of the Senate to have the legislation introduced in the ordinary way. But several senators have openly stated that they are willing to take part in this Conference but decline to be bound by any resolution which may there be arrived at. If I were to vote in favour of the Conference I should feel myself in honour bound, when the Bill came before us in the usual course, to express by my

vote the same opinion I had formed in the Conference.

Senator DRAKE.—And why not?

Senator O'KEEFE. — Some honorable senators have said that even if they voted for a particular site in the Conference they would reverse that vote if they found that a majority of the Senate were of a contrary opinion, and that it was necessary to do so in order to uphold the rights of the Senate. Then there is another question to be considered. I understand that Senator Clemons has intimated his intention to submit an amendment to the effect that the two Houses shall sit in Conference but shall vote as separate orders. I do not know that I am altogether enamoured of that proposal. If any good could result from the adoption of such an amendment we might just as well vote in our separate Houses. After listening very carefully to what has been said, I have come to the conclusion to vote against the motion.

Question—That the motion be agreed to—put. The Committee divided.

Ayes ...	...	...	...	12
Noes ...	...	...	...	13
Majority				1

#### AYES.

Best, R. W.	Pearce, G. F.
De Largie, H.	Playford, T.
Drake, J. G.	Pulsford, E.
Gould, A. J.	Smith, M. S. C.
Keating, J. H.	
Macfarlane, J.	<i>Teller.</i>
Neild, J. C.	Millen, E. D.

#### NOES.

Baker, Sir R. C.	O'Keefe, D. J.
Barrett, J. G.	Reid, R.
Charleston, D. M.	Saunders, H. J.
Dawson, A.	Stewart, J. C.
Downer, Sir J. W.	Zeal, Sir W. A.
Fraser, S.	<i>Teller.</i>
McGregor, G.	Higgs, W. G.

#### PAIRS.

<i>For.</i>	<i>Against.</i>
Walker, J. T.	Dobson, H.
Clemons, J. S.	Matheson, A. P.

Question so resolved in the negative.

Motion negatived.

Progress reported.

#### NATURALIZATION BILL.

Bill returned from the House of Representatives, with amendments.

Senate adjourned at 9.48 p.m.

## House of Representatives.

*Tuesday, 22 September, 1903.*

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### HIGH COURT APPOINTMENTS.

Sir WILLIAM McMILLAN.—In view of the public anxiety with regard to certain statements which have been published in the press, I should like to ask my right honorable friend at the head of the Government if he can see his way to fix a definite date for informing the House as to the intentions of the Government with regard to the appointments to the Bench of the High Court?

Sir EDMUND BARTON.—The statements which have been published in the press do not represent the actual position of the matter. As soon as there is anything definite concerning the composition of the Court to make public, a statement will be made—first of all to the members of the two Houses of Parliament. If the matter had reached that stage which is alluded to in the press, I should not be here to-day to move the motion with respect to the Federal Capital site standing on the notice-paper in my name.

Mr. WILKS.—Following up the right honorable member's answer, I should like to ask him, without notice, if he thinks, in view of the recent defeat of the Government upon a matter of vital Ministerial policy and of the near approach of the dissolution of Parliament, the Government ought to make such appointments as those to the Bench of the High Court, until they have sought and obtained the confidence of this House and of the country?

Sir EDMUND BARTON.—If the Government do not possess the confidence of the House there has been ample opportunity for the honorable member and others to test the question. They have failed to do that, however. We see no reason to doubt that we possess, not only the confidence of the House, but of the whole country.

### COMMONWEALTH METEOROLOGICAL DEPARTMENT.

Mr. L. E. GROOM.—I wish to know from the Prime Minister whether, in view of the fact that there is at present in

Queensland no Meteorological Department for the issuing of weather forecasts, and of the statement which has been made in respect to the Victorian Meteorological Department, he will forthwith communicate with the Governments of the States to see if it is not possible to establish a Commonwealth Department.

Sir EDMUND BARTON.—It is with very great regret that the Government have learned of the abandonment of the Queensland Meteorological Bureau; but I cannot undertake to at once establish a Commonwealth Meteorological Department, because the transfer of the States Departments could not be completed without the passing of a short Act, inasmuch as those Departments are not within the list of those which can be taken over by proclamation. To pass such an Act would take some little time, and I do not think it is advisable to extend the list of measures for this session beyond those already mentioned. The taking over of the astronomical and meteorological departments of the States is, however, a measure which the Government fully intend to ask Parliament to sanction, but they feel that they must postpone such action until next session.

Mr. WILKINSON.—Would it not be possible to establish a Commonwealth Meteorological Bureau without taking over the States' Bureaux? There is nothing in the Constitution to prevent us from doing that, and I think that if we were to do it our action would compel the States to fall into line with us. The importance of the subject has been recognised in all the States, and particularly in the State of which I have the honour to represent a part.

Sir EDMUND BARTON.—It is, no doubt, possible to take the course which the honorable member suggests; but I do not think it would be advisable, inasmuch as the unnecessary duplication of functions would be a source of irritation to the States beyond the corresponding advantage to the Commonwealth. I still think that the best plan is that which the Constitution seems to indicate—the passing of a short measure dealing with the subject.

### PREFERENTIAL TRADE: MR. CHAMBERLAIN'S RESIGNATION.

Sir WILLIAM McMILLAN.—I wish to know from the Prime Minister if it is a fact, as set forth in yesterday's newspapers,

that the Government, under his hand, sent the following message to Mr. Chamberlain:—

Your great policy commands the support of Australia. We know that you will persevere.

I desire also to ask him, in view of the fact that the discussion of the question of preferential trade by this House has been postponed until a new Parliament meets, and that no concrete statement has ever been placed before honorable members, on what constitutional principle he, as Prime Minister, ventures to voice Australia on the subject?

Sir EDMUND BARTON.—I sent a telegram exactly in the words which the honorable member read, thinking that, as an Australian public man, speaking for myself, I had a perfect right to do so. I think that I had an additional right to send it, because I believe absolutely in the truth of what it communicated to Mr. Chamberlain.

Mr. THOMSON.—Has the Prime Minister observed that the Premier of New Zealand consulted the Parliament of that Colony by moving a motion on the subject before sending a similar communication?

Sir EDMUND BARTON.—I became aware of that fact after I had sent my telegram, but I see no reason to compel me to a similar course of action.

#### WESTERN AUSTRALIAN TRANSCONTINENTAL RAILWAY.

Mr. E. SOLOMON.—Have the Government taken into consideration the advisability of having a survey made of the line from Port Augusta to Kalgoorlie?

Sir EDMUND BARTON.—It has been stated to this House more than once that that matter is under the consideration of the Ministry, and I think that I have also intimated that caution is needed in regard to it, inasmuch as, notwithstanding certain intimations which were made by a late Premier of South Australia and a certain telegram which was sent by the present Premier of that State to the Premier of Western Australia, no step has yet been taken by the Parliament of the State in the direction of authorizing the Commonwealth to construct the line. I have written to the Premier of South Australia on the subject, and when I have received his reply, both communications will be laid upon the table of the House.

#### BONUSES FOR MANUFACTURES BILL.

Sir EDWARD BRADDON.—I wish to ask the Prime Minister when we may expect the Bonuses for Manufactures Bill to be proceeded with?

Sir EDMUND BARTON.—I cannot take any action in regard to the Bill until the Royal Commission which was appointed to investigate the subject has reported, because I do not know what will be the nature of the Commission's report, and I am not likely to know until I have seen it.

#### NEW STANDING ORDERS.

Mr. FISHER.—Will the Prime Minister kindly say whether he has taken into consideration the question of passing the draft Standing Orders before this session is brought to a close?

Sir EDMUND BARTON.—It is my intention to confer with Mr. Speaker on the subject very early, with a view to asking the House to deal with the matter, if I am assured that it can be dealt with briefly.

#### FEDERAL CAPITAL SITE.

Sir WILLIAM McMILLAN.—I should like to ask the Prime Minister before we get to the business of the day whether he will take into consideration the desirability of having the resolutions regarding the Federal Capital site discussed in Committee, and not in the House? I think that if that procedure be adopted it will be found to afford greater convenience for securing information, and that the debate need not be on such rigid lines. There might be a general debate on the first item, and the discussion could then be continued, as is usual in Committee, upon large questions. It seems to me that that would be a very advisable course to adopt, and would probably result in the saving of a great deal of time in the discussion of the subject.

Sir EDMUND BARTON.—It has not suggested itself to me that the course mentioned by the honorable gentleman would be the right one to adopt. I think that we can deal with the matter sufficiently in the House by the discussion of these resolutions, which are entirely of a preliminary character, as I will explain when I come to move them. Whether in dealing with the debate on the merits of the which will take place if the two

accede to a full Conference, it may be more convenient to take the discussion in Committee is quite another question. I am asking that both Houses shall commit the decision of that question to Mr. Speaker and the President of the Senate, by asking them to draw up regulations for the holding of the Conference and the ballot which will follow. It seems to me that as the main debate on this question will be on the merits of the sites, which matter is not included in the scope of these resolutions, the time for a Committee, if there is to be a Committee, will more properly come at that stage.

Sir WILLIAM McMILLAN.—Is the debate upon the merits to be taken when the two Houses are sitting together?

Sir EDMUND BARTON.—It is not intended to have any debate on the merits of the different sites in discussing the resolutions I propose to move. They do not raise the question of the merits of the sites. My opinion is that there should be a full debate when the two Houses are present together in full number, before the ballot is taken. It will be then that we shall reach the stage at which we may properly discuss the merits of the various sites, but that question, as I have said, does not come within the scope of the resolutions I propose to move to-day.

### GENERAL ELECTION.

Mr. BATCHELOR.—I should like to ask the Minister for Home Affairs whether the statements in the newspapers giving the dates for the prorogation and holding of the elections are authoritative? If not, will the honorable gentleman consider the advisableness of fixing a Saturday as the day for holding the elections, as is done in several of the States?

Sir EDMUND BARTON.—I will reply to the honorable member's question. No statement which has been published has any authority from the Ministry. The date on which it will be deemed advisable to prorogue the two Houses and the date of the subsequent dissolution have not yet been decided or even considered in Cabinet. The proposal put forward by the honorable member that the elections should be held on a Saturday will receive due consideration, but I may add that experience shows that different views are held in different States upon the subject.

### EAST SYDNEY ELECTION.

Mr. CROUCH asked the Minister for Home Affairs, *upon notice*—

What was the exact (or otherwise the approximate) cost of the recent by-election for the constituency of East Sydney.

Sir JOHN FORREST.—The answer to the honorable member's question is as follows:—

The approximate cost was £370.

### NATURALIZATION BILL.

Bill read a third time.

### FEDERAL CAPITAL SITE.

Sir EDMUND BARTON (Hunter—Minister for External Affairs).—I move—

1. That, with a view of facilitating the performance of the obligations imposed on Parliament by Section 125 of the Constitution, it is expedient that a Conference take place between the two Houses of the Parliament to consider the selection of the Seat of Government of the Commonwealth.

2. That this House approves of such Conference being held on a day to be fixed by Mr. Speaker and Mr. President, and that it consist of all the Members of both Houses.

3. That at such Conference an exhaustive ballot be taken to ascertain which of the Sites reported on by the Royal Commission on Sites for the Seat of Government of the Commonwealth appointed by the Governor-General, on the 14th day of January, 1903, is in the opinion of the Members of the Parliament the most suitable for the establishment of such Seat of Government.

4. That Mr. Speaker be empowered in conjunction with Mr. President to draw up Regulations for the conduct of such Conference and for the taking of such exhaustive ballot.

5. That the name of the Site which receives an absolute majority of the votes cast at such Conference be reported to the House by Mr. Speaker.

6. That it is expedient that a Bill be introduced after such a report has been made to the House, to determine, as the Seat of Government of the Commonwealth, the Site so reported to the House.

7. That the passage of the last preceding Resolution be an instruction for the preparation and introduction of the necessary measure; and that leave be hereby given for that purpose.

8. That so much of the Standing Orders of this House be suspended as would prevent the adoption or carrying into effect of any of the above Resolutions.

9. That these Resolutions be communicated to the Senate by a Message requesting its concurrence therein.

I welcome with great gladness the opportunity which now falls to me of moving resolutions which will set in train a process by some non-party method of choosing the site for the future seat of Government of the

Commonwealth, a choice which, when we come to discuss it on the merits, will in my judgment, and with all respect to what others may think, be found to be one of the most momentous that will occur in the history of the Commonwealth. The resolutions which I have to move deal in this way with the subject: They propose the facilitation of the performance of our obligations by holding, with the consent of both Houses of the Federal Parliament, a Conference to consider the selection of the seat of Government; the Conference to be held on a day to be fixed by Mr. Speaker and the President, and to consist of all the members of both Houses. It is proposed that at such a Conference there shall be an exhaustive ballot for the purpose of choosing the site which, in the opinion of members, is the most suitable for the establishment of the seat of Government. We are asking the two Houses to empower Mr. Speaker and the President to draw up regulations for the conduct of the Conference and the taking of the ballot. We propose also that, upon the taking of the ballot, the name of the site which commands the preference of the greatest number of honorable members, as ascertained in a perfectly impartial way, may be communicated by report to each House, so that thereupon there may be introduced in one House or the other—and it is not a material question to determine which at present—a Bill fixing that site as the seat of Government. I desire to draw attention, in the first place, to the non-party character of these resolutions. We think that this is so much a matter of national import, so free from party considerations, so totally out of the line of those matters on which a Ministry may expect its own party to vote solidly with it from some consideration of policy, that we do not propose to use any means at all which may by any possibility divert the judgment of any honorable member from the clear and unbiased conclusion which he might form upon the matter. So much is that so that I have not even asked my own colleagues which of the suggested sites they prefer. I desire that their judgment, like mine, should be unfettered; and I desire also that no influence of any kind should be exercised in either House to lead honorable members to any conclusion which might be other than that which, after a due consideration of the report and the evidence, they may come to.

Mr. THOMAS.—The Government should lead the House, and should take the responsibility.

Sir EDMUND BARTON.—The Government is not afraid of the responsibility of the matter. But we adopt a higher principle than that in this connexion, which is that, if by any assumption of responsibility there were brought about the selection of a site which did not turn out to be the best site, the Government would never cease to blame themselves. We think it is the proper course to enable honorable members to vote free from any fettering influences in order that the determination to which they may come will be that which commends itself to their own judgment.

Mr. THOMAS.—Supposing an unsuitable site is selected?

Sir EDMUND BARTON.—I was trying, in my last answer to the honorable member, to point out that the course I propose is best calculated to secure the selection of a suitable site. If a site were chosen which, in the judgment of the Government, was not wholly acceptable, I am not prepared to say what we should do then. We should have a divided duty to discharge, owing to our responsibility to the citizens at large and our responsibility to this House. I am not suggesting that any Parliament would take a course which would be likely to lead to any such divided duty. We all repose faith in the judgment of both Houses, and, therefore the conclusion which the honorable member suggests would be least likely to be brought about. In the first place, I am asking, and my colleague in another place is asking, that the Houses should consent to meet in full Conference in order, then and there, to come to a decision after discussion. I may be asked why it is not intended that each House should make its selection first, and that there should afterwards be a conference regarding the rival selections. I have prepared these resolutions after very full consideration, and after having had the assistance of the wisdom and judgment of my distinguished colleague, the Vice-President of the Executive Council, and my answer to the question is that I think it incumbent upon us to endeavour to take the course which is most likely to lead to not only a selection but the best selection. If the two Houses made their choice in the first instance, they would very probably differ in their determinations. The

of then arriving at a solution between these two determinations would be well nigh insuperable, and those who have at heart the desire to see a determination arrived at, could not, I think, but regard such a prospect with dismay. Probably no middle course would be open, after this House and the Senate had once placed upon record their opinions as Houses, and not as members of Parliament. This matter is not like a clause in a Bill which, when there are divergent views, admits of a compromise involving the adoption of part of one and part of another proposition. If we obtained a decision in two Houses that A and B were respectively to each House the best site, there would be no possibility of a compromise by which we could take part of A and part of B. The ordinary result would be no solution at all, except, perhaps, by the choice of a third site, which neither House considered the best. If one House or the other could not persuade the members of its sister House to adopt its own view, then the *tertium quid*, or alternative, would be to select a third site, which, on the very hypothesis of the Houses having previously selected other sites, would probably not be the best. Therefore we think the method we propose is the better one, and that it is especially adapted to the selection of a site of a non-party character. If the Houses, without setting too much store by any precedent—and it will be noticed that I am asking for the suspension of the Standing Orders in connexion with the discussion of the matter—adopt a method which will enable them, together, to come to a choice of one site, after using their powers of argument upon the merits of the sites, we should arrive at a determination which can be embodied in a Bill, which, upon being passed, would finally settle our choice. These, in short, are the reasons which impel me to ask that there should be a Conference of all the members of both Houses, and I am full of confidence that the members of the two Houses, seeing that this is not a provincial but a national question, and of Federal importance, will think that the best means of settling it is by the full debate and conference now proposed, without too much relation to the fact that a member in one House represents a constituency, while a member in the other represents the whole interests of a State. Of the methods that could be suggested as likely to lead to reasonable finality, I have

*Sir Edmund Barton.*

become convinced by thought and discussion that that we propose is the best adapted to the end we have in view. It will be observed that the motion does not point to whether the exhaustive ballot should be open or secret. To my mind, in matters of this kind, an open vote is the most acceptable. I hope never to give a vote which I am afraid to disclose, and the consequences of which I shall not be able to face.

Mr. HIGGINS.—Is the right honorable gentleman opposed to the ballot system?

Sir EDMUND BARTON.—I am not opposed to the ballot system, but for myself I say that I do not think there is any reason for any of us to prefer secrecy in a matter of this kind—a matter in which, let it be recollected, the eyes of the whole of Australia and of a great part of the world outside of Australia are turned upon us. I do not see any particular reason why we should not face our entire responsibility as members of this Parliament and disclose our votes. I may be outvoted, or I may have wrongly gauged the sentiments of the House in this matter. I shall be bound on this motion to accept whichever choice the House makes upon the question whether the ballot shall be open or secret. If the House expresses no preference for either method, then I take it that it would be possible for the President and Mr. Speaker to include a regulation on that subject among those which they will frame for the conduct of the ballot. It must be recollected that if the two Houses diverge upon the question whether the ballot shall be open or secret, it might prove difficult to smooth the way to a conclusion.

Mr. WATSON.—I do not think that the Senate will object to an open ballot.

Sir EDMUND BARTON.—If the two Houses agree to an open ballot, that method will, I must admit, be most acceptable to me. Going further into the matter, I should like to point attention to the circumstances under which we are now called upon to choose a site for the capital. We are dealing with section 125 of the Constitution, which says—

The seat of government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and if New South Wales be an original State, shall be in that State, and be distant not less than 100 miles from Sydney. Such territory shall contain an area of not less than 100 square miles.

and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth—

That is, by the State of New South Wales—

without any payment therefor. The Parliament shall sit at Melbourne until it meet at the seat of government.

In connexion with this section another may as well be noticed, namely, section 111, which provides that—

The Parliament of a State may surrender any part of the State to the Commonwealth—

That is, for governmental purposes—jurisdictional purposes—

and upon such surrender and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

In this relation, there are two other provisions of the Constitution which may demand some attention. The first is section 52, which, subject to the Constitution, gives exclusive power to the Parliament to make laws for the peace, order, and good government of the Commonwealth, and, amongst other things, with respect to the seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes. In my judgment, that provision does not mean that all the laws of a State in such places would cease to operate. They would continue to operate there for the time being. But in regard to fresh laws, the whole legislative jurisdiction would be entirely vested in the Commonwealth Parliament, and within that area no laws would have effect except those which the Parliament might enact. Again, sub-section 31 of section 51, which confers general powers, deals with the acquisition of property, on just terms, from any State or person for any purpose in respect of which the Parliament has power to make laws. I do not wish to enter into a discussion of the legal subtleties of this matter, because I think it is unnecessary to do so, and especially is it unnecessary at this stage of our procedure. It is my opinion, however, that the powers conferred upon the Parliament by that section are ample for the attainment of the ends in view, and in this connexion I should again like to mention that I recently had a conversation with the Premier of New South Wales upon this very subject. Sir John See was quite with me in the view that we should endeavour to settle this matter upon terms of mutual good-will, and with as little recourse as possible to any strict or technical questions of law. Should any substantive

matter of law arise upon which this Government and the Government of New South Wales cannot agree, of course it will always be possible to state a friendly case for the consideration of the High Court, which may be accepted as the final arbiter between us. But, reading these sections together, I think it will be found that they contain ample room for the commencement and completion of the processes which will lead to the desired end. In the first place the Parliament of the Commonwealth would by statute determine the seat of government. Then I take it that the Parliament of New South Wales, under section 111 of the Constitution, would pass a law surrendering to the Commonwealth the territory comprised in the site selected, and the Parliament of the Commonwealth would subsequently pass a law accepting it. That, I take it, would be the parliamentary surrender and acceptance which is mentioned in that section. This process would bring the area surrendered under the exclusive jurisdiction of the Commonwealth, the Parliament of which could make such laws as it thought meet in relation to that area. Then, under section 125 of the Constitution, the Crown lands which were within the minimum area of 100 square miles would pass to the control of the Commonwealth without any payment. But the Crown lands which were outside that minimum area would probably require to be the subject of negotiation between the Commonwealth Government and the Government of the State. At this point I may say that I am not quite sure that the reading of the section in question prohibits or prevents the Commonwealth from asking that all the Crown lands within even a larger area shall be granted to it without payment. That, however, is a matter which is so susceptible of argument—if I may say so—that I think it will be well, in the first place, to leave it as a subject of negotiation.

Sir EDWARD BRADDON. — When that arrangement was made, the Government of New South Wales promised to give to the Commonwealth all the Crown lands that were required.

Sir EDMUND BARTON. — As far as the present Government of New South Wales are concerned, no difficulty will be experienced in regard to the acquisition of Crown lands which are within an area of 100 square miles. They think, however, that any Crown lands which may be outside

that limit, but within any such area as we may suggest, should be the subject of negotiation between us. But should there be any difference between us, there is always a tribunal to which a friendly appeal can be made without any sacrifice of that good will and mutual self-respect which ought to characterize the whole of this transaction.

Sir EDWARD BRADDON.—There was no question raised by New South Wales of limiting the gift of Crown lands to 100 square miles.

Sir EDMUND BARTON.—Some argument may be raised upon the mere form of words of the section, although I am not at all sure that the provision does not intend that all Crown lands within the area selected—irrespective of what its limits may be—shall pass to the Commonwealth. If the processes which I have mentioned are carried out, private lands within those limits—whether they are within or without the minimum area—will come within the exclusive legislative control of the Commonwealth. The citizens resident upon them will be subject to the laws which the Commonwealth Parliament may pass within that area, and subject to no other laws. If it were deemed desirable to invest the Commonwealth with proprietary rights in these alienated lands, as well as with the rights of jurisdiction and legislation over them, that could be done upon payment of compensation under the provisions of our Property for Public Purposes Acquisition Act, No. 13 of 1901. In this connexion, I would commend to the consideration of honorable members sections 6 to 9 inclusive, which will show that the power exists and can be exercised. Without trenching too much upon matters which are more properly the subject of the further processes in this train of procedure, I desire to say that I am definitely of opinion that the Commonwealth should resume all private lands within any area that is selected, not necessarily for the purpose of driving out those who have acquired the titles of those lands, but for the purpose of bringing them more entirely under the control of the Commonwealth, and of adopting within that area such a land system as may commend itself to the Federal Parliament, so that should it prefer a system of leasing to any system of alienation it may be perfectly free to give effect to that policy. I say again—as I announced a little more than two years ago in a speech at Maitland, of which I have sometimes heard—that I am

definitely of opinion that, within the area which is chosen, the Commonwealth should be the landlord or the proprietor of every inch of private land, no matter how generous and how fair it may be, and I have every confidence in its disposition towards the occupants of that land. Of course, this outline of procedure assumes that no obstacle will be interposed by the Parliament of New South Wales. For myself, I do not think that any obstacle will be interposed. Occasionally we see reports in the newspapers in regard to some dissatisfaction with the processes which the law has assigned, but I urge upon honorable members not to consider for a moment that anything of that kind represents the considered intention of the Parliament of New South Wales. I have the fullest belief that we shall deal with this matter from the stand-point of perfect amity with each other, and that no obstacles will be willingly interposed to the proper carrying out of the judgment of this Parliament. However, should a difficulty arise, it is quite possible that we could acquire any area that we required even without the consent of New South Wales. But I do not wish to enlarge upon that aspect of the matter. I have no desire to contemplate that prospect, because to do so would only cause irritation, and I do not think that any state of things will arise which will force us to act in that way. Therefore, I am assuming that any reserve power of this Parliament in that behalf will not require to be exercised. The power of which I speak is perhaps given by implication by section 125 of the Constitution. But if it is not, the power of Parliament, under section 51 of the Constitution, to make laws for—

The acquisition of property, upon just terms, from any State or person for any purpose in respect of which the Parliament has power to make laws,

would be an effective one if a law in addition to that which is already in existence upon the subject were passed. Under section 52 of the Constitution, Parliament, if it used its power under a law passed by virtue of section 51, would then have exclusive right to make laws in respect to this land. It would appear that it could acquire land for the purposes of making the seat of the Government of the Commonwealth if it were driven to do so, but I do not think that it will be.

Mr. HUGHES.—Is that with reference to the acquisition of the original site?



Sir EDMUND BARTON. — The provision is absolutely wide. It refers to the acquisition of land from any person or State. The Act which we passed last session deals with the acquisition of land from States as well as from persons. If we exercised this latter process in that dual way, that is to say, by the acquisition of the property, and then by resorting to the exclusive power to make laws of application to lands, to use the words of the section, "acquired by the Commonwealth for public purposes," I think it would be an effective power. I consider, however, that it is not necessary to go deeply into the subject. I trust that honorable members will excuse me from expressing any conclusive opinion upon this point, because while I think that these powers may exist in reserve, I do not feel that as between ourselves and a friendly State, such as is New South Wales, we should make any assumption whatever that any obstacle will be thrown in our way in carrying out the designs which the Constitution lays bare, and which we have imposed upon us as an obligation. So much for the legal aspect of the question, and I trust that I have not put it before honorable members in a wearisome form. Let me now say a word or two as to the necessity for our taking some steps in this direction. My attitude in not only proposing measures, but in speaking on them in this House has shown that I have always been one of those who think that matters which are laid down in the Constitution as matters of compact ought not to be subjected to the exercise of the power of amendment which is otherwise vested in the Commonwealth Parliament. Where a proposal has been made, and has met with the assent of those who were in treaty for the creation of the Constitution, whether in Convention or in Conference of Premiers—where that proposal has been accepted by those who had the right of treaty for their several States, and where its terms have been solemnly embodied in the Constitution and voted upon by a majority of the people of every State within this Commonwealth—I do not think that it is intended that it should be lightly touched, or that any proposal should be made wildly or even reasonably for the destruction of a compact so formed and so acted upon. If these matters were like those which exist in ordinary legislation, which give no vested rights in the ordinary course of events, and apart from constitutions,

no self-respecting Parliament would venture upon an amendment without some compensation being given to those who possessed the right which was destroyed. But it is not intended that rights gained under a Constitution of this kind shall be disturbed. The machinery is subject to amendment, technically the compact is subject to amendment, but morally I submit that it should not be amended. I believe with all my heart that in that career of justice and humanity which it has laid down for itself this Parliament will prosper in its aims and will win the pride of our people in proportion as it maintains a just regard for those matters which the people who made it have by their votes assented to. Consequently, I am not in favour of any proposal for the amendment of the section in the Constitution dealing with this subject. If I thought that it would be desirable that this Parliament should meet for all time in Melbourne or Sydney I should still feel myself honorably bound not to depart from the terms of the section. I do not, however, hold that view. Without trenching too much upon delicate ground, I may say that in my opinion there are abundant reasons why this Government and this Parliament should be masters in their own house, free from any possible entanglement, or influences which might possibly interfere with Federal and national, as opposed to provincial action. Holding that opinion—the very opinion upon which I invariably acted in the Convention—as strongly as I do, and feeling that, by general assent, it has found its voice in the Constitution, I think that the reasons which have brought about the principle of establishing an independent capital for the Commonwealth, are good. And I consider, secondly, that, notwithstanding the opinions any of us may entertain, we should not lightly start to loosen the rivets of this ship which we have launched, because to loosen them in one direction would be to loosen them in another, and to expose her to all the dangers of the deep upon which she sails. I hold that conviction very strongly, and I urge this Parliament to stand by the compact which certainly it did not make. The compact was made by the people who created this Constitution, and who made us the members of this Parliament. Animated, then, by these reasons, I am asking this House, and the Government as a whole is asking both Houses, to assent to the processes laid down by the terms of

this motion. I am not bigoted enough, however, to think that it is impossible to amend it by way of improvement in any particular; nor do I intend to be tenacious in this regard, except in respect of those matters which I consider to be the matters of principle involved in the motion. I ask honorable members to bear with me while I say that, in dealing with this motion, we have nothing to do with the choice of a capital site. We are merely laying down processes by which we may proceed amicably to that choice. The merits of the sites which have been reported upon are in no sense before us. This is a machinery motion, and, subject to correction by Mr. Speaker, I would submit that a discussion upon the merits of the various sites would not now be in order, more especially as the motion will provide a stage at which the merits of the various sites, beyond all other questions, may be discussed by us without any breach of order.

Mr. BROWN.—What about the method?

Sir EDMUND BARTON.—I have already referred to the question of whether a site should be selected by way of open or of secret ballot. I should certainly not abandon the motion if a conclusion as to the method of ballot were arrived at which did not exactly coincide with my own views. I have already intimated that I am prepared to vote openly, and I do not see why we should not all be prepared to do so.

Sir EDWARD BRADDON.—We should let the world know what we are doing.

Sir EDMUND BARTON.—Hear, hear. It would have been obviously improper to encumber this bare motion with a string of provisions dealing with minor matters, when we have experts in Parliament like the President and Mr. Speaker, who can govern and deal with those details, each of them representing one House of the Parliament, in such a manner as will involve no sacrifice of the rights of either House. So far as that matter is concerned, we can leave the adjustment of detail to them. I think it will be better for them to attend to it than for us to take up interminable time in making minor adjustments. So long as we lay down in this motion the principles upon which we wish to act, we may abundantly trust the President and Mr. Speaker for the rest. So little is it a part of the purpose of the motion to decide the merits of the sites that, not only do I venture to suggest that the discussion of that subject

would not be in order, but the contention brings me to the answering of one or two inquiries which have been made of me. I have been asked whether I will not produce during this discussion some estimate of the cost of resuming the areas surrounding the proposed sites. I say that this is not the stage to do so. But I will add that I have obtained an approximate estimate from the secretary to the Capital Sites Commission, and I shall ask that that estimate be printed for the information of honorable members. I will, indeed, go much further than that. There is a small vote on the Estimates, to which the House has already assented, for expenses in connexion with the choosing of the Federal Capital site. A large volume of evidence collected by the Commission has been laid upon the table, but the Printing Committee hesitated to give authority for its printing, because of the expense which that would involve. I have, however, given close attention to the matter; and, after a conversation with the Government Printer of Victoria, I have come to the conclusion that the evidence can be printed in full, without inordinate expense, considering the nature of the inquiry we are making. I hope, therefore, to have copies of all that evidence printed and placed in the hands of honorable members by next Monday or Tuesday, which, supposing that we take some little time in the discussion of this motion, will probably be before the President and Mr. Speaker will find it possible to arrange a date upon which we can proceed to a discussion of the merits of the proposed sites. Honorable members may feel assured that before they come to the choosing of any site the Government will put them in possession of all the necessary detail, so far as the merits of the sites, the estimated cost of resuming the surrounding country, and the various arguments and evidence upon which the Commissioners have based, or by which they justify, their conclusions are concerned. I hope to have a further estimate prepared before that time comes, of what it may cost to render the selected site habitable for the purposes of government and its services during the early years of the occupation of the Capital. So far as I have been able to obtain information at present—and I admit at once that I do not intend to quote any source of information until I get a more thorough estimate prepared—it tends to lead me to the conclusion that

requisite provision for a water supply for any population that there is likely to be there within a generation, and provision for the official housing of Parliament, that is to say, sufficient buildings in which it may carry on its work, and similar accommodation for the public service, can be made—the town itself being first laid out—for less than £500,000. I believe that when that expense has been incurred the Parliament and the public service of the Commonwealth will have sufficient accommodation in which to carry out their duties, and that the expected population will be provided with a sufficient water supply to last them for a period of at any rate fifteen years, if not much longer.

Mr. A. McLEAN.—Does that estimate include the cost of land?

Mr. WATSON.—Land will be no expense.

Sir EDMUND BARTON.—No, that is apart from the cost of resumption. The highest estimate I have for the resumption of land of an area not exceeding 100 square miles, and including the city site, is £436,000, and the lowest £189,000. But, as has been wisely pointed out in another part of the Chamber, it does not follow that because the resumption of land will cost money it will be an extravagance. No doubt as time goes on, if Parliament does not see fit in the interests of the various component States to vote sufficient sums of money to carry out all public works out of revenue, it will be a proper thing to take into consideration whether we should not establish some system which will be continuously productive of revenue to meet the possible interest on any loan. I believe that if that were done, anything that we might propose in that behalf for the purpose of completing this capital in course of time would be received by the public creditor with perfect favour, simply because he would have a gilt-edged investment. I prefer, not for every purpose, but as a business proposal for this purpose, the system of leasing, with periodical re-appraisal, on fairly long leases. I do so for this reason, that, as the expense of going further in the erection of the capital increases, as it may largely increase, there will be a progressive settlement which will tend to swell the revenue derivable from the land within the Federal area, and thus provide a fund not only for meeting interest, but also for the extinction of debt. I regard this matter as quite different from

the ordinary proposals in regard to land nationalization. If I had had to consider the question of the disposal of land at a time when scarcely any part of Australia had been alienated, I might have been inclined to look with favour upon a general system of leasing, but I am afraid that in our ordinary methods and transactions we have gone beyond the point at which that appears to be a business possibility. That consideration, however, does not apply to a limited area such as that within which it is proposed to place the Commonwealth capital, and which is to constitute a small territory governed by the Commonwealth. The considerations that apply in this case are entirely different. The whole process insures a certain amount of settlement. The terms upon which you will propose to construct your capital will need an increasing revenue of a certain kind, and at the same time the assurance of the continued tenure of the land in the hands of the Crown, so that that fund may never be disturbed. Taking these matters into consideration, I think that as a mere business proposal a system of leases with periodical re-appraisal will be about the best manner in which we can set about the meeting of any expense which we may incur in connexion with this project. I desire to say, at the outset, that I am convinced that that expenditure will not be a fraction of that which has been so constantly asserted in some quarters to be the inevitable result of our choosing a capital site, and that the sum which I have mentioned will suffice for a period of years until the capital has become, as such capitals do, a centre of population. When that occurs, the question whether the territory can fairly bear further expenditure without any further burden upon the finances of the States will become a deserving one, and we ought therefore to reserve the land during its pendency, to allow of the giving of a proper and final solution. I do not know that I can usefully take up much more of the time of the House. I have waited long for an opportunity to propose resolutions upon this subject. Had the Commissioners found it possible to send in their report somewhat earlier than they did, this matter, as honorable members will see by looking at the Governor-General's speech, as presented to this House, would have occupied attention not only at an earlier date, but would have taken precedence of some other measures which, while waiting

for this, it was necessary to introduce and debate. It was no fault of mine, therefore—and I am sure that it was not the fault of the Commissioners, because if they took up a long time it was due to anxious care in the discharge of their duty—that these resolutions have not been in my hands to move earlier. But if we are late, we have nevertheless ample time to discuss and deal with this matter during the present Parliament. It is my anxious desire that this Parliament should not be prorogued until it has dealt with this matter, and settled the choice of the seat of Government. If by any chance it fell to my lot, by a vote of this House, or at a general election, to lose the office which I hold, I should feel much more comforted in my conscience in having had an opportunity to take some practical step to secure the settlement of so great and momentous a question. I ask honorable members in this matter to think not merely of the interests of New South Wales. I come from that State. I was born in it. We are all bound in a certain degree to support the interests of our States, and we are bound also to support their rights short only of an extent to which they may be in conflict with the necessary progress of the nation which we are here to represent. Taking that view, I wish to bring this matter before honorable members as a national, and not merely a local, project. I ask them to consider it from that standpoint. Seeing that they are not asked to undertake any great financial burden, and considering, further, that arguments as to finance are more fittingly applied to matters which are optional than to matters of honour, I ask them to apply that argument to the consideration of this question, and to be ready to undertake, by choosing a capital site, that very reasonable responsibility which is not too much to enable a man to say, "Thank God I have done my duty." I intended, while speaking, to say that it would possibly be better to add at the end of paragraph 4, after the words "exhaustive ballot" the words "and the date therefor." I desire to submit the resolutions in that amended form.

Sir WILLIAM McMILLAN (Wentworth).—Honorable members will agree with me that, at this stage of the session, we ought to conserve time as much as possible. Although it might have been very reasonable that the Prime Minister, in his very interesting speech, should deal

with many constitutional matters, I am sure my right honorable friend does not anticipate that a debate will ensue upon all the different points to which he has referred. It seems to me that our duty to-day is a very simple one. It is to decide whether this is a proper *modus operandi* to be adopted in order to learn the opinion of the two Houses of Parliament with regard to the site for the Federal capital. We can take it for granted that all those movements to interfere with the compact embedded in the Constitution have been set aside by the common sense of the people. We may also take it for granted that for good or ill that compact must be carried out; that not within 100 miles, but at some greater distance from Sydney, a capital is to be erected, which will be the capital of Australia; and that we have put aside any idea of interfering with the States capitals. I agree with my right honorable friend that on the whole, that is the safest method to adopt, because there is no doubt that we cannot have Federal territory in the principal city of one of the States, and that we must have Federal territory in order to maintain our own dignity. I do not desire now to say this with unnecessary bitterness, because these resolutions indicate that the Government desire to take this question away entirely from party obligations; but I do deplore that this great national question is to be decided at the last stage of the last session of this Parliament.

Mr. WILKS.—Better late than never.

Sir WILLIAM McMILLAN.—However, we have the pledge of my right honorable friend the Prime Minister that this session shall not come to a close until this matter is fixed, and fixed in an unalterable way; because there is no use in fixing it in a tentative way. It is of no use simply to decide that under certain circumstances, if a Federal capital is to be erected, this or that place should be the site. The resolutions that are passed in the proposed Conference must be resolutions to fix the location of the capital site so that no future Parliament can, with any honour, retreat from the decision. As regards the question of an open ballot, I believe that that is the proper course to pursue.

Mr. A. McLEAN.—If the honorable gentleman had any proposed site in his electorate, he might find that that would put the member for the district in an awkward position.

Sir WILLIAM McMILLAN. — My honorable friend is perfectly right. There are arguments on the other side, as in most cases. There is no doubt that an honorable and conscientious member deciding on a site in one part of the country, when he knows that public feeling is very strong in his own electorate that some particular part of that electorate should be the site would, in view of a coming election, place himself in an invidious position.

Mr. THOMSON. — Some honorable member may have two sites in his electorate.

Sir WILLIAM LYNE. — That is why some honorable members of the Opposition desire to have an open ballot.

Sir WILLIAM McMILLAN. — I take it that the keynote of the policy of every honorable member is "Australia," as against "Provincialism," and surely, if in doing justice to Australia, we are not afraid to offend even our own State, we should be able to rise superior to the fear of giving offence to our constituencies. I do not think it is at all likely that the Senate will object to open voting because the members of that Chamber represent their respective States, and therefore could not offend their constituencies by voting for any particular site.

Mr. WATSON. — I know of one senator who would offend his State by voting for any one of the several sites.

Sir WILLIAM McMILLAN. — I feel that in this matter we have missed some stages of discussion. We have had no opportunity of dealing with the reports regarding the proposed sites, and our position at the present moment is rather peculiar. To-day we are dealing merely with the method to be followed in arriving at a determination. When this question has been disposed of, an interval will ensue, after which a Conference will be held. At that Conference certain discussion will take place upon the reports, but no intermediate opportunity will be presented for making suggestions or for obtaining information from the Government. I would, therefore, suggest to the Prime Minister, that after a general discussion in the House, it would be as well to consider the motion in Committee in order to give honorable members an opportunity to obtain information.

Sir EDMUND BARTON. — It would not be wise to take up too much time.

Sir WILLIAM McMILLAN. — I do not think that any considerable time would be

occupied in that way. My point is that if any information is required with regard to the motion or the whole question, it could be afforded in Committee much more conveniently than in the House. I fear that we shall enter into a Conference very poorly equipped with information. But I suppose that we shall have to make the best of it, and all that I can hope is that the site will be chosen unanimously, and that there will be no feeling afterwards that a mistake has been made. I think that the Government should adopt the leasing principle in dealing with all the lands within Federal territory. All private lands within the Federal area should certainly be resumed in order that the leasing system may be carried out in its entirety. There is a salient difference between leasing land in a compact territory like the Federal area and applying the leasing principle to agricultural areas or to remote localities. In remote places, such as Papua, it is necessary to offer persons inducements to settle, but the asset which a man would hold in the shape of a leasehold in a narrow confined territory such as the Federal Capital area would always be a good negotiable security, and it would be comparatively easy to find purchasers for any rights held by the lessee. I do not think there need be any very lengthy discussion on this question. I understand that honorable members on this side of the House entirely agree with the Government in the mode of settlement they propose to adopt. It relieves the question of all party complexion, and I certainly think it is the most reasonable that could be adopted. Upon one or two points the motion is open to amendment. I take it for granted that some honorable member will propose that the ballot shall be an open one. I do not intend to take up the time of the House any further, because we are all anxious to get on with other business, and also desire that this matter should be dealt with, so that there may be no unreasonable hurry when it comes forward for more complete discussion. I think some arrangement should be made by which, after the matter has been discussed in the Conference, a certain period shall be allowed to elapse before the final vote is taken. I should object most strongly to any hurried Conference in which a vote would be taken without due consideration. It might also be considered desirable to conduct the proceedings of the Conference in Committee, because there are many matters

upon which information will have to be elicited. In order to save time, I shall content myself for the present with expressing my approval of the general terms of the proposal of the Government.

Mr. WATSON (Bland).—I think that it is a good thing that the Government are giving Parliament an opportunity to consider the Capital site question this session, and my only regret is that it was not brought forward at an earlier stage. The report of the Commissioners upon the Federal Capital sites might certainly have been expedited, and even their appointment might have been made at an earlier date, in order to afford more time for the consideration of this important matter. I refuse to believe that there is any representative body of opinion behind the objections which have been voiced, particularly by some of the Melbourne newspapers, against the early selection of the Capital site. I do not believe that the people of Victoria are behind any suggestion of that kind, because I am convinced that as a body they are quite willing, nay anxious, to have the compact arrived at carried out at the earliest opportunity. I do not think either that there is any need to fear that undue extravagance will follow the selection of the site, or that any large burdens will be imposed upon the taxpayers. The estimate of the probable expenditure given by the Prime Minister is, I believe, a liberal one, and I doubt whether the amount he mentions will be required in actual cash for a considerable time after the selection of the Capital site.

Mr. A. McLEAN.—We must acquire the land.

Mr. WATSON.—Yes, but surely the honorable member, with his knowledge of land transactions, must know that if only a fair price is paid for the land, the establishment of the Federal capital in the locality will not result in a depreciation in value. The whole transaction will be merely a book entry, because we shall get at least as much by way of rental as will be represented by the interest on the money required for the purchase of the land.

Mr. A. McLEAN.—But the honorable member said that it would not be necessary to lay out much money at the outset. I say that we must purchase the land.

Mr. WATSON.—It is true that we must lay out a certain amount of money in purchasing the land, but I contend

that we shall get a return at least equivalent to the interest on the capital outlay. I certainly think it is a good speculation. Indeed, a little time ago, a well known contractor in Sydney, who is worth a good deal of money himself, and who represents others who possess quite as much, expressed his willingness to build the entire capital as a commercial speculation if we would grant him the opportunity of so doing. I refer to Mr. John Young, who, as a smart business man, is not excelled by anybody in Sydney at the present time.

Mr. HIGGINS.—Would he take the rent of the buildings?

Mr. WATSON.—Of course he would take everything. I do not think that he should be given any such contract. But the very fact that he made the suggestion shows that with the exercise of a reasonable degree of business management the undertaking will cost the Commonwealth nothing, and will probably return a profit within a given period. I do not for a moment pretend that it will yield a large return immediately, but I believe that within the next generation the whole of the expenditure of the Commonwealth will be recouped. To my mind, the idea of arranging for a Conference of the two Houses is a good one, and I do not believe there is any ground for apprehension that the Senate will not agree to the proposal. I know it is argued by some individuals, who do not appear anxious that this question shall be definitely settled, that by agreeing to a Conference the Senate will be sacrificing a certain proportion of its power. That objection might apply if the members of this House were unanimously in favour of one particular site, but so far as I can gather, there is as great a diversity of views amongst them as there are sites. Consequently there is no likelihood of a block vote being arrived at. Personally, I am not at all biased in favour of any particular site. Certainly I have a preference for one or two, but I am so anxious that this matter shall be settled during the present session that I am prepared to forego my own predilections in order that it may be brought to a successful issue. In view of the feeling which obtains amongst a considerable section of honorable members I do not think that the members of the Senate need have any apprehensions regarding the effect of the arrangement which is now suggested. Concerning the exhaustive ballot, I was glad to hear the Prime Minister declare that he

was agreeable to an open vote being recorded upon the question of the selection of the site. For my own part I shall never vote in favour of any method by which a secret ballot shall be resorted to in Parliament—at any rate in determining an important issue. It is true that in the appointment of committees in the States Parliaments a secret ballot has frequently been adopted, but my experience is that even in relation to these comparatively unimportant matters it is unwise and improper to have recourse to secrecy in regard to the acts of members of Parliament. We are returned by the people to perform certain work, and though we are representatives and not delegates—a delegation being impossible in the very nature of many things which come up for consideration in Parliament—the people have a right to know the way in which we vote upon every matter which engages our attention. That is part of the agreement under which we are elected. I trust therefore that a majority of honorable members will insist upon an open vote being recorded. At the present time I am not convinced that we shall arrive at the best result by an exhaustive ballot, but upon that point I am quite open to conviction, and therefore I do not propose to suggest any other course until the question has been discussed. I hope that the result of the proposal which is under consideration will be that within a week or a fortnight we shall decide which of these sites is to be that of the future capital of Australia. There is another reason, other than those which have been advanced by honorable members, why an early selection should be made. When the report of Mr. Oliver was first presented to the Governor of New South Wales, the Government of that State reserved all the Crown lands adjacent to the various sites which were included in that report. Not only was that done, but in the various towns adjacent to those sites there ensued an almost general paralysis of business enterprise. Business men were disinclined to make additions to their premises whilst a state of uncertainty existed as to whether the town in which they were resident might not be resumed in the Federal Capital area.

Mr. THOMSON.—That condition obtains at nine different places.

Mr. WATSON.—It obtains at most of the various sites.

Mr. KENNEDY.—At Dalgety, too?

Mr. WATSON.—No; I do not regard Dalgety as coming within that category, nor does my remark apply to Lyndhurst. But there are important towns adjacent to each of the other sites, and it is certainly applicable to them. In the interests of the people of these towns it is only right that we should arrive at an early decision upon this matter. At this stage I wish to intimate that it is my intention to move that the word "open" be inserted after the word "exhaustive" in resolution 3. If I resume my seat, shall I have an opportunity of moving in that direction at a later period?

Sir EDMUND BARTON.—Not unless we go into Committee. I have no objection to each resolution being discussed and put separately, but if they are considered in Committee, I am apprehensive as to the time that will be occupied in debating them.

Mr. WATSON.—I understand that the honorable member for Grampians has a prior amendment which he desires to submit, and I should like to ascertain whether, if I refrain from moving the amendment that I have indicated I shall have an opportunity of proposing it at a later stage.

Mr. SPEAKER.—If the honorable member intimates in the course of his speech upon the general question that he proposes to submit an amendment when some other amendment has been disposed of, he will be at liberty to move it at a later stage, but without making a speech upon it.

Mr. WATSON.—Then I desire to intimate my intention to move the amendment I have already mentioned.

Mr. SKENE (Grampians).—I feel as does the honorable member for Wentworth that, in the discussion of this matter, there is a link missing from the chain. I certainly thought that we should have had an opportunity to debate it upon general principles and upon broad grounds. I intend to submit an amendment which will give myself and other honorable members an opportunity to speak upon the broader question. I quite appreciate the remark of the Prime Minister that there should be no interference with any compact which was entered into prior to the acceptance of our Constitution. I think I should be as careful to avoid that as would any honorable member of this House. But the Prime Minister also referred to the machinery which has been provided for the

settlement of this question, and although the adoption of the amendment which I propose to submit would require a trivial alteration in the Constitution Act, it has nothing whatever to do with the compact. We agreed that the Federal Capital should be in New South Wales, and I for one intend to stand by that agreement, unless it be repudiated by honorable members representing New South Wales. I confess to a feeling of disappointment arising from the fact that the selection made by the Commission is not a complete one. It seems to me that it is due to an inadvertence that the one hundred mile limit excludes certain sites that it was not intended should be excluded.

Mr. HENRY WILLIS.—To what places does the honorable member refer?

Mr. SKENE.—To Mossvale among others.

Mr. HENRY WILLIS.—That site was considered at the time that the compact was made.

Mr. JOSEPH COOK.—The Treasurer told us the other day that it was intended at the Conference of Premiers that the claims of Mossvale should be left out of consideration.

Mr. SKENE.—I remember that, subsequent to the making of the compact, a considerable discussion took place in New South Wales as to the way in which the one hundred mile limit should be computed. Doubts were expressed as to whether the distance should be determined, as the crow flies, or by road or rail. That being so, it seems to me to be a matter for regret that we should not have an opportunity to consider, the claims not only for selection of Mossvale, but of some places on the coast. I am informed that there are several other sites, south of Sydney, which might well be considered in this regard, and it would be regrettable if we had no opportunity to discuss their merits. I have no wish that the selection of a site for the capital should be delayed for any unreasonable time, and the proposal which I am about to make is due solely to my desire that the best site should be chosen. The method of inspection and of report has not been a perfect one, and it appears to me that we should have an opportunity to consider the merits of sites other than those which have been dealt with by the Commissioners. When the present Minister for Trade and Customs was submitting the motion for the appointment

of Commissioners to report on the various sites, he spoke of a place on the Upper Murray which was not included in the list referred to the Board. He alluded to that site in terms of the highest praise, and apparently the comparison which he made was a good one, for the Commissioners have placed Tumut practically at the top of the list. The Minister, when submitting the motion to which I have referred, said that Tumut was one of the prettiest—

Mr. SPEAKER.—Order. I would ask the honorable member not to refer to any specific site. Neither in the amendment which he has indicated his intention to move, nor the motion which we are discussing, is there any specific reference to any one site, and I quite agree with the Prime Minister that at this stage any discussion as to the various sites would not be in order.

Mr. SKENE.—I simply desire to point out that the method of inspection and of report has not been a perfect one. The inspection has not been carried out with that fullness of detail which we were promised should be observed. After hearing the speech delivered by the Minister for Trade and Customs I had a conversation with him, and he told me as he said in the House that he intended to see that the site to which he had referred was inspected. Another site, Dalgety, which was not placed upon the list submitted to the Commissioners has been selected for our consideration, and it seems to me that in these circumstances we should not be following the line of action which the majority of honorable members were led to expect if we now selected a site without having an opportunity to consider the claims of some of the very best places. There is another point which I think should be considered. I do not pretend to be well versed in Constitutional law, but I am of opinion that section 102 of the Constitution, which declares that, in all matters of preferential trade and traffic, due regard shall be had to the financial responsibilities incurred by any State in connexion with the construction and maintenance of its railways bears very closely upon the selection of some of these sites. I understand that the opinion held by the honorable and learned member for Northern Melbourne is that the provisions of this section would not be met even by the appointment of an Inter-State Commission. Even if that Commission were appointed, the New South Wales railway



might be so managed as to erect a wall around the Federal capital which would shut out importations from the other States. Preferential rates might be imposed, and trains might be run at different times from Sydney—as they are in South Australia from Adelaide to Wolsley—to any site wholly surrounded by New South Wales territory in a manner that would not be suitable for other States, and would have the effect of erecting a wall around the Federal capital. The people of New South Wales usually speak of pulling down barriers, but in this case apparently they could set up a wall around any Federal territory completely within the boundaries of New South Wales. In the same way the State health regulations might be so applied that, because of some alleged disease, stock could not be taken into the Federal territory from any other State. I believe that apples were not allowed to be introduced in Western Australia from another State because of the codlin moth.

Mr. JOSEPH COOK.—The honorable member must be thinking of possible action on the part of Victoria rather than of New South Wales.

Mr. SKENE.—I am thinking of what might be done by New South Wales. We have heard from the establishment of the Commonwealth the cry of "The bond! The bond! This compact is in the bond!" and personally I do not think that we need expect to receive much mercy at the hands of the people of New South Wales.

Mr. JOSEPH COOK.—New South Wales has never put up a wall against Victoria.

Mr. SKENE.—But a wall might be built around the Federal territory, not by the Parliament of the State, but by the Railway Commissioners in the exercise of the powers conferred upon them.

Mr. JOSEPH COOK.—This is purely imaginary.

Mr. SKENE.—Of the sites which have been selected, there appear to be only two, Bombala and Albury—if I may mention them—which, if selected, would not be wholly surrounded by New South Wales territory, and which, so far as traffic was concerned, would not be completely controlled by New South Wales. If we could select a site on the coast—

Mr. WATSON.—On a point of order, Mr. Speaker, am I not to understand that the procedure laid down in regard to this motion is that we shall not discuss the merits

of any site? I think that the honorable member is doing so.

Mr. SPEAKER.—I have already ruled that while dealing with this motion or the amendment which he has indicated, it would be out of order for the honorable member to discuss any specific site. I take it, however, that the honorable member was arguing, not in respect of any specific site, but as to the importance of selecting a site not wholly within the territory of one State. He would be in order in doing that.

Mr. SKENE.—That is my contention. In this respect only two of the sites which have been selected for our consideration can fairly be taken into account.

Mr. JOSEPH COOK.—I rise to a point of order. I submit, with the greatest possible deference to you, Mr. Speaker, that your ruling must have been given rather hastily. May I take it that the honorable member is in order in indicating a decided preference for a particular site while dealing with this motion? It appears to me that that is a question which must come up for discussion under the terms of a specific motion to be submitted later on. We are merely devising the machinery under which such discussion may take place. I hold, therefore that, at this stage, the honorable member is not entitled to discuss the relative merits of any site.

Mr. SPEAKER.—The honorable member for Parramatta is quite correct. The honorable member for Grampians would not be in order in discussing the merits of any particular site, but he would be in order in pointing out—and that is what I understood him to be doing—that the number of sites which, under this machinery motion, will be submitted to the ballot is not large enough, and that other sites should be included in the list, on the ground that there should be more at the disposal of the Parliament which are not wholly surrounded by the territory of one State. That is what I distinctly understood him to be doing. The honorable member will not, after the ruling I have given, refer to any specific site, but he will be perfectly in order in dealing with the broader question.

Mr. SKENE.—I think that, with the assistance of the honorable member for Bland, my argument has been pretty well emphasized, and I shall not proceed any further upon those lines. While I have no desire to delay matters beyond what is reasonable

I think that this subject requires further consideration. I am perfectly prepared to abide by the bond which has been entered into, provided that sufficient time is given for due consideration.

Mr. JOSEPH COOK.—How much time?

Mr. SKENE.—The fact that we are upon the eve of the dissolution of Parliament is a good reason for allowing next Parliament to settle the matter. I expected that the subject would be more widely discussed. I am not at all satisfied with the methods which have been adopted for reporting upon the various sites. With regard to the bond, it is not one which must be met upon the demand of any particular State; it must be met whenever it is opportune in the interests of the Commonwealth to meet it. We are hurrying this matter too much. The motion does no more than provide machinery for selecting one of the sites which have been enumerated, and, therefore, I shall not take up further time now. But I move—

That all the words after the word "That," line 1, be omitted, with a view to insert in lieu thereof the following words:—"In the opinion of this House it is inexpedient that a selection of the site for the Federal capital be proceeded with at the present time, and that with a view to securing greater freedom of choice in the future, steps should be taken to alter the Constitution by striking out the words 'and be distant not less than 100 miles from Sydney,' in the 125th section of the Constitution Act, and the word 'Melbourne' in the same section of the Act, with a view to the insertion of the words 'such place as Parliament may from time to time determine.'"

I am aware that any proposed change in the Constitution would have to be put before the people by way of referendum, which would be a very expensive process, were it not that we are shortly to have a general election, when a vote might then be taken for or against my proposal without any great additional expense. In regard to the striking out of the word "Melbourne," I feel that, as the course I propose will bring about delay, no advantage should be given to Victoria in regard to the meeting of Parliament pending the selection of the site. The Constitution provides that—

The Parliament shall sit at Melbourne until it meets at the seat of government.

I am willing that it should be amended to read—

The Parliament shall sit at such place as the Parliament from time to time may determine.

I move the amendment with a view to obtaining the freest choice in New South Wales.

Mr. JOSEPH COOK.—But chiefly to procure a little delay.

Mr. SPEAKER.—To put the amendment in the form in which the honorable member has moved it would exclude such amendments as those of which the honorable member for Bland has given notice, and I propose to put to the House the insertion after the word "That" of the words which he has read. I find, however, that there is no seconder of the amendment.

Mr. BROWN (Canobolas).—I am glad that the Government have brought this matter forward to the stage which it has now reached, though there has been an amount of delay in connexion with it which, to outsiders, seems inexplicable. The Government claim that they have been doing all that they can to expedite the choosing of the Federal Capital, but I think that it is to be regretted that a question of so much importance to the Commonwealth, and particularly to the State of New South Wales, has been left until this late stage of the last session of the present Parliament. We were led to suppose, from the prominence which was given to it during the first elections, and in the Governor-General's speech, that it would receive much earlier consideration than it has received. I suppose, however, that it is better to deal with it late than never. The responsibility for the delay rests, not upon the House, but upon the Government, and honorable members on this side of the Chamber have done all they could to expedite dealing with the matter. I am in sympathy with the motion which has been submitted by the Prime Minister, because I think that it tends towards expedition, and that when the members of the two Houses are brought into touch with each other they will be able to make themselves acquainted with each other's views, and thus be placed in the best position to arrive at a conclusion. An early settlement of the matter is desirable in the interests of Federation itself. There are honorable members who think that some thing is to be gained by delay, that the time is not opportune for immediate action, that more consideration is needed, and that the question of expense is to be advanced as a reason for postponement. But I think that when the grounds of objection come to be closely examined, they will be found to be not so important as we have been led to suppose. Some nine sites have been submitted

to the Government, and these it is proposed to consider upon their merits. With a view to conserving the Commonwealth interests, the Government of New South Wales have locked up against settlement the Crown land contained, not only within the proposed capital sites, but within the areas which might be chosen as Commonwealth territory. That position of affairs, although unsatisfactory in the interests of settlement, must be maintained until the Federal Capital site is chosen, unless an injustice is done to the Commonwealth by allowing the land to pass into private possession, in which case the cost of resumption will be increased. To put an end to this difficulty, and to avoid future complications, it is highly desirable that Parliament shall arrive at a decision without delay. The Prime Minister has indicated that this is not the time for reviewing the merits of the different sites—that they will be best discussed during the joint sitting of the two Houses. That is so. There are, however, one or two points in connexion with the motion upon which I should like to say something. In the first place, I am strongly in accord with the desire of the honorable member for Bland to give the greatest publicity to the procedure and methods by which a decision is arrived at. The votes cast by honorable members at each of the ballots should be so taken that they will be known to the electors of the Commonwealth. I, for one, would be very sorry to be compelled to give a secret vote in connexion with the matter, and, therefore, I think we should lay it down, as an instruction to the President and Mr. Speaker, that the voting shall be open. As to the method to be adopted in order to secure the final selection by the process of elimination, several suggestions have been made. It has been suggested that a vote should be taken, and that the site which secures the least support should be discarded, the remaining sites being again voted upon, until by an exhaustive process of balloting only one remains. It is possible, however, that that process may give rise to considerable difficulty, and that some of the sites may not receive the consideration to which they are entitled. Some of them may perhaps not command sufficient support to insure their retention for more than one or two ballotings, whereas if further consideration could be given to them they

would present so many grounds for commendation that they would probably receive a much larger amount of support. I might illustrate my point by referring to the Orange, Lyndhurst, and Bathurst sites. These are practically identical, because they are within a very short distance of each other, and possess very similar characteristics. When the Minister for Trade and Customs submitted his motion with regard to the appointment of the Commission of Experts, he proposed to include only one of these sites in the reference to the Commission, but it was pointed out that, in the event of its being decided to acquire a larger area than that specified in the Constitution, the Federal Capital area might be so shaped as to embrace the three sites I have mentioned.

Mr. HIGGINS.—Are those three sites in the same electorate?

Mr. BROWN.—No; one is in Canobolas and two in Macquarie. They are within thirty miles of each other, and the Federal territory might embrace the three of them. It is just possible that these sites, if submitted separately, would be rejected at an early stage of an exhaustive ballot, and the same remark applies in a lesser degree to Bombala and Delegate and Tumut and Albury. Provision should be made for a ballot with respect to each of these three groups of sites. The sites might be submitted in the first place grouped in the way I have indicated, because they would in every case lend themselves to amalgamation. Honorable members might ballot for the selection of one site in each of these groups, one in the western group—Orange, Lyndhurst, and Bathurst—one in the south-western group—Tumut and Albury—and one in the southern group—Bombala and Delegate. Afterwards a final selection might be made in the manner proposed by the Government. The initial process would clear away a considerable amount of difficulty, which would obtain if the whole of the nine sites were considered separately. There are two sites which do not lend themselves to grouping, namely, Armidale, in the northern part of New South Wales, and Lake George, which lies to the north-east of the Tumut and Albury group. I know that the honorable member for North Sydney is favorable to the idea which I am now putting forward, and I shall support him if he moves an amendment in that direction. I shall also support the amendment indicated

by the honorable member for Bland, because I believe that in fairness to the electors of the Commonwealth the open voting system should be adopted.

Mr. HIGGINS (Northern Melbourne).—I understand that the only question before the House is as to the best mode of proceeding to a selection of the capital site. We have our hands tied. We have no choice. We have to give effect to a very bad provision which was inserted in the Constitution, not as framed by the Convention, but after the first referendum, with a view to induce a number of people in New South Wales to waive their objections. I understand that upon the faith of that provision a number of persons in New South Wales voted in favour of the Constitution, and for my part, as a representative of a Victorian constituency, I feel bound in honour to give effect to that compact at the earliest possible moment if New South Wales demands it. I take it that this matter is upon a footing entirely different from the provision with regard to the establishment of a High Court. The latter was included in the Constitution for the benefit of the whole community of Australia, it being left open to the community, through its representatives in Parliament, to decide how soon or how late the provision should take effect. In regard to the capital, however, a provision was inserted for the benefit of a particular State in order to induce a certain fraction of the people to vote in a given direction, and I do not feel that the rest of the people of Australia are entitled to dictate as to when that part of the bargain shall be carried out. I sympathize strongly with the view put forward in the Victorian press and elsewhere, as to the inexpediency of tying our hands in this matter. I think we could make a much better arrangement if our hands were free, but I decline to be a party to any attempt to postpone the settlement of the question, if New South Wales asks that it shall be expedited. The proposal before us is to take an open vote of all members of both Houses. The question is not to be submitted to Parliament in the ordinary course. Section 125 of the Constitution provides that the seat of the government of the Commonwealth shall be determined by the Parliament, and that I take to mean the site is to be determined by the Parliament according to its constitution of two Houses, and that the two Houses

must vote separately. The two Houses must pass a Bill through the ordinary stages, or otherwise the decision arrived at will not be a determination of Parliament. At the same time, as I understand the proposal, it is that we should first ascertain the wishes of the members of the two Houses, and then that a Bill should be brought in, which shall be open to rejection or acceptance constitutionally. I understand that this is intended as a mere preliminary canter in order that the Government may have the advantage of knowing how this proposal or that would be regarded. Although I do not like this plan of shunting responsibility, I should not very strongly object to thus ascertaining the views of honorable members of both Houses, in order to save time. Before we are asked to select the site, however, we should have some indication from the Government in a general way of the financial arrangements they propose to make. I shall be, to a large extent, influenced by the arrangements which the Government propose to make with regard to expenditure. We do not want to saddle upon the people of Australia a greater burden of interest than they already bear. I take it for granted, also, that as the honorable member for Gippsland has pointed out, we should have to buy private land embraced within the Federal Capital area. We should know, therefore, whether it is intended to buy this private land outright, and, if so, by what means? Are we to borrow money, or to follow the course adopted in Canada and in the United States of insisting upon the banks holding a certain number of Federal bonds without interest as a part of their reserves? This information might have a very considerable effect upon the voting in regard to a site which would cost a great deal of money. One thing would depend on the other, and I should like to know what scheme the Government propose to adopt. I know that it will be proposed to expend only a small sum upon buildings at first; but if there is one thing clear under the Constitution it is that the land comprised within the Federal Capital area must be vested in the Commonwealth. I am not at all clear that it means that it must be vested for ever. I think it will probably be within the power of Parliament to say what scheme of land tenure we shall adopt. But at its inception there is no doubt that the Commonwealth Parliament is not only to exercise jurisdiction over this

area, but is to own it. Of course, if we are to own it, and if we are to select a site which embraces a busy and populous town, the expenditure will be very great. Assuming that we select a site which contains a good population and extensive settlement, do the Government intend to borrow the money that is required, or do they purpose resorting to some other system to obtain the necessary funds? Personally, I think that we might adopt, with much more advantage, a referendum of the people upon this question. Of course, it will be said that the people do not know much about it, but in my judgment the question of the capital site is one which would interest them at the elections, and would educate them more upon Australian wants and Australian prospects than would anything else. In the United States of America it is the chief question which is from time to time submitted to the people. There are forty-five States as well as some territories, and the question where the capital site of a State shall be is repeatedly submitted to them at the general elections. In E. P. Oberholtzer's book upon the referendum in America, page 51 of the edition of 1893—I have not been able to obtain the more recent edition, which is better still—I find the following:—

One of the first subjects of this kind to be put to the vote of the people of the entire State was the location of State capitals. This was a question which, at an early date, was looked upon as in some particulars extraordinary, and entitled to treatment unlike that accorded to other regular subjects of legislation. In some of the early cases, capitals were located by commissions and other agencies outside of the Legislature. The people becoming a more direct force in political affairs, the conventions came to regard this as a suitable matter for popular investiture. The people being qualified to decide upon the character and form of their State government, might naturally have the further grant of power to say at what place this government shall be administered, a site to be chosen which shall be most convenient to the largest number of the State's citizens.

He describes how this was done in Texas as far back as 1845. The writer proceeds:—

This referendum was also used shortly afterward in California. The Legislature of that State, at its first session in 1850, authorized a vote to be taken as to whether the seat of government should be removed to Vallejo. It was later used in Kansas, in Colorado, and most of the new States; in more recent times, in South Dakota, Montana, and Washington, the rivalry of the various towns and cities which sought the honour often attaining very comical proportions. The location of State capitals has come to be a matter to be left altogether to the people, and it is

exceedingly doubtful if the removal would anywhere be made without first securing for the proposal a ratification by popular vote.

A similar provision obtains in regard to changing the location of State capitals. In this connexion the same author writes:—

A section of article III. of the Constitution of Pennsylvania provides—"No law changing the location of the capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth, at a general election and ratified and approved by them." Provisions of this kind are to be found in the Constitutions of the following States:—California, Colorado, Georgia, Mississippi, Minnesota, Montana, Nebraska, Oregon, Pennsylvania, Washington, and Wyoming.

Of course, there are numerous matters which cannot be submitted to a referendum, and the details of which have to be worked out by Parliament; but there are cases in which sentiment, public spirit, and public advantage on the one hand, as distinguished from private greed on the other, are so palpably at issue that the people may fairly be allowed to say what is best under the circumstances. The great difficulty in almost all our politics is the manner in which private greed comes across the path of public interest. In regard to the acquisition of the Federal Capital site, private greed would come into play more than it would in regard to anything else. Private individuals would endeavour to make money out of the needs of the State.

Mr. G. B. EDWARDS.—If the land is resumed it will be the subject of Commonwealth legislation.

Mr. HIGGINS.—That is so; but my remarks refer to the meantime. I hold that in assessing the value of private lands the belief that the Federal Capital will be built upon them must exercise a potent influence upon the minds of the arbitrators.

Mr. G. B. EDWARDS.—By legislation we can exclude that factor.

Mr. HIGGINS.—No; I am referring to the belief which exists. What is the reason for the extraordinary greed which is shown concerning the location of the Federal Capital? Only this afternoon we were told that there is a paralysis of business in certain centres. Why? Because rightly or wrongly the people who are interested in certain sites believe that they will be able to enter into other arrangements and make money out of them. Irrespective of what arbitrators we may have, the very fact that land-holders are compelled to give up their property, must exercise an influence in the

determination of the amount which will require to be paid. In listening to the speeches which have been delivered on this question, I was indeed surprised that no suggestion had been made to allow the people to decide it at a general election. A referendum upon it would involve the Commonwealth in very little expense, seeing that the general election must take place. The people would then be in a position to say which site they prefer, and we should largely eliminate from its consideration any private or particular interests.

Mr. POYNTON.—Would the honorable member submit the whole of the sites to the electors?

Mr. HIGGINS.—The honorable member must have heard me state that the practice is repeatedly adopted in the United States of America.

Mr. POYNTON.—Could the electors cast a more intelligent vote upon the matter than will this House?

Mr. HIGGINS.—The people as a whole would be less liable to be influenced by the spirit of parochialism. Taken as a whole, the people would be less likely to be influenced by the pressure of particular localities. Take the case of the honorable member for Canobolas. Certain sites in the western districts of New South Wales have been suggested as eligible ones. I understand that one of those sites is within the electorate of Canobolas. I have the highest respect for the honorable member and for the purity of his motives, but is it possible to conceive of his voting for Lyndhurst as against Orange?

Mr. POYNTON.—Would it be possible for any of the electors in that district to do otherwise?

Mr. HIGGINS.—But the point is that when we appeal to the people the vast majority are completely free from parochial influences.

Mr. THOMSON.—So are the vast majority of honorable members who represent them.

Mr. HIGGINS.—No. In the case of 100 men it is much more easy to organize a clique in favour of a particular site than it is in the case of 500,000.

Mr. CONROY.—How could the people vote upon the matter when they know nothing about the merits of the particular sites?

Mr. HIGGINS.—I have more faith in the people than has the honorable and learned member. If the question be remitted

to the electors for decision, the residents of the rival sites would distribute literature bearing upon them, the newspapers would take the matter up, and the Government would doubtless spread official information in the form of a short pamphlet. It seems to me that we are very much behind the times in Australia in regard to these matters. In America the practice of taking a referendum of the people upon similar questions has been in vogue for fifty years.

Mr. POYNTON.—Does not that remark apply only to a particular State, and not to a number of States?

Mr. HIGGINS.—What difference does that make? We are speaking only of one Federal Capital for all Australia. Surely the people of Western Australia are interested in determining in what part of New South Wales the capital shall be located. Perhaps they would be the most impartial of judges.

Sir JOHN FORREST.—How can they possess the necessary local knowledge?

Mr. HIGGINS.—I am quite sure that the Minister for Home Affairs appreciates the intelligence of the people of Western Australia.

Sir JOHN FORREST.—They do not even know where Canobolas is situated.

Mr. HIGGINS.—They will very soon learn. I understand that the right honorable gentleman introduced a splendid system of education into Western Australia, and if a knowledge of geography is not included in the curriculum it is a great pity.

Sir JOHN FORREST.—I do not think that the members of this House know much about it.

Mr. HIGGINS.—Then surely we may trust the people upon a referendum. We have only to make the best of a bad job.

Mr. JOSEPH COOK.—Is the honorable and learned member really suggesting that a referendum shall be taken upon the various sites?

Mr. HIGGINS.—Yes. What the honorable member wants is perfectly clear. He desires to put certain honorable members or Ministers in a corner.

Mr. JOSEPH COOK.—That is an unworthy remark to make.

Mr. HIGGINS.—Assuming that there are two sites nominated within one electorate, he believes that by adopting an open ballot he will place the people in favour of one site in antagonism to certain honorable members.

Mr. THOMSON.—What about the honorable member for Macquarie? There are two sites in his electorate.

Mr. HIGGINS.—The honorable member for Macquarie has not yet spoken.

Mr. SYDNEY SMITH.—I am in favour of an open ballot, and I shall be prepared to express my opinion upon the sites before the ballot is taken.

Mr. HIGGINS.—I am very glad to hear that. The honorable member may know what he is about, but I should much prefer that the pressure of local influences should be removed from the shoulders of honorable members.

Mr. SYDNEY SMITH.—An honorable member ought to be prepared to take the responsibility of his vote.

Mr. HIGGINS.—It matters not in the least to me whether we deal with this question by way of secret or open voting. I am surprised, however, at the preference which has been shown for open voting—a preference based on the same reasoning that Sydney Smith used against the ballot. We have to choose between two evils. In voting openly we have to incur the pressure of local influences upon us as members of this House, while by secret voting, or in other words by resort to a proper ballot, we have to run the risk of the pressure of corrupting influences. I do not think——

Mr. THOMSON.—Does the honorable and learned member mean to say that any honorable member is so low that he would refuse to inform his electors how he voted.

Mr. HIGGINS.—I do not say anything of the kind. I trust that before he proceeds to criticise my remarks the honorable member will hear what I have to say. If he does so he will find that my proposition is far more reasonable than he now appears to consider it. There are two evils which we have to face. One is the pressure of local interests upon the voting member—and, of course, it must be incurred where there is open voting—while the other is the fear of the pressure of some corrupting influences being brought to bear upon honorable members when secret voting is resorted to. I do not think, however, that the experience of Australian Parliaments shows that there is any danger of the latter evil.

Mr. JOSEPH COOK.—Does the honorable and learned member think that if this question were decided by ballot an honorable member would not be asked subsequently how he voted?

Mr. HIGGINS.—He might or he might not.

Mr. JOSEPH COOK.—His constituents would take care that he was interrogated on the subject.

Mr. HIGGINS.—In the case of open voting there can be no doubt that an honorable member has a strong inducement to go against what he thinks is best for the Commonwealth in the fact that a number of his constituents are watching him. But in the case of secret voting I cannot see what fear there can be, save that of corrupting influences; and, although our Australian Parliaments have their faults, I do not believe there is any danger of the latter evil being exercised to any extent. I conceive that if we selected a site by ordinary ballot we should be far more likely to obtain a true expression of the opinion held by honorable members from the point of view of the interests of the whole Continent than by any other means. If we are to have an open ballot, very little will be gained by submitting the question in the first instance to a joint sitting of both Houses of the Parliament. I should much rather prefer to have the Bill introduced at once, even knowing that in those circumstances we should find an honorable member disposed to speak for the interests, or supposed interests, of his own electorate.

Mr. POYNTON.—I prefer the Bill in any case.

Mr. HIGGINS.—The honorable member may be right. The only ground upon which I conceive that any advantage will be gained by a joint sitting of both Houses is that we should thus obtain an expression of opinion on the part of those who have to make a selection without the fear of the consequences of such pressure as might be brought to bear upon them by their constituencies. I am not prepared at present to move any amendment, but if other honorable members agree with the view I have put forward I shall be ready to support any proposal which would leave this matter to be determined—with scarcely any expense—at the forthcoming general election by the people of Australia.

Mr. THOMSON (North Sydney).—I do not think that the honorable and learned member who has just resumed his seat has done himself justice by his arguments against the proposal for an open ballot. I am quite sure he would never say that if he felt it was in the interests of Australia that he should vote for a particular site he would

be deterred from acting in accordance with that feeling merely by the fact that he would have to cast his vote openly.

Mr. HIGGINS.—I have not said so.

Mr. THOMSON.—I am sure that the honorable and learned member would not say anything of the kind. But, nevertheless, if his argument means anything it amounts to an insinuation that for that reason the result obtained by resort to a secret ballot is different from that obtained from open voting. I would point out to him that there is a great difference between an elector who records his vote at the ballot-box for the election of a Member of Parliament and the action of an honorable member who, in this House, determines, by ballot, the site of the Federal capital. The elector who places his ballot-paper in the ballot-box is, for that vote, responsible only to himself, and there is no reason why he should declare to the world the way in which he voted. But we, as representatives of the people, are not solely responsible to ourselves. We are responsible to the people of Australia, and it is necessary that they should know how we vote in determining this issue of the utmost importance to the people of the Commonwealth—the selection of the site not for to-day, but for all time, of the capital of Australia. I cannot conceive that any honorable member would refuse to face that publicity. We have also to remember this, that an honorable member representing an electorate in which there are two proposed sites will certainly be asked by his constituents how he voted. Is he to conceal his vote from them? He must declare himself. Then again, if we determine this question by open voting we shall be free from any insinuation that we have voted contrary to the way in which we are supposed to have voted. Everything will be above board, and insinuations which might otherwise be made will be avoided.

Mr. HIGGINS.—Those arguments were all used in the old days against the secret ballot.

Mr. THOMSON.—I have already explained the difference between the action of a voter at the ballot-box, responsible solely to himself, and a representative of the people in the Chamber, responsible to the people, in refusing to indicate the way in which he votes.

Mr. HIGGINS.—That is a good distinction, but it does not affect this question.

Mr. THOMSON.—Has not the honorable and learned member had a similar experience in regard to votes cast by him in Parliament? Every vote he gives must affect certain interests in his electorate. If he votes in one direction he beneficially affects one interest; if he votes in another way he beneficially affects another interest. In these circumstances would he ask honorable members to agree to a secret ballot in regard to a Bill or proposal of this kind?

Mr. HIGGINS.—I am not dealing with a Bill in the ordinary sense of the term.

Mr. THOMSON.—Would the honorable and learned member urge us to consent to a secret ballot rather than that local pressure of which he speaks—or what is really local supervision—should be exercised?

Mr. HIGGINS.—I am dealing with an extra-constitutional device, which we must apply specially.

Mr. THOMSON.—With all respect for the legal acuteness of the honorable and learned member, I fail to see how he can make a distinction. The result of our vote on this question will probably last for all time, and it is more than ever necessary that we should record it in the broad light of day. I am not supporting the amendment because there happen to be two proposed sites in a constituency represented by a Minister, any more than I am supporting it because the honorable member for Macquarie—a member of the Opposition—also happens to have two proposed sites in his electorate. The honorable and learned member for Northern Melbourne has said something with which I heartily agree. He recognises that in the selection of a site for the Federal capital we are bound by the Constitution. He recognises that under an arrangement made between a State and other States after the rejection of the first Constitution Bill, which contained no such provision, there is an honorable bond, not only to be fulfilled, but, if the anticipated conditions are to be carried out, to be fulfilled without delay. It has been proposed that our hands should be freed, but we could obtain that freedom only by a departure from the bond—a departure which I venture to think the people of Australia would be very reluctant to allow. Even if I believed that it would be for the benefit of a great number of people resident in New South Wales to locate the Federal capital in Sydney or its neighbourhood, I feel satisfied that such a proposal would not be



acceptable to the majority of the people of that State. The majority do not desire that centralization—that enlargement of the importance of the State capital—as against a more distributed interest in the country. Consequently our hands are not merely tied, but so tied that it would be very difficult to release them even if it were proper to depart from the terms of the bond first arrived at by those who represented the people and subsequently accepted by the people themselves. The honorable and learned member for Northern Melbourne had a proposal that there should be a referendum of all the nine sites to the people, but I think that in that he failed to recognise the difficulty which even members of this Parliament will feel in coming to a conclusion, notwithstanding our advantageous position by reason of the discussions which we have heard, and of the information which has been prepared for us, at so great an expense, as to the sites in the interests of the Commonwealth to choose. How can we expect the people of Australia, who are not assembled as we are to give attention to this particular matter, to study the reports which have been submitted, to make themselves acquainted with the geology and geography of New South Wales, to ascertain the relative position of the sites in regard to the other States, in order to fit themselves to conscientiously vote upon the question?

**Mr. HIGGINS.**—How does the honorable member answer the statement that what I propose is done in a country as large as France?

**Mr. THOMSON.**—France is not nearly so large as Australia, and furthermore I say that there are not usually nine sites to choose from.

**Mr. HIGGINS.**—But we are confined to New South Wales. We have no opportunity to go outside that State.

**Mr. THOMSON.**—That is so, but in order to give a correct vote, the people of Australia must make themselves acquainted with New South Wales. Why have we spent money in sending a commission to inquire into the climate, rainfall, geological formation, accessibility, and other particulars regarding the proposed sites if a very close and particular inquiry is not absolutely necessary to arrive at a right conclusion? How many honorable members have yet carefully studied the reports which have been submitted to us? Is it likely, then, that the people of Australia, men and

women, have studied them, and are in a position to say which site is the best in the interests of the Commonwealth? If our expenditure in the direction of making inquiries and obtaining reports was justifiable, how can it be said that the people are in a position to give a vote upon this subject? I pointed out at the time that, in my opinion, some of the expenditure which was incurred was rather unnecessary, but the honorable and learned member for Northern Melbourne, or, at least, the party to which he belongs, supported the Government proposal. I agree with the Prime Minister in this respect rather than with the honorable and learned member. The Prime Minister said that the action of Parliament in this connexion would be a momentous one, and of the highest importance, not merely in regard to to-day, but in regard to the future of Australia. That being so, we ought to come to as wise a decision as we can, and give as much thought and consideration to the matter as is possible. Moreover, in the procedure that we adopt for arriving at a decision we ought to see that opportunity is given for the selection of the best site available, and that fair play is extended to all the sites. That, I think, will hardly occur if the motion is adopted as it stands, because the third paragraph provides—

That at such Conference an exhaustive ballot be taken to ascertain which of the sites reported on by the Royal Commission on Sites for the Seat of Government of the Commonwealth appointed by the Governor-General, on the 14th day of January, 1903, is in the opinion of the Members of the Parliament the most suitable for the establishment of such Seat of Government.

The Royal Commission's report states that nine sites were reported upon by the Commissioners. It would, however, be unwise and unfair, and would lead to results which we cannot foresee, if those nine sites were submitted to an exhaustive ballot. It was not the intention when those sites were referred to the Commissioners that that should be done, and I can prove that by extracts from some of the speeches which were made on the 25th of September last year, when the House was discussing the motion for the appointment of a commission. On page 16132 of the *Parliamentary Reports* for last session the present Minister for Trade and Customs is reported to have said—

I have always recognised that the neighbourhood of Orange and the sites proposed at Bathurst and Lyndhurst are really part and parcel of the same

area, and would have to be included in the Federal territory if any site near the Canobolas were selected.

Then on page 16140 the honorable member for Macquarie said—

I am only asking the House to carry out a suggestion, approved by the Minister for Home Affairs, to consider Orange, Bathurst, and Lyndhurst as one site, and to get all the necessary information regarding these places.

He moved an amendment, which was accepted and carried under those conditions. But what does the resolution appointing the Commission say? It is to be found on page 16161, and is as follows:—

That, with a view to obtain necessary information that will enable the Parliament of the Commonwealth to select a site for the seat of Government, a Committee of Experts should be appointed to examine and report upon sites in the following localities:—Albury, Armidale, Bombala, Lake George, Orange (and, in consequence of their proximity, Bathurst and Lyndhurst).

The name of Tumut was also included, and Dalgety was referred afterwards. It is evident that where several sites belong to the same district, so that the Federal territory, if taken from one site, would almost touch what would have been Federal territory if the adjoining site had been chosen, we cannot obtain proper or fair results from a ballot in which the sites would be treated as separate and independent. There should be a selection, first of all, of the best site in each particular geographical area, and then there should be an exhaustive ballot to determine which of those sites should be chosen. No other district has three sites, but several districts have two sites. For instance, Tumut and Albury are in the one district, Bombala and Dalgety in another, Lake George and Yass in another—supposing Yass to be included as a proposed site.

Mr. CONROY.—The promise was made to me that Yass would be included.

Mr. THOMSON.—I would treat all these districts alike, reducing in the first place the number of sites in any group to one. If that is done, we shall have five sites which will be geographically distinct and distant from each other, and we should be acquainted with their merits in other respects, either from the report of the Commissioners, or from the knowledge which we have obtained from other sources. We shall then be able to obtain a clear-cut selection. That is the only proper and fair way of dealing with the matter. By adopting the course proposed in the motion

we allow the principle of “divide and conquer.” Lyndhurst might be shut out by Bathurst, or *vice-versâ*, or Orange by either of them; Tumut by Albury, or *vice-versâ*; Bombala by Dalgety, or *vice-versâ*. Armidale is not in any group, but is distinct geographically from the other proposed sites. Having selected from each district the site which is considered best, we can obtain a clear-cut issue, and can come to a decision upon lines which will be fair and best in the interests of the Commonwealth. If any other method is adopted, it will be impossible to say what the decision will be. It would be an extraordinary thing if a district so suitable as to furnish two or more sites were shut out by a division of opinion as to the merits of those sites. It is evident that it was not intended that that should happen. The statements of the Minister for Trade and Customs and of the honorable member for Macquarie, which I have read, are clear and distinct so far as that is concerned, and the wording of the resolution—

In consequence of their proximity, Bathurst and Lyndhurst—

proves it. I do not wish to be unfair to any district, and therefore I propose later on to add to paragraph 3 the following words—

Provided that before such exhaustive ballot be taken the sites in each of the following groups be reduced by ballot to one site in each group—

Western group.—Bathurst, Lyndhurst, Orange.

South-Western group.—Albury, Tumut.

Some honorable members may claim that Lake George ought to go into the southern group. I have not put it into a group, because it is a distinct district, but I have no objection to that being done. Armidale, as I have said, stands by itself; there is no other site in that district. The method which I propose must commend itself to all who wish to see fair play given to the different sites, and who are anxious that the site which, in the opinions of honorable members is the best, is the deliberate choice of the Conference, instead of the choosing being a mere accidental circumstance due to the procedure adopted. I do not intend to detain the House any longer. I recognise the difficulties which the Prime Minister has experienced in designing a method to meet the circumstances. I am willing to accept the proposal he has made, with amendments which, I think, would improve it, and I trust that

there will be no difficulty in adopting such a conciliatory method of selection. It should be the object of both Houses to deal with the matter in some practicable way. The method proposed by the Government is practicable, and I trust that by its means we shall arrive at a selection of the capital site, and that the other States of Australia will prove to New South Wales that there is no foundation for the strong doubts that are beginning to arise, and for the fears that trouble may arise at a later stage. I trust that it will at once become evident that the first Parliament of Australia means to honorably carry out the bond entered into, and to recognise not only that there is a bond, but that time is the essence of the contract, and that effect should be given to it at the earliest possible moment. I am quite aware that some objection has been raised, on the ground of expense, to our doing anything at present in regard to the establishment of the capital. But it has to be remembered that New South Wales hesitated to enter the Federation because it was recognised that the people would have to submit to very heavy taxation. They, however, accepted that condition, and they are paying the taxation.

Mr. THOMAS.—And spending the money.

Mr. THOMSON.—It is quite true that money will always be spent when it gets into the hands of a Government. The people of New South Wales are paying heavy taxation, and are likely to go on paying it year after year.

Mr. WATSON.—Hear, hear; there will be no change.

Mr. THOMSON.—There may or may not be, but the people of New South Wales will have to go on paying heavy taxation under any circumstances. Not only so, but they will have to contribute two-fifths or nearly one-half of any expenditure that may be incurred in connexion with the establishment of the Federal Capital. Surely, under these circumstances, they have a right to look to the other States for the fulfilment of the minor obligation which they have undertaken. Surely they would have a right to resist to the point of extremity, and to feel that indignation which would justify such resistance, if—after they had paid their share of taxation, and had proved their willingness to defray two-fifths of the expenditure upon the Federal Capital, and to give freely all the Crown lands embraced

within the capital site—the other States were to hold back as has been suggested, and say—“Put off the evil day. Do not impose upon us the burden of three-fifths of the expenditure upon the Federal Capital which will be spread over five States of the Commonwealth.” I do not think the people of Australia want anything of the kind, or that the people of Victoria desire to take up any such position, and I trust that the result of this discussion will prove that my anticipations are correct.

Mr. A. McLEAN (Gippsland).—I quite agree with a great deal that has fallen from the honorable member for North Sydney, but with regard to his concluding remarks I wish to show him that there is another side to the picture. New South Wales is not the only State that has made a sacrifice in connexion with Federation. At the outset, I hope that no honorable member will infer that I desire to delay the consummation of the wishes of New South Wales for one hour longer than is absolutely necessary. When the Federal Constitution was before the electors, it was felt on every side, and by no one more strongly than by the then Premier of New South Wales, that if merit alone were to be considered, the capital of the Federation would very likely be fixed in Victoria, on account of its central position and genial climate.

Mr. WILKS.—Not on its merits.

Mr. A. McLEAN.—Will honorable members deny that the then Premier of New South Wales placed that view before the people of that State, and that they refused to ratify the Constitution until the question of the capital site had been settled.

HONORABLE MEMBERS.—There were many objections to the Constitution.

Mr. A. McLEAN.—This is a serious matter. Our action on the present occasion will affect not only the people of the present day but future generations, and if we make a mistake in the selection of a site for the Federal capital it will make a blot upon the map of Australia which will endure for all time. Therefore, I hope that honorable members will unite in doing their best to make the wisest possible selection. It is as well that we should remember what has led up to the present position, and I intend to state the case briefly to honorable members. The people of New South Wales refused to ratify the Federal Constitution before the site of the capital was fixed. A Conference of Premiers was then held, and

a bargain was entered into which I always considered to be very unwise. At the same time I will accept it as loyally as any of those who believed in it. What was that bargain? It was that the permanent seat of government should be in New South Wales, and that until that permanent seat of government was established Parliament should meet in Melbourne.

Mr. BROWN.—That was only a part of the bargain.

Mr. A. McLEAN.—Perhaps I had better read section 125 of the Constitution, which is as follows :—

The seat of Government of the Commonwealth shall be determined by The Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and, if New South Wales be an Original State, shall be in that State, and be distant not less than 100 miles from Sydney.

Such territory shall contain an area of not less than one hundred square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.

If Victoria be an Original State the Parliament shall sit in Melbourne until it meet at the seat of government.

That was an honorable compact, which the people of the Commonwealth ratified. I have heard it stated, during this discussion, that the meaning of that provision was that the seat of government should be established as soon as the people of New South Wales asked for it. Whilst I do not desire to delay the settlement of this question, I wish to place the true position before honorable members. I would ask, in the first instance, why Melbourne was mentioned as the place where Parliament should meet until it met at the permanent seat of government. Was it intended that Victoria should derive no benefit whatever? I contend that at that time it was considered that Victoria should derive some benefit.

Mr. POYNTON.—We hear nothing of any of the other States. It is all New South Wales and Victoria.

Mr. A. McLEAN.—I did not frame the Constitution or approve of it. As a matter of fact, I voted against it, and therefore my honorable friend cannot reproach me. I am dealing with the Constitution as I find it. I contend that the common-sense interpretation of that section is that both New South Wales and Victoria should derive some benefit; that Victoria should have the temporary benefit and New South Wales the permanent advantage.

Mr. WILKS.—How does the honorable member define the word "temporary"?

Mr. WATSON.—Three years would be a fair thing.

Mr. A. McLEAN.—I shall tell my honorable friend what the meaning of the provision is. On the strength of that provision, what did Victoria do? She spent £50,000 in housing the Federal Parliament in Melbourne. Will honorable members pretend that she has derived benefit from the Federation to the extent of even half that amount.

Mr. JOSEPH COOK.—She spent only £30,000.

Mr. A. McLEAN.—The amount was upwards of £50,000. I would appeal to my honorable friend the Treasurer.

Sir GEORGE TURNER.—The last figures I saw ran into nearly £70,000.

Mr. A. McLEAN.—That is what Victoria did on the faith of that compact.

Mr. WATSON.—The expenditure was wasteful.

Mr. A. McLEAN.—And the people voted believing that Melbourne would be the seat of government until the permanent capital could be established.

Mr. THOMSON.—Do they want their money back?

Mr. A. McLEAN.—I think that they would take it back very readily in view of what has happened since the expenditure was incurred. I would remind honorable members that the Constitution provides that the seat of government capital shall not be established within 100 miles of Sydney, and yet even before the Federal Parliament met in Melbourne the people of New South Wales set up an agitation in favour of making Sydney the temporary seat of government.

Mr. WATSON.—The Constitution does not provide that the seat of government shall be in Melbourne.

Mr. A. McLEAN.—It provides that the seat of government shall not be within 100 miles of Sydney.

Mr. WATSON.—It does not provide that it shall be in Melbourne.

Mr. A. McLEAN.—I am glad that my honorable friend has mentioned that point, because it reminds me of the reasons urged by prominent statesmen in New South Wales why the temporary seat of government should be in Sydney. They contended that whilst the Constitution provided that the Parliament should meet in Melbourne, it did not provide that the seat

of government should be there. That is quite true. The Constitution does not say that the Parliament shall sit at the seat of government in New South Wales. Will the honorable member for Bland deny that?

MR. WARSON.—Something must be left to our intelligence.

MR. A. McLEAN.—It is absurd to say that the seat of government should be separated from the Parliament, or that the Parliament should be separated from the seat of government. The honorable member for Bland wishes to interpret the Constitution in a way that will permit of Sydney—which is the only part of the Commonwealth that is expressly precluded under the Constitution—becoming the temporary seat of Government whilst Parliament is sitting in Melbourne.

MR. L. E. GROOM.—No one is contending that.

MR. A. McLEAN.—It has been contended and, to a large extent, effect has been given to that contention. A Government house has been provided in Sydney—

MR. SPEAKER.—I would point out to the honorable member that in the motion which is under consideration there is no reference whatever to the establishment of Government houses, or to the question of the seat of government other than to the machinery for choosing the future seat of government. I must therefore ask the honorable member to confine his remarks strictly to the matter which is under consideration.

MR. A. McLEAN.—Shall I be in order in showing the sacrifices which the different States have made, so that I may put the matter clearly before the House?

MR. SPEAKER.—Incidental reference has been made to the sacrifice which was made by one State, and therefore I shall allow an incidental reference to any sacrifice by another State; but I am afraid that the honorable member is dwelling upon the matter far more than incidentally.

MR. A. McLEAN.—Upon the strength of the interpretation which Victoria placed upon the Constitution, that State was induced to spend this large sum of money in housing the Federal Parliament. Although I opposed the Federal Constitution and voted against its adoption, because I objected to several of its provisions, I declared after it had been accepted by the people, that I would support it as loyally as those who had

advocated it from the beginning, and I intend to do so. I have no desire to place obstacles in the way of giving effect to this proposal as soon as effect can be given to it upon proper business principles. The amendment which I have indicated runs largely upon the lines of that which has been outlined by the honorable member for North Sydney. At the present time we have no information whatever as to the price which we should have to pay for land within the different sites.

MR. THOMSON.—Is there no evidence of that in the report of the Commission?

MR. A. McLEAN.—We have no information as to the value of the 60,000 acres within each site. We have the Commissioners' estimate of the value of 4,000 acres, but not one word regarding the value of the other 60,000 acres. I hold that the price which we are called upon to pay should be an important factor in the selection of the site.

MR. JOSEPH COOK.—Will the land become cheaper the longer we postpone action?

MR. A. McLEAN.—If the honorable member will restrain his youthful impetuosity, I think that his good sense will agree with my ultimate proposal. Not only have we no estimate of the cost of the lands at the different sites, but the moment we earmark a particular site the process of booming will commence. I am aware that the Property for Public Purposes Acquisition Act declares that the value of the land shall be its value upon a particular date. But having had a good deal of experience in this sort of business—having been connected with the purchase and sale of land nearly the whole of my life—I know that it is impossible to give effect to such a provision. We can be guided only by the evidence and the information which is placed before us. It is utterly impossible for any arbitrator to say "This land was worth a particular sum on a particular date." I am perfectly satisfied that the moment we select a site, speculators will commence operations. They will be anxious to purchase land in the hope of being able to sell it to the Commonwealth at a higher price. Thus, I hold that the amount which we shall ultimately pay will be considerably in advance of that which we should pay if we purchase as a private individual would purchase, upon proper business lines. My suggestion is that we should select three sites. To that extent the amendment which has been outlined by

the honorable member for North Sydney runs upon the same lines as does my own. I am not particular if four sites are selected. My proposal is that the Government be requested to ascertain the lowest price at which 100 square miles of land can be obtained within each of these three sites. That information can be obtained very simply. The Government have merely to forward a circular to each land-owner in order to secure it. Let it be known to the land-owners that the price at which their lands can be obtained will be an important factor in determining the final selection from three sites.

Mr. WILKS.—Could not that information be obtained from the taxation Department of New South Wales?

Mr. A. McLEAN.—The three sites will, under the arrangement I suggest, be brought into competition. Each landholder will know that if he asks more than the value of his land it may prevent the particular site in which he is interested from being selected. Thus we should not only bring the land-owners into competition, but we should make every resident a sort of missionary for the Government, so that the Commonwealth would obtain the land as cheaply as possible.

Mr. SPENCE.—But suppose that the landholders do not desire to sell?

Mr. A. McLEAN.—They know that they will have to sell. If they do not voluntarily do so, the land will be resumed. As soon as the Government have received offers from the land-owners within the three sites selected I suggest that they should send a board of three competent valuers to appraise the land.

Sir GEORGE TURNER.—Who is to select the three sites?

Mr. A. McLEAN.—Perhaps I had better read my amendment to make the position perfectly clear. It is as follows:—

That after the word "That," line 1, the following words be inserted:—"with a view to the selection of the most suitable site for the Commonwealth seat of Government, and the acquisition of same on the most favorable terms, it is desirable that the Government should ascertain the lowest price at which they can acquire 100 square miles of territory at each of the following proposed sites:—Albury, Bombala, and Tumut."

I will give the House the reasons which induced me to select these sites. The last Commission placed Tumut and Albury first and second upon the list of eligible sites, and the first Commission placed Bombala

first. Therefore I have selected the sites in question. That, however, is a matter of detail.

Mr. SPEAKER.—It is quite impossible for the honorable member to proceed with these constant interruptions from all round the House. I must ask honorable members to allow the honorable member for Gippsland to express his own opinions. They will afterwards be at perfect liberty to express their views if they have not already spoken.

Mr. A. McLEAN.—I have already stated that I would ask the land-owners at the different sites to furnish the Commonwealth with the lowest price which they are willing to accept for their land. Having received that information, I suggest that three competent valuers should be appointed to assess the land within the areas selected. When these particulars are forthcoming, a comparison between the relative cost of acquiring the different sites can be instituted. Of course honorable members know that, in itself, the actual price of the land will afford us no guide whatever. One site may average £10 per acre and another only £5 per acre, and yet the former may be infinitely the cheaper of the two. The Government and Parliament, I repeat, will then be in a position to make a proper business selection from these sites.

Mr. JOSEPH COOK.—Does the honorable member suggest that the price of a site should be the basis of the final selection?

Mr. A. McLEAN.—I do not suggest that it should be the only basis, but it certainly should be an important factor in our determination. Assuming that the value of any particular land is £6 per acre, and that we pay £9 per acre for it, the difference will represent a dead loss for all time. On the other hand, if we purchase the land at its legitimate value, the rental derived from it should return interest upon its cost for all time. One is a common-sense business arrangement, and the other a wild method of dealing with the people's money, of which we are the trustees. I would ask any honorable member if, in dealing with his own money or with that of a friend for whom he was acting in the capacity of executor or trustee, he would be prepared to purchase 64,000 acres of land without asking its value?

Mr. JOSEPH COOK.—Who suggested that?

Mr. A. McLEAN.—It has been suggested.

Mr. JOSEPH COOK.—No.

Mr. A. McLEAN.—It is suggested that we shall make a final selection of one site without knowing the value of the land which it embraces.

Mr. JOSEPH COOK.—We ourselves will have a say in regard to the value of the land.

Mr. A. McLEAN.—But the land-owner will have a say upon the other side. Arbitrators would have to decide between us, and arbitrators invariably allow something for the compulsory resumption of land. But if we bring a man into competition with others, self-interest will come into play, and that is the only factor which will govern the price at which the owners of the land will be prepared to sell. They would know that if they fixed the price too high the land would probably not be purchased from them, and by comparing their valuation with the appraisalment made by an independent valuator we should get at something like the true cost.

Mr. WILKS.—Why not accept the valuation of the Land Tax Department?

Mr. A. McLEAN.—We could not do so under the law. We cannot go to a man and say that we are going to take over his land at any price we choose to fix. If we cannot arrive at an amicable agreement with the owners we shall have to appoint arbitrators who will take evidence and determine the value of the land to the best of their judgment. As I have already shown, if we select a site before we receive an offer to sell from the people who own the lands in question, the inevitable consequence will be that the process of booming will commence, and no legislation of our own would overcome that difficulty. I speak as one who has acted over and over again as an arbitrator in land transactions. Our experience in Victoria is that in purchasing land under the compulsory provision of the Railways Lands Acquisition Act the State in nearly every case is called upon to pay a price far in excess of the real value.

An HONORABLE MEMBER.—That is not the case in New Zealand.

Mr. L. E. GROOM.—In Queensland they have taken land over at far less than its real value.

Mr. A. McLEAN.—Some States laws might practically provide for confiscation of land, but the Commonwealth laws do not.

Mr. JOSEPH COOK.—How long would it take to carry out the honorable member's proposal? Two years?

Mr. A. McLEAN.—A few weeks should be sufficient. If we select a site to-day, we shall not be able to acquire the land before the session closes.

Mr. WILKS.—We shall fix the site of the capital, and that is the main consideration.

Mr. A. McLEAN.—But if the effect of a selection now were to cause us to pay £300,000, £400,000, or £500,000 more than we should otherwise have to pay for the land, it would be a very serious matter.

Mr. JOSEPH COOK.—How could such a thing occur?

Mr. A. McLEAN.—I am perfectly satisfied that it will occur. I do not know what increase will take place in the price, but if we select the site as now proposed, booming will set in, and we shall have to pay more than the legitimate value of the land. That remark applies not only to the 64,000 acres to be used as the site of the city, but to the whole of the land within the watershed of each of the proposed sites. Honorable members must therefore realize that this is a very serious matter, and I trust that they will deal with it in a businesslike way. I feel satisfied that if we proceed to buy land without knowing what we shall be called upon to pay for it, we shall earn the reprobation of every common-sense elector throughout the Commonwealth; whereas if we go to work on proper business lines we shall deserve the commendation of the people. The establishment of the seat of government need not be delayed one hour by the adoption of my amendment. Everything depends upon whether the Government obtain the necessary information before the close of the present session. The amendment might possibly delay the final selection of a site until the beginning of next session; but in any case no greater time would be occupied in dealing simultaneously with three or four sites in the way I propose than would be occupied in dealing with one site.

Mr. HENRY WILLIS.—There is a great deal of Crown land at Lyndhurst.

Mr. A. McLEAN.—I am sorry to hear that, because it means that if we select that site we shall build the Federal Capital on what is practically a desert.

Mr. HENRY WILLIS.—It is the most beautiful place in Australia.

Mr. A. McLEAN.—The honorable member cannot tell me that, notwithstanding the earth hunger which has prevailed for the last few years, good Crown lands

remain unselected in sites which are sufficiently central to serve the purposes of the Federal Capital.

Mr. WILKS.—But these lands are reserved for church and school endowment purposes.

Mr. A. McLEAN.—That is another matter.

Mr. AUSTIN CHAPMAN.—Nearly the whole of them are held under lease.

Mr. HENRY WILLIS.—The honorable member for Dalley is quite right.

Mr. SPEAKER.—Order; the honorable member for Robertson is out of order.

Mr. A. McLEAN.—I take it that the sites which have been placed at all high in the list submitted by the Commissioners comprise little or no Crown lands unless they be reserved. It is unreasonable to think that any considerable area is so poor that no one has taken it up. It is quite likely that in the end the highest-priced land might prove to be the cheaper. My experience is that high-priced land is generally the cheaper. I have usually found that land which is worth £1, £2, or £3 per acre will give a smaller return than land which is worth £25 or £30 per acre. I know for a fact that land worth £3 per acre will return about 4 per cent. per annum. Such land is fit only for grazing, and one cannot obtain, as a rule, more than 4 per cent. on the actual value of land used for such purposes. But rich land, worth £25 per acre, will generally return, by way of rental, about 30s. per acre per annum, or about 6 per cent. per annum. Such land is thus by 50 per cent. a better investment than is the land purchased at £3 per acre, the reason being that it can be turned to any purpose. As a rule, it is more profitable to give a high price for good land than a low price for poor land. I should not advocate the purchase of the lowest-priced site unless it were shown by competent appraisal that it was in every respect the cheapest site. That is the consideration which should guide us. When we consider that we have to buy 64,000 acres as a site for the seat of government, as well as all the lands within the watershed of the site selected, it must be seen that the question of purchase becomes a very serious and important one. This is certainly not a time when we can afford to spend a single pound more than is absolutely necessary. We all know that at least four of the States of the

Commonwealth have experienced a period of protracted drought, and that the losses which have accrued to them are very great. I have the figures showing the losses thus sustained, but I do not wish to detain honorable members by reading them. I shall content myself by stating that the losses by drought during the last ten or eleven years are far in excess of what most people contemplate. We have also to remember that the London money market was never in a more unfavorable condition for borrowing purposes. I should like to know what the Treasurer thinks of a proposal to buy land on unbusiness-like lines, and thus to compel us to borrow more money than would otherwise be necessary in the London market at a time when he believes it unwise to go to the assistance of any of the States in connexion with their redemption loans. As an instance of the unfavourable condition of the London money market, I might mention that before the clouds of war began to gather in South Africa to such an extent as to affect the value of money—namely, in 1897—the lowest price at which Imperial consols touched was, I believe, £111 12s. 6d., while the last quotations are £89 5s. At all events, there is a difference of £21 7s. per cent.

Mr. MAHON.—The honorable member forgets that the interest on consols has also fallen by a quarter or half per cent.

Mr. A. McLEAN.—I did not see that statement in the comparison from which I took these figures. I thought it compared like with like.

Sir GEORGE TURNER.—The rate was 2½ per cent.; it is now 2½ per cent.

Mr. A. McLEAN.—At all events the right honorable gentleman will admit that from the point of view of the borrower the London money market has rarely been in such an unfavourable condition.

Sir GEORGE TURNER.—We cannot borrow at the present time. It would be hopeless to endeavour to do so.

Mr. A. McLEAN.—We cannot start on this site without borrowing.

Mr. WATSON.—There are many things which we can do.

Mr. A. McLEAN.—We shall have to borrow in some way or other.

Mr. WATSON.—We shall be able to get the money all right.

Mr. A. McLEAN.—We shall have to pay £500,000 or more for land, and having regard



to the fact that we have to acquire not only the site of the capital itself, but the lands within the watershed, the cost will probably approach something like £1,000,000. In addition, there are all the expenses of building and of other undertakings, so that the cost of erecting the Federal Capital will be a very large one. It is all very well to tell us that the cost involved will be only a few hundreds of thousands of pounds. We know what it will mean when we start to buy land to protect the sources of our water supply, to commence building, and to construct railways leading to the capital. We shall have to float a very large loan, and if we borrow the money on unfavorable terms the payment of it will be rendered all the more difficult. On the other hand, if we proceed on business lines and purchase the land just as a private individual would do if he were expending his own money, the expenditure will not be a permanent charge upon the Commonwealth. I believe that if the land be wisely purchased the rental value will be equal to the interest on the capital expended. I trust that the Government and honorable members generally will take this matter into serious consideration, and that our decision will be such as will entitle us to the commendation, rather than the condemnation, of the people of the Commonwealth.

Mr. JOSEPH COOK.—I rise to a point of order. I submit that the amendment is irrelevant to the motion. It really involves the method of actual selection. If adopted, it would unmistakably declare a preference on the part of the House for three sites, and, therefore, would be an actual selection by the House. I submit that an amendment of this kind cannot be relevant to the motion.

Mr. A. McLEAN.—It is not the final selection.

Mr. JOSEPH COOK.—It applies to the principle of selection by the method of exclusion, and I submit that it is entirely irrelevant.

Mr. SPEAKER.—I have no hesitation in ruling upon this matter. The proposition before the House provides a method of selecting a capital site. The honorable member proposes an alternative method. It is not, therefore, a direct negative, nor is it a matter which is irrelevant to the question under discussion. Being strictly relevant and not in the nature

of a direct negative, it is within the Standing Orders.

Mr. WILKS (Dalley).—The honorable member for Gippsland has given many reasons, not only why the motion of the Prime Minister should not be carried, but also in support of his amendment. He has referred to the state of the London money markets, to the high value of the land that will have to be acquired, and to the conditions brought about by the drought, as reasons for which he is justified in appealing for support. I propose to deal with these reasons. But, in the first place, I would point out that his amendment astutely focuses the attention of Parliament upon three sites—Albury, Bombala, and Tumut, chosen, no doubt, alphabetically—and if we were to accept it, we should make a rough and ready selection at once, and the other sites, the merits of which it is not now in order to discuss, would be put out of court without consideration.

Mr. A. McLEAN.—The number of the sites is a matter of detail. I would not object to four or five sites being dealt with concurrently.

Mr. WILKS.—The honorable member's objection to the motion on the ground that he requires further information as to the value of the land within the various proposed sites, is a matter with which I shall deal directly. But he must see that it would be most unfair to, at this stage, limit the choice of sites to three.

Mr. JOSEPH COOK.—Why are all these amendments moved by Victorian representatives?

Mr. KENNEDY.—An amendment has been moved by the honorable member for North Sydney.

Mr. JOSEPH COOK.—That was merely a suggestion to simplify matters, but the amendments to which I refer mean only delay.

Mr. WILKS.—The amendment of the honorable member for North Sydney is to provide a procedure for giving fair treatment to all the sites by grouping them in districts. He proposes that Parliament shall first select the best site out of each group, and then make a final selection by means of an exhaustive ballot. Without some such arrangement, a district which contains more than one proposed site—such as the electorate of the Minister for Trade and Customs, in which

the Albury and the Tumut sites are situated—might be put out of court by a division of opinion as to their respective merits. The honorable member for Gippsland, although during his speech several interjections were made which, figuratively speaking, struck him between wind and water, and did much to render his argument ineffective, asserted that unless information as to the value of the land within the proposed sites were obtained before a selection is made, certain things would happen. He contended that Parliament should not, so to speak, buy a pig in a poke, and he urged that a circular should be sent round to the owners of land within the proposed sites, asking them to fix a price for their land. But an Act which was passed last session makes provision for the acquisition of property by the Commonwealth.

Mr. A. McLEAN.—Not upon business lines.

Mr. WILKS.—Upon satisfactory lines.

Mr. A. McLEAN.—Satisfactory to those who do not care what the cost will be.

Mr. WILKS.—Satisfactory to the public and to the sellers. The Government derived much assistance from the honorable member, if I am not mistaken, during the consideration of that measure, and he moved an amendment as to the power of arbitrators. That Act provides a mode of procedure for doing what he asks.

Mr. A. McLEAN.—It purports to do so, but in practice it will not do what I wish to see done.

Mr. WILKS.—The honorable member assumes that all the land within the proposed sites is alienated, and he wishes the Government to obtain information from the proprietors of it as to what they propose to ask for it. He told us that it would take only a few weeks to get the information for which he asks. But long before it could be obtained Parliament will be in recess; a dissolution will follow, and it can be argued that the new Parliament will not be bound by the intentions of the old Parliament.

Mr. A. McLEAN.—Not one of the representatives of Victoria is anxious to break faith in this matter.

Mr. WILKS.—Still that contention might be argued. As I informed the honorable member by interjection, the New South Wales Commissioners of Taxation could supply him with all the information that is necessary as to the value of the land there.

For the purposes of taxation, all privately-owned land is assessed, and the holders are taxed upon that assessment.

Mr. KENNEDY.—Could an acre of land in New South Wales be purchased for the amount at which its unimproved value is assessed for land-tax purposes?

Mr. WILKS.—Yes. If owners of land have been undervaluing their property, so as to escape the payment of their just contribution to the revenue, they are punishable for it. Section 19 of the Property for Public Purposes Acquisition Act, which provides how compensation shall be estimated, says—

In estimating the compensation to be paid, regard shall in every case be had, by the valuers or the Justice, not only to the value of the land taken, but also to the damage (if any) caused . . . and they shall assess the same according to what they find to have been the value of the land, estate, or interest of the claimant on the first day of January last preceding the date of acquisition.

Sir EDMUND BARTON.—I think that for this purpose it should be the 1st day of January, 1901.

Mr. WILKS.—Yes. I quoted that section in answer to the contention of the honorable member for Gippsland that the Government should take certain steps to obtain information as to land values. The Prime Minister himself said that that Act would be largely used for the purpose of acquiring land for the capital site.

Sir EDMUND BARTON.—I said that I thought that the Act might be sufficient; but that if it was not it would be very easy to pass another under the same power.

Mr. A. McLEAN.—If we select a site tomorrow, the land there would be at boom prices before the 1st January next.

Mr. WILKS.—But the Act refers to the 1st January of this year.

Mr. A. McLEAN.—That is assuming the land to be acquired by the Commonwealth before the end of the year.

Mr. WILKS.—If the site is chosen before the end of the year, application will at once be made for the land, and the price to be paid will be the value existing on the 1st January last when it was not known that the area in which it is situated would be made Commonwealth territory. Originally Bombala was recommended as the best site for the capital, and the other proposed sites seemed to be out of court altogether. Then the Capital Sites Commission made a recommendation, which altered the position of

affairs altogether ; so that none of this land can be said to have yet acquired any speculative value. The honorable member for Gippsland is entirely wrong in supposing that the Commonwealth will be called upon to pay exorbitant prices for the land, because we shall be adequately protected by the Property Acquisition Act. The land values must be fixed according to a fair and reasonable assessment prior to the selection of the site. I do not see that there is any force in the argument of the honorable member in favour of delay. The honorable member referred to the fact that the people of New South Wales refused to agree to the Constitution until a provision had been inserted that the Capital should be located within that State. There are, however, many reasons why the Constitution did not find acceptance with the people of New South Wales in the first instance. The Bill did not contain a single letter with reference to the Federal Capital, and its rejection was due to the stipulation by the State Parliament that it should be approved of by at least 80,000 electors. It was not until after the Premiers' Conference that the question of fixing the Capital site was taken into consideration. Certain amendments of the Constitution which were agreed to by the State Parliament were then submitted by the then Premier of New South Wales, and some of them, including that regarding the Capital site, were adopted. The honorable member for Gippsland in quoting section 125 of the Constitution quoted certain phrases with regard to New South Wales and Victoria being "Original" States. On looking at the copy of the Constitution, however, I cannot find any reference to original States.

Sir EDMUND BARTON.—The words quoted by the honorable member for Gippsland were included in the Constitution as adopted by the States Parliaments, but were omitted from the Bill as passed by the Imperial Parliament because they were considered unnecessary. The omission does not in any way affect the argument of the honorable member for Gippsland.

Mr. WILKS.—As the matter which we are discussing is one of considerable importance I think it should be dealt with in a larger House than we have at present. [*Quorum formed.*] The honorable member for Gippsland was ingenious enough to suggest that the proposed sites should be dealt with in alphabetical order. Nine sites were

reported upon by the Commission of Experts, and the honorable member suggested that the Albury, Bombala and Tumut sites should be considered in that order. He forgot all about Armidale, Bathurst, Dalgely, and Lake George. That was following a most unusual alphabetical order. Perhaps the letters of the Chinese alphabet are thus arranged, but certainly not those of the Federal alphabet. The honorable member's proposal might suit the views of Victorian representatives, because Albury, Bombala, and Tumut are nearest to the Victorian boundary. That may be only a coincidence, but perhaps the honorable member was speaking on behalf of the Victorian representatives who attended the caucus meeting to-day.

Mr. A. McLEAN.—Not a soul knew of my amendment before I mentioned it in the House.

Mr. WILKS.—The amendment may not have been framed at the caucus, but there was a caucus.

Mr. A. McLEAN.—If there was, I was not present.

Mr. WILKS.—The honorable member said that it was intended that Melbourne should be the temporary seat of the Federal Government. He said that that was one of the terms of the bargain, and that Melbourne should derive some benefit from the arrangement. So far as I am concerned, Melbourne shall derive only such benefit as is provided for under the Constitution, viewed not from a New South Wales, but from an Australian stand-point. The provision in section 125 of the Constitution, that Parliament should sit at Melbourne until it met at the permanent seat of government was intended only to provide facilities for the opening of Parliament. It was intended that the capital should be established in New South Wales as soon as possible. It was expressly stipulated that it should be located not less than 100 miles distant from Sydney, the intention evidently being that if Melbourne could not be the Capital, Sydney should not be. Melbourne may not have derived much monetary advantage from the fact that it has been the temporary seat of Government up to the present time, but it has enjoyed all the prestige attached to that position. The honorable member for Gippsland stated that £50,000 had been expended by the Victorian Government in connexion with the arrangements for housing the

Federal Parliament, and that the State had received no return for that outlay. The honorable member for Gippsland suggests that because the Victorian Parliament has expended £50,000 to provide fresh accommodation for its members, the Commonwealth Parliament should remain in Melbourne until the State has received something in the nature of a *quid pro quo* for the outlay. As far as I am personally concerned, I am quite willing that the Commonwealth should repay Victoria the sum mentioned. I believe that if an amount for that purpose were placed upon the Estimates it would be agreed to by an overwhelming majority. The representatives of Australia do not require charity from Victoria.

Mr. A. McLEAN.—Whilst I was speaking the Treasurer interjected that the amount was nearer £70,000.

Mr. WILKS.—Whatever the sum may be, let it be repaid. If there is any force in the taunt of the honorable member it applies to the representatives of the other States equally with those of New South Wales. In my opinion the Prime Minister has dealt very openly with this question, and with a firmness which does him credit. Not only does he desire a site to be selected, but he wishes provision to be made for the expenditure necessary upon the housing of Parliament at that site. As far as I understand, that is the true meaning of the compact which was entered into under the Constitution. It would be idle to select a site and to do nothing else. The Prime Minister's statement that he requires a certain sum for the housing of Parliament and its officers is a just admission of the requirements of the case. Of course we do not expect that Parliament will be housed in a hall of Oriental splendour. We do not require a large sum of money to be expended in this direction at the present juncture, when, according to the honorable member for Gippsland, Australia is drought-stricken and the London money market is tight. We ask not for Oriental splendour, but for Spartan simplicity. I wish now to refer to the machinery for arriving at a settlement of this question which is provided in these resolutions. In my judgment the resolutions are so well drafted that they will permit of a decision being easily obtained. The honorable member for North Sydney has suggested an amendment in favour of the grouping of the

various sites. Should his proposal be adopted, we shall be able to affirm that a certain group meets with the approval of this House more than does any other group, and subsequently we shall be in a position to discuss the merits of the different sites in each group.

Sir EDMUND BARTON.—The idea is to determine which site is the best in each of the groups submitted.

Mr. WILKS.—Exactly. I trust that the amendment of the honorable member for North Sydney will be carried. Concerning the question of open voting, it is significant that the honorable member for Gippsland did not utter a single word. In my opinion the system of ballot which is provided for in the resolutions under consideration is the most serious question with which we have to deal. Probably I shall be speculating too much if I say that the caucus of the Victorian members has decided against open voting.

Mr. A. McLEAN.—The idea that a caucus of Victorian members has been held is an invention of the honorable member.

Mr. WILKS.—If the honorable member for Gippsland makes inquiries he will speedily discover the accuracy of my statement.

Mr. A. McLEAN.—After I had moved my amendment I suggested that some of the Victorian members should meet to consider the matter, but the meeting has not yet taken place. Nobody saw my amendment until I moved it.

Mr. WILKS.—Upon all other matters of legislation the public of Australia understand distinctly how their representatives vote. How is it that for the first time in their history some honorable members are prepared to resort to a new system of voting? Why should we not vote openly upon this question?

Mr. CROUCH.—If there were two sites in the honorable member's electorate he would not desire that a vote should be taken in the ordinary way.

Mr. WILKS.—The proposal that a secret vote shall be taken affects the Minister for Trade and Customs. Apparently his constituency is so rich that it contains two eligible sites. But is that a sufficient reason why 110 members of the two branches of the Legislature should discard the system which is invariably adopted? Of course I can quite appreciate the difficulty in which the honorable gentleman is placed. But I would point out that it will

himself. That is an unworthy imputation to make, and I should like to assure the honorable and learned member for Northern Melbourne that I do not think there is any one on this side of the House who does not sympathize personally with the Minister in the awkward position in which he finds himself. Other honorable members are in the same position. The honorable member for Macquarie, for example, has the good or ill-fortune to represent an electorate in which two of the proposed sites are situated, while the honorable member for Eden-Monaro is in the same predicament. Every honorable member sympathizes with those, no matter what their politics and their place in this Chamber, who are in that position. I hope, therefore, that we shall hear no more of these personal and unworthy imputations. I see no provision in the motion for the commencement of operations after the capital site has been selected.

Sir EDMUND BARTON.—This is merely a preliminary motion.

Mr. JOSEPH COOK.—The Prime Minister is taking power to bring in the necessary Bill to provide for the determination of the site, and I propose therefore to move the addition to paragraph 6 of the following words—

And to provide for the commencement of the erection of the necessary buildings thereon.

If those words are inserted, we shall have some guarantee that operations for the housing of the Federal Parliament in the capital of the Commonwealth will be commenced as early as practicable. We shall all be very sorry if our action causes any inconvenience to the State in which we are now deliberating, and we regret to hear that the Victorian Government have gone to such an enormous expense in order to make us comfortable here. I was under the impression that the cost of accommodating the State Parliament did not amount to more than about £30,000, but the Treasurer has told us to-day that nearly £70,000 has been expended. I cannot help feeling that a smaller expenditure would have been sufficient. But why has the matter been referred to, except as an argument for delay in the choosing of the capital site? I ask honorable members who represent Victoria, what delay they think there should be? Parliament has been meeting in Melbourne now for nearly three years, and I suppose that if there is no hitch in the proceedings it will be another two years

before suitable buildings in the capital can be erected and furnished. That will make our occupation here about a five years' tenure, which in itself is something substantial, and should satisfy all the reasonable requirements of the Victorian public. It is now too late to argue as to the rightness or wrongness of the bond which was entered into, and which is an inseparable part of the Constitution. This is the first time that it has been deliberately proposed to alter the Constitution in order to break the compact which was made with New South Wales. It is a peculiar coincidence that all the proposals which have been put forward, and underlying which can be spelt the one word "delay," have emanated from representatives of Victoria. The honorable member for Grampians seemed to be filled with all kinds of forebodings as to the unfriendly and exclusive attitude which will be taken up by New South Wales directly the capital is chosen. We heard the astounding suggestion that New South Wales might try to prevent Victorian stock from finding its way into the Federal territory, and would revise its railway rates in order to divert all the traffic from the capital to Sydney.

Mr. L. E. GROOM.—That would be provided against by the Inter-State Commission.

Mr. JOSEPH COOK.—Yes; but the honorable member did not pay any regard to a fact of that kind when he was endeavouring to picture these great evils, and was imputing to New South Wales motives which should not be imputed to it, at least not by Victoria. He must have been thinking of the former attitude of Victoria to New South Wales; of the interposition of the unfriendly stock tax, when the Victorians declined to eat mutton or beef coming from New South Wales.

Mr. SPEAKER.—This has nothing to do with the question.

Mr. JOSEPH COOK.—I am answering statements put forward in support of arguments used by the other side.

Mr. SPEAKER.—I heard no argument relating to the stock tax.

Mr. JOSEPH COOK.—The stock tax was not mentioned, but the honorable member suggested that when the capital was selected New South Wales would impose a stock tax. That argument was seriously put forward as a reason why Bombala and Albury should be the only sites eligible for the final selection, because it would not be possible to

the proposal for a secret ballot. It is really a blow at our system of government. The Minister has honestly accepted the responsibility of his vote in dealing with all other legislation.

Sir WILLIAM LYNE.—Has not the honorable member ever voted by ballot? Is not the Public Works Committee in the New South Wales Legislature selected by ballot?

Mr. WILKS.—Here we vote openly; but the New South Wales Parliament adopted a system of selecting the members of the Public Works Committee by ballot, believing that it would facilitate the work of selection. That system, however, cannot be defended on any ground. No saving of time would be effected by resorting to the process of ballot. At least forty-five minutes would be occupied in counting the ballot-papers, whilst on a division the matter could be determined at the outside in five minutes. In these circumstances why should we depart from our established practice? Although I am sitting in Opposition to the Government, I thoroughly sympathize with the Minister for Trade and Customs in the delicate position, in which he finds himself. It seems to me, however, that he might well overcome his difficulty by refusing to vote for either of the two proposed sites in his electorate. That would be a very reasonable course for him to adopt. He might well say—

How happy could I be with either  
Were t'other dear charmer away,

and refuse to decide as between the two. But let us vote openly and squarely. I greatly admire the firmness and courage displayed by the Prime Minister in submitting this motion to the House. He said that although he was a native and representative of New South Wales, he viewed this matter, not from the stand-point of that State, but from the point of view of Australia, and trusted that the best site would be selected in the interests not only of New South Wales, but of the Commonwealth. I take up a similar stand, and intend to cast my vote for what I believe to be the most suitable site. This is no mere stop-gap proposal. It is not a proposal to "keep the word of promise to the ear and break it to the hope," but one which is designed to secure the housing of the Federal Parliament in an inexpensive way. I trust we shall hear no more of the statement that Victoria expended £70,000 or more in

providing for the housing of the Federal Parliament in this city. Let the Commonwealth Parliament recoup Victoria in respect to that expenditure, and let us, above all things, respect the compact which the people made, and which they desire to be observed. I trust that the amendment moved by the honorable member for North Sydney will be carried, and that we shall give a decision which will be to the best interests of all Australia.

Mr. JOSEPH COOK (Parramatta).—I regret to find that, notwithstanding the importance of this question, we have almost an empty House. It seems to me that we should have a quorum. [*Quorum formed.*] I wish, in the first place, to say that I find myself in agreement with the Prime Minister as to the plan proposed for the settlement of this very important question. It appears to me to be one which, in a very special way, can commend itself to a joint sitting of both Houses. I take it that this is not a matter in which the rigid exercise of the States rights power should take effect in another place as it does with regard to ordinary legislation. It is peculiarly a State question, inasmuch as it was a part of the Federal compact that one State alone should have the right to the Federal Capital. I see, therefore, in this proposition no abrogation of State control or of State function as applied to ordinary matters, and I know of no other proposal which would enable us, in the immediate future, to arrive at finality. Having regard to the necessity for the early settlement of this question, I know of no other proposition which could have been submitted by the Prime Minister. It is to be regretted that this matter has been left over for decision until almost the closing hours of Parliament, and that its consideration may thus be interfered with in some respects; but now that we are face to face with the duty of deciding this momentous issue for all time, I hope that we shall have no more of these intrusive amendments, the aim of which is to delay the settlement of the question and, if possible, to postpone it indefinitely. I also trust that we shall hear no more, during this debate, as to the desire of any one to take up an unfriendly attitude towards any one particular Minister. It has actually been suggested that honorable members of the Opposition are gloating over the difficulty in which the Minister for Trade and Customs finds

himself. That is an unworthy imputation to make, and I should like to assure the honorable and learned member for Northern Melbourne that I do not think there is any one on this side of the House who does not sympathize personally with the Minister in the awkward position in which he finds himself. Other honorable members are in the same position. The honorable member for Macquarie, for example, has the good or ill-fortune to represent an electorate in which two of the proposed sites are situated, while the honorable member for Eden-Monaro is in the same predicament. Every honorable member sympathizes with those, no matter what their politics and their place in this Chamber, who are in that position. I hope, therefore, that we shall hear no more of these personal and unworthy imputations. I see no provision in the motion for the commencement of operations after the capital site has been selected.

Sir EDMUND BARTON.—This is merely a preliminary motion.

Mr. JOSEPH COOK.—The Prime Minister is taking power to bring in the necessary Bill to provide for the determination of the site, and I propose therefore to move the addition to paragraph 6 of the following words—

And to provide for the commencement of the erection of the necessary buildings thereon.

If those words are inserted, we shall have some guarantee that operations for the housing of the Federal Parliament in the capital of the Commonwealth will be commenced as early as practicable. We shall all be very sorry if our action causes any inconvenience to the State in which we are now deliberating, and we regret to hear that the Victorian Government have gone to such an enormous expense in order to make us comfortable here. I was under the impression that the cost of accommodating the State Parliament did not amount to more than about £30,000, but the Treasurer has told us to-day that nearly £70,000 has been expended. I cannot help feeling that a smaller expenditure would have been sufficient. But why has the matter been referred to, except as an argument for delay in the choosing of the capital site? I ask honorable members who represent Victoria, what delay they think there should be? Parliament has been meeting in Melbourne now for nearly three years, and I suppose that if there is no hitch in the proceedings it will be another two years

before suitable buildings in the capital can be erected and furnished. That will make our occupation here about a five years' tenure, which in itself is something substantial, and should satisfy all the reasonable requirements of the Victorian public. It is now too late to argue as to the rightness or wrongness of the bond which was entered into, and which is an inseparable part of the Constitution. This is the first time that it has been deliberately proposed to alter the Constitution in order to break the compact which was made with New South Wales. It is a peculiar coincidence that all the proposals which have been put forward, and underlying which can be spelt the one word "delay," have emanated from representatives of Victoria. The honorable member for Grampians seemed to be filled with all kinds of forebodings as to the unfriendly and exclusive attitude which will be taken up by New South Wales directly the capital is chosen. We heard the astounding suggestion that New South Wales might try to prevent Victorian stock from finding its way into the Federal territory, and would revise its railway rates in order to divert all the traffic from the capital to Sydney.

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impose such restrictions in regard to them. Is it not a singular coincidence again that the honorable member for Gippsland, who wishes to treat this matter altogether apart from sentiment and the interests of the States, and to put it upon a purely business footing, followed the lead of the honorable member for Grampians in the selection of those two sites. His proposal was a very novel one—just about as novel as that of the honorable and learned member for Northern Melbourne.

Mr. A. McLEAN.—What I suggest should be done is what the honorable member would do if he were spending his own money.

Mr. JOSEPH COOK.—If the honorable member desired to save money, he could have achieved his end by voting against the proposed visits of inspection by honorable members. His present proposal is a little belated. Now that a huge expenditure has been incurred by the investigation of the several sites, he wishes to save money on the final transaction. His proposal was not made soon enough. He should have lent us his business experience a couple of years ago, when we could have acted upon it. But hitherto he has been as dumb as an oyster when the question has been under consideration. Now he wants a re-investigation, and under the circumstances we have a right to suspect his *bona fides*. It is easy to see that he is affected by the dominant note in Victorian politics just now, the note of economy which has been sounded at some place called Kyabram. He told us that consols have fallen from £112 to £90, and spoke of the state of the London money market. He did not tell us that one of the reasons of the fall is that the rate of interest has dropped by one-half per cent. He was content to tell us enough to frighten timid people into opposing further expenditure.

Mr. A. McLEAN.—The Treasurer went further than I did. He said we could not go to the London money market now.

Mr. JOSEPH COOK.—Surely the Commonwealth has resources other than the London money market, and is not dependent for its financial existence upon the floating of a loan of £100,000 or £200,000 there. No one has suggested that it will be necessary to go to the London money market for the paltry sum that will be needed for the resumption of land and the erection of buildings at the Federal Capital. Surely we have other means at our disposal,

without besmirching our credit in the London market by applying for the small sum required to complete our arrangements for the establishment of the Federal Capital. The honorable member for Gippsland suggests that we should first of all select three sites, and he mentions, perhaps very naturally, and perhaps quite accidentally, those sites which are most favorable to his own State.

Mr. CROUCH.—Hear, hear. Quite right.

Mr. JOSEPH COOK.—I do not object to that, but I say that the honorable member, and those who agree with him, should tell us straight out that they intend to study the interests of Victoria, and that they do not wish to see the capital site selected. The honorable member for Gippsland, however, tells us that he desires to see the bond carried out. If he wished to deal with this matter apart from its State aspect, and in a Federal spirit, he would not proceed in the way he has done. Is it contended that the honorable member for Grampians takes a Federal view of the question, when he suggests that in order to place it beyond the power of the people of New South Wales to act in a manner inimical to the interests of the Commonwealth, the Federal capital should be fixed at Albury or Bombala? The honorable member asks how the people of Victoria are to know what evils may not befall them in consequence of action which may be taken by the people of New South Wales. I am sure the honorable and learned member for Corio would not subscribe to that view.

Mr. CROUCH.—Judging from past experience I should.

Mr. JOSEPH COOK.—To what experience does the honorable and learned member refer? Does he mean after our experience in Victoria? That State has invariably kept her borders closed to New South Wales. Surely he cannot refer to the past experience of New South Wales, which has always kept her borders open to trade with Victoria, and has always invited the sister States to trade with her to the fullest possible extent. There is no reason to apprehend that New South Wales will do any of the terrible things suggested by the honorable member for Grampians. It is apparently in the same broad Federal spirit that the suggestions of the honorable member for Gippsland have been made. It is strange that the honorable member should leave out of



consideration all the proposed sites, except those of Albury, Bombala, and Tumut. That is the alphabetical order which the honorable gentleman adopted, and apparently the letters of his new alphabet run A, B, T, Z. Now, what does the honorable member propose? He suggests that after having selected these three sites we should ask the property-owners how much they will take for their land, and leave them to place their own values upon it. If some of the land were held under mortgage, how could the freeholder value land of which he was only the nominal owner?

Mr. A. McLEAN.—Does the honorable member really suppose there would be any difficulty?

Mr. JOSEPH COOK.—Yes. It would be a matter of the greatest possible difficulty for an owner to place a fair value upon land in regard to which he had entered into all sorts of financial obligations.

Mr. A. McLEAN.—A mortgage is a fixed quantity, and the owner would have some interest in the land beyond the amount represented by the mortgage.

Mr. JOSEPH COOK.—In some cases, but not in all. The honorable member must have known of many cases in which there was no margin between the value of the land and the amount advanced on mortgage.

Mr. A. McLEAN.—In such cases the mortgagee would put his price upon the land.

Mr. JOSEPH COOK.—How long does the honorable member suppose it would take to conduct the necessary negotiations between the mortgagees and the owners of the land?

Mr. A. McLEAN.—A few weeks.

Mr. JOSEPH COOK.—The honorable member knows that such negotiations could not be completed within a few months, and that they would be more likely to run into a few years. After the land was placed under offer to the Government it would be necessary to submit the whole question to arbitration. That would have to be done, and, therefore, nothing would be gained by adopting the honorable member's suggestion in any case. Then, again, the honorable and learned member for Northern Melbourne suggests that we should refer the matter to a referendum and that we should have a secret ballot. The honorable and learned member says that those who object to the secret ballot at the proposed Conference of both

Houses are impugning the secret voting system adopted under our Electoral Act. Does not the honorable and learned member see the marked distinction between the two sets of circumstances? The votes given by members of both Houses of Parliament will be representative votes, whereas those given by the electors at the polling booths are personal votes. There is all the distinction in the world between the two things. The Constitution has imposed upon Parliament the obligation to select the capital site, and we should violate the spirit of the Constitution, to say nothing of inflicting injustice upon the people of Australia, if we voted in the dark. Any inconvenience that may arise to individual honorable members from the open voting system will be a matter of sincere regret. We can all sympathize with those honorable members who have two sites in their electorates.

Mr. AUSTIN CHAPMAN.—Who suggested the secret ballot?

Mr. JOSEPH COOK.—The honorable and learned member for Northern Melbourne.

Mr. AUSTIN CHAPMAN.—The honorable member is inferring that every representative who has two sites within his electorate desires a secret ballot. I am in favour of open voting.

Mr. JOSEPH COOK.—I am very glad to hear it. The honorable member for Macquarie also is in favour of open voting.

Mr. SYDNEY SMITH.—Is the Minister for Trade and Customs in favour of open voting also?

Mr. AUSTIN CHAPMAN.—Every man must speak for himself upon this question.

Mr. JOSEPH COOK.—The Minister for Trade and Customs stands in a position somewhat different from that occupied by other honorable members. He has made all kinds of statements to his constituents. He has promised that the advocates of all the sites shall have a "fair go," and that makes the position all the more difficult for him. However, it cannot be helped. The people of Australia have a perfect right to know how their representatives vote upon this question, and I hope that honorable members have made up their minds that the ballot shall be an open one. The Constitution is entirely opposed to the idea of a referendum upon this question, because it provides that Parliament shall determine the seat of Government. Even if Parliament were not required

to decide the matter, the mere question of locating the geographical area within which the Federal Capital shall be established is one which, above all, is unsuitable for the application of the referendum. For instance, what would the majority of the people in Western Australia know about the relative merits of the proposed sites? Many of them have never been in New South Wales and have had no opportunities to peruse the elaborate reports which have been prepared for the guidance of honorable members. How could they arrive at a decision which would be at all adequate and fair as compared with that which may be expected from honorable members who have visited the proposed sites, who have thoroughly discussed them, and have had the benefit of all the information which it is possible to obtain regarding them?

Sir JOHN FORREST.—I agree with the honorable member, so far as the people of Western Australia are concerned.

Mr. JOSEPH COOK.—Whilst the referendum proposal sounds very plausible and very democratic, it is absurd to apply the principle to the selection of a capital site, regarding which the great majority of the people know little or nothing. The real object of all these proposals is to cause delay. The honorable member for Gippsland admits that his suggestion cannot be carried out during the life of this Parliament. The honorable and learned member for Northern Melbourne suggests that the people should be asked to decide at the next general election, and the honorable member for Grampians proposes that the Constitution should be altered. All these proposals would remove the decision beyond the control of the present Parliament. It has been understood all through that this Parliament would not be dissolved until it had finally settled the question of the capital site, and therefore I submit that all proposals for further delay come with a very bad grace from honorable members, no matter where they reside or what interest they represent. When an honorable member says, "I do not think we ought to incur this expenditure, but should remain where we are for ten years"—as I have already heard some Victorian members say—we can appreciate his attitude of straight-out opposition. But all sinister proposals made by honorable members who, while professing to carry out the bond, are taking every means to cause

further delay, should be utterly ignored. New South Wales made the location of the capital within her territory a condition of her acceptance of the Federal bond, and the people of Victoria knew that the capital was to be established as soon as possible. They agreed to pay that price for Federation, and it does not lie in their mouths now to argue that it was unreasonable or unwise to embody the provision in the Constitution. All considerations of that kind should be swept on one side, and our discussion should be limited to the best means of carrying out the conditions of the bond by which the representatives of all the States pledged themselves to loyally abide. We hold that the Government proposal is a step in the right direction, and that all other proposals are sinister in their intent, and are designed to create delay. I do not know how matters are progressing in the other Chamber, but I hope the Government proposal, with such amendments as have been suggested for the purpose of carrying out the idea in its entirety, will be adopted and that we shall arrive at a speedy determination. A very astute amendment has been submitted with a view to compel us to make a selection of some kind or other. I trust that the House will reject the proposal. It is unfair to suggest that further investigation shall be made into the merits of any particular site. Surely that is a matter the consideration of which can be deferred until we are called upon to deal with the capital sites question. It does seem to me that all these proposals spell the one word—delay. The Commonwealth Parliament has already been located in Melbourne for three years; and, even assuming that the utmost expedition is exercised in erecting the capital buildings, it will be compelled to remain here at least two years longer. It does seem to me that whatever moral claims Melbourne may have—claims arising from a latent and unexpressed understanding—should be thoroughly satisfied by an occupation of five years. I trust honorable members will recognise that we should arrive at a decision upon this matter at the earliest possible moment.

Mr. KENNEDY (Moir).—I quite agree with the remarks of the honorable member for Parramatta, that one of the conditions upon which New South Wales was induced to enter the Federation was that the capital site should be in that State. The people of Australia accepted the Constitution upon

that express understanding. But the statement of the honorable member for Parramatta that only the sinister motive of delay can impel any honorable member to submit a proposition with a view to deal with this matter in a businesslike way is only consonant with many other statements which he makes from time to time. I exceedingly regret that the Prime Minister has seen fit to deal with the question in the way that he has. I see no justification whatever for departing from the ordinary methods of legislative procedure. In my judgment, there is no reason why the Government should not have accepted the responsibility of recommending the selection of a particular site. It is purely on the assumption that a difference of opinion will arise, and that there will be some bone of contention between the two Houses that this proposal for a joint sitting has been made. Concerning the form of voting to be adopted, I claim that if we are to have a ballot at all it should be an open ballot. The proposal for an exhaustive ballot is one which I do not favour. If the sites have to be reduced from eight to one—as they must be by some process—I am certainly in favour of a preferential rather than an exhaustive ballot. I have had experience of exhaustive ballots, and in my opinion they are very productive of surprises. It has been said that the Victorian representatives are not disposed to proceed with the selection of the capital site.

Mr. JOSEPH COOK. — Some of them acknowledge that they do not wish to proceed.

Mr. KENNEDY.—I think they are wise in their generation in declaring that at the present time it is not necessary to incur a very large expenditure. One of the reasons why I shall support the amendment of the honorable member for Gippsland is that I desire to know what the acquisition of the capital site will cost the Commonwealth in the first instance. The statement of the honorable member for Bland that the purchase of the land will constitute merely a book entry is an absurdity upon the face of it. He cannot seriously contend that the land should be purchased for more than its real value.

Mr. THOMSON.—Who is to make the valuation?

Mr. KENNEDY.—There is an Act upon the statute-book which lays down the procedure to be adopted when we wish to acquire property.

Mr. THOMSON.—But who is to make the valuation?

Mr. KENNEDY.—Upon what system is this House now asked to make a selection? Is it not upon the report of the Commission which was appointed?

Mr. THOMSON.—We are to proceed upon values which have already been made.

Mr. KENNEDY.—Only as applied to a very limited area. Let me point to the case of Orange, by way of illustration. There I find that the estimated cost of resumption within the suggested city area is £57,000. That estimate is for the purchase of only 4,000 acres. I have yet to learn that any estimate has been made of the cost of resuming more than the minimum area which is prescribed by the Constitution. When the honorable member for North Sydney asks who is to make the valuation my reply is that Parliament is surely competent to appoint somebody who is qualified to make a valuation of the land in these districts.

Mr. JOSEPH COOK.—It has already done so.

Mr. KENNEDY. — A valuation has been made of only a very limited area. The peculiarity in connexion with the report of the two Commissions which investigated the eligible sites is that their recommendations are in direct conflict. The Commission which was appointed at the instance of this Parliament placed absolutely last the site which was recommended so strongly by Mr. Oliver. How can honorable members form a correct opinion of the merits of the respective sites, without reading the whole of the evidence taken by the two Commissions?

Mr. HUGHES.—Has the honorable member seen the sites?

Mr. KENNEDY.—I saw a great number of them a great many years ago.

Mr. HUGHES.—They have altered since.

Mr. KENNEDY. — Their natural features and the climatic conditions which obtain there cannot have altered. The honorable member for Paramatta suggests that the amendment of the honorable member for Gippsland is synonymous with delay in the final acquisition of the site. But assuming that under the resolutions a selection be made forthwith, it will be necessary for a valuation to be made and a purchase effected before anything whatever can be done. What is the difference between a valuation which is made prior to the final selection of a site and one which is made

after? The only result must be to give additional security to the Commonwealth. The advantage is all in favour of the valuation being made before the final selection has taken place. I do not agree with the honorable member for Gippsland when he embodies in his amendment the names of different sites. I think that a reduction should be made to three or four sites.

Mr. AUSTIN CHAPMAN.—To territories?

Mr. KENNEDY.—To territories, if honorable members are so disposed. Then an estimate should be made of the cost of resuming the land. Other things being equal, we should select the site within which we can secure the land at a fair value.

Mr. JOSEPH COOK.—Then a decision could not be made by this Parliament.

Mr. KENNEDY.—Perhaps not. A couple of months might be occupied in obtaining a valuation; and, personally, I think it would be time well spent. The honorable member for Parramatta has referred to the fact that at least five years must elapse before the Commonwealth Parliament can be housed at the seat of government. In my judgment that affords no ground for complaint, because five years is a very brief period in the history of a nation. If we were to spend another five years in making a selection of a suitable site, it would be better than that we should have to retrace our steps after very considerable expenditure had been incurred. I regret that, in discussing a proposal of this character, there is not a disposition on the part of the House to retain the forms of procedure which are adopted in regard to ordinary legislation. In view of the fact that there is no possibility of giving effect to my views, I shall have to accept the Government proposal; but I shall certainly strongly support the proposition made by the honorable member for Gippsland. I feel satisfied that it would tend to the adoption of business-like methods in dealing with the acquisition of the necessary lands; that it would not give rise to any delay in the selection of a site, and that by adopting it we should probably obtain much better results than would be secured from the motion as it stands.

Mr. HENRY WILLIS (Robertson).—It appears to me that the Prime Minister submitted the motion to the House in a very fair and lucid manner. That he failed to bring it forward at an earlier date was not due to any fault on his part, but possibly to

that of some other Minister, or of the Commissioners who were appointed to report on the several sites. I do not know that I should have spoken at this stage but for an observation made by the Prime Minister. In commenting on paragraph 6 of the motion which provides—

That it is expedient that a Bill be introduced, after such report has been made to the House, to determine, as the Seat of Government of the Commonwealth, the site so reported to the House,

the right honorable gentleman said that if the Parliament made a selection which, having regard to the compact entered into with New South Wales, and the determination of the Conference of Premiers, that the capital shall be not less than 100 miles distant from Sydney, he considered to be unfair, he would not introduce a Bill to ratify the decision arrived at by the joint sitting of both Houses.

Mr. WATSON.—Is the honorable member in favour of the determination of this question during the present session?

Mr. HENRY WILLIS.—I think that it is most unbecoming for an honorable member to make such an interjection. I trust that the honorable member for Gippsland will carefully consider the statement made by the Prime Minister to which I have just referred. It seems to me that in proposing the amendment of which he has given notice the honorable member will have in view the selection of a site which will best suit the interests of the people of Victoria. If, for example, Albury were selected, the Federal capital would be very much nearer Melbourne than Sydney.

Mr. A. McLEAN.—I should be quite willing for the Parliament to select a site if it would deal with the lands in a business-like way.

Mr. HENRY WILLIS.—We shall not overlook the desirableness of doing so. The honorable member introduced the names of three sites—Albury, Bombala, and Tumut—in a very plausible way by saying that he was taking them in alphabetical order.

Mr. A. McLEAN.—I simply selected those which the Commissioners placed high up on the list.

Mr. HENRY WILLIS.—The Commissioners place Lyndhurst next to Albury, yet the honorable member omitted to name that site. We know also that Bombala is the last on their list.

Mr. A. McLEAN.—I took the first and second choice of the one Commission and the first of the other.

Mr. HENRY WILLIS.—I am disposed to think that the honorable member has not given this matter his serious consideration, for his proposal does not do justice to him. He has the reputation of being a very fair-minded man, and I trust that in dealing with this question he will act up to that reputation by supporting the extension of fair treatment to New South Wales. His suggestion that we should ask for a report as to the value of the lands comprised in certain of the sites is a very unworthy one, seeing that there is no time for delay, if a site is to be selected by this Parliament. I dare say that there is no man in Australia who has a better knowledge than has the honorable member of the value of land at Albury and Tumut. It seems to me that the honorable member for Dalley put the whole case very tersely when he said that we could ascertain the value of the land there by applying to the New South Wales Commissioners of Taxation, whose representatives from time to time value the lands of the State at their selling price. I trust that the honorable member for Gippsland will not persevere with his proposal, but that he will support the amendment moved by the honorable member for North Sydney, so that we may have what the Minister for Trade and Customs would call "a fair go" between the various sites which have been reported upon. By means of an exhaustive ballot we shall in all probability arrive at a decision which will be satisfactory to the people. I shall hold the Government to the admission by the Prime Minister that if a selection be made, which, having regard to the compact entered into with New South Wales and at the conference of Premiers, is not, in their opinion, a fair one, the Ministry will not ask Parliament to ratify that decision by means of a Bill introduced for that purpose.

Mr. KNOX (Kooyong).—I agree with the honorable member for Robertson, that the Prime Minister submitted the motion very fairly and clearly to the House, and did not fail to urge upon honorable members the importance of the proposal. The very fact of its importance should cause honorable members to recognise the intense responsibility which is cast upon them in dealing with it. Honorable members cannot complain of any want of knowledge as

to the position which I take up. I would use every means in my power to delay the settlement of this question, and we should act wisely if we refused to make a selection during the present session of Parliament. I hold that opinion for the reason, among others, that a selection could not be made at any more inopportune time. A financial depression exists in all parts of the world. We are passing through a depression which has been unprecedented.

Mr. JOSEPH COOK.—Never mind Kyabram.

Mr. KNOX.—I am not thinking of Kyabram. That most valuable institution to which the honorable member refers has served a useful purpose, and, I trust, will continue to do so. I desire to look at this question from a common-sense standpoint. It is suggested that we should unnecessarily undertake at the present time the enormous expenditure involved in establishing a Federal capital. If I did not see that the feeling of the House was against me, I should be prepared to submit an amendment that would postpone the consideration of the question for determination by the next Parliament.

Mr. JOSEPH COOK.—That would be at least straight.

Mr. KNOX.—It is my honest belief that in establishing the Federal capital at the present time we should be undertaking a really unnecessary work. The time is quite inopportune.

Mr. WATSON.—Why?

Mr. KNOX.—I have already pointed out one reason. I would also remind honorable members that we have not had a full opportunity to inform ourselves of the merits of the various sites. The complete report of the Commissioners was placed before us only a little more than a month ago, and we have not yet had an opportunity to inspect the sites selected by them. Apart from my opposition to the establishment of the Federal capital at the present time, I should have preferred to see the Government submit a distinct recommendation, and to take upon themselves the responsibility of making a selection on the evidence available to them.

Mr. G. B. EDWARDS.—It would have amounted to the same thing.

Mr. KNOX.—I do not care what would have been the effect of such a proposal. It would have been a straightforward way to

deal with this question. The Government have at their command sources of information which honorable members generally do not possess.

Mr. G. B. EDWARDS.—That should not be.

Mr. KNOX.—They must necessarily have at their command information which individual members of the House cannot properly possess.

Mr. WATSON.—All the available information has been given to honorable members.

Mr. KNOX.—Only recently.

Mr. WATSON.—A month ago. Surely the honorable member does not require more than a month in which to make up his mind?

Mr. KNOX.—The information supplied to us a month ago is comprised in very voluminous reports which require careful study. To what amount are we being committed? In my judgment, there is considerable merit in the amendment which has been suggested by the honorable member for Gippsland. If his proposal is adopted, we shall obtain some practical information as to what the cost of the various sites is likely to be. We are now deliberating in the dark in regard to that matter. Mention has been made of the sum of £500,000, but the Treasurer has pointed out that the Victorian Government have spent about £70,000 in making provision for the accommodation of the State Parliament, in order to convenience the Federal Parliament by allowing us to enter into occupation of this building. I am surprised to hear that they have spent so large a sum. But surely it was not expected that that expenditure would be undertaken for so short a residence of the Federal Parliament in Melbourne as three years, with a possible continuation of two years. I do not think that it is of any advantage to Melbourne to have the Federal Parliament meet here. Personally, I am indifferent on the subject.

Mr. FULLER.—The honorable member would not be indifferent upon it if he had to travel as far as I have to travel each week.

Mr. KNOX.—So far as the electors of the Commonwealth, whom we represent, are concerned, I do not think it matters much where the Federal Parliament meets.

Mr. CONROY.—Would there have been Federation if it had not been provided in the Constitution that the Federal Capital should be in New South Wales?

Mr. KNOX.—I admit that we must eventually carry into effect the provision of the Constitution to which the honorable and learned member alludes, and which has been referred to as a bond. For that reason I am in entire sympathy with the action which has been taken by the representatives of New South Wales. They want to bring about an immediate compliance with the compact. I do not think any representative of Victoria, or of any of the other States, wishes to prevent the bargain from being carried into effect, but we desire that the enormous expenditure necessary to establish the Federal Capital shall not be undertaken heedlessly or inopportunistically, and that before we definitely commit ourselves, we shall have the fullest information as to cost. Talk has been made of a referendum. As I have already mentioned in this Chamber, I do not believe in the wisdom of such a procedure, except under the circumstances provided for by the Constitution. The responsibility of dealing with the matter rests with Parliament. I am, moreover, opposed to any secret or hidden manner of dealing with it. Let every honorable member record his vote openly, in accordance with the dictates of his conscience, and as he believes to be best in the interests of the Commonwealth. Therefore, I cannot agree with the suggestion of the honorable and learned member for Northern Melbourne, nor can I fall in with other suggestions which, in my opinion, attempt to remove from us our ordinary responsibility as representatives of the people. I rose to make my position perfectly clear. I believe that I am doing what is right from the business point of view in asking for the postponement of the consideration of this matter until we are possessed of more information, and have a more favourable opportunity for securing whatever money we may require.

Mr. POYNTON.—Does not the honorable member know that an attempt is being made to pledge every honorable member against the capital?

Mr. KNOX.—I do not think that there is any serious attempt to do so, though I believe that public opinion is trending towards the view that it is being proposed to launch the Commonwealth into an enormous

expenditure years before it is necessary, and before it was contemplated that this step would be taken. My feeling is that in delaying we shall be acting wisely, and, therefore, I shall vote against the motion.

Mr. EWING (Richmond).—The speech of the honorable member for Kooyong reminded me of a parable delivered nearly 2,500 years ago. A large number of persons of various vocations were bidden to a marriage feast, but when the time came, each had some excuse to make. One had married a wife and could not come, another had purchased land of which he wished to take possession, and so for various reasons one and all declined. Similarly, the honorable member advances reasons why the Commonwealth should not comply with the provision of the Constitution in regard to the Federal Capital. He says that we have no money. But every nation, as every individual, should have sufficient money to discharge its obligations; although there are persons who, while unable to pay their butchers and bakers, have abundant means to squander upon their vices. The people of the various States having entered into an obligation, the Commonwealth Parliament should be prepared to discharge it. The honorable member for Kooyong, being young and rather hasty in his movements, naturally desires that we shall not stir in this matter with undue haste. There is something less hasty than a tortoise, and that is a barnacle. We have been practically at a stand-still in regard to this matter. Although this Parliament has been in existence for two years and a half, so rapidly has it dealt with the Federal Capital question that we have now come only to the stage of considering a series of motions in regard to it. I believe that no honorable member desires to break the contract which has been entered into, and that each one of us is ready to consider, not merely the interest of his electors, but the interest of the whole community.

Mr. POYNTER.—There is only a difference of opinion as to when the site should be chosen.

Mr. EWING.—Quite so. I do not desire to follow those who have cast suspicion upon the representatives of a certain State. While negotiations are in progress it is unwise to attribute motives, and one often singularly errs even when he has what he regards as full justification for suspicion. My experience of men is that the good in them largely preponderates over

the bad, and the more we know of the representatives of other States the more we shall be inclined to give them the benefit of any doubt that may exist as to the unselfishness of their motives.

Mr. JOSEPH COOK.—A very good Federal sentiment.

Mr. EWING.—It is not only a Federal sentiment: it is a principle which should underlie one's dealings with one's fellows. One cannot expect to obtain a satisfactory result from a discussion unless one gives his opponent credit for the sincerity which he claims for himself. The question now under consideration is not what is the best site to choose, but what method should be adopted for the choosing of a site. All other considerations are now beside the question. There must, of course, be differences of opinion on the subject; but we must not be suspicious of the motives of those who differ from us. How do we stand with regard to this matter? We have had two reports, one made by a Commissioner appointed by the State Government, and one by a Royal Commission appointed by the Commonwealth Government. Both are able and comprehensive statements, and together furnish all the information that any one could reasonably expect. Any additional knowledge could be gained only by personal investigation. The reports give us all that can be suggested by the intelligence of others, and if honorable members have not taken the trouble to personally inspect the sites, who is to blame? The honorable and learned member for Northern Melbourne has suggested the need for a referendum. I believe that the referendum is an excellent principle to apply to some conditions. It is very wise to adopt it when it is desired to get rid of a responsibility which one ought to accept. It affords under certain conditions a means of ascertaining that which we all value, namely, the opinion of the people; but at times a representative man must come to the conclusion that he knows more than his constituents.

Mr. G. B. EDWARDS.—I was sent here to select a site for the capital.

Mr. EWING.—It must be obvious to every one that my constituents are very intelligent; that is, judging by results. But notwithstanding their intelligence and the practical exemplification of it which they have given during the past two decades, I should not be satisfied to hand over to them

the question of selecting a site for the Federal capital, because I must, of necessity, know more than they do about it.

Sir EDMUND BARTON.—The honorable member was sent here to find out which was the best site.

Mr. EWING.—Exactly. How could the electors know which would be the best site? They have not been given opportunities to inspect the proposed sites. They have not had the same opportunities as honorable members to weigh the question, nor has the responsibility been thrown upon them. They might be guided by considerations of contiguity of the sites to their own centres. The electors in the western districts would vote for a western site, the southern electors for a southern site, and the northern electors for a northern site. Honorable members, however, have such a high sense of their responsibility that there is no danger of their being swayed by considerations of that kind. There is a great deal in the contention of the honorable member for Gippsland, which has been sustained by the honorable member for Moira and others. It is absolutely certain that when the Government resume the land embraced within the Federal capital site they will have to pay too much for it. The honorable member for Gippsland, owing to his long experience, knows that wherever a resumption takes place, whether for the purposes of a road or anything else, the people of the district seem to resolve themselves into a kind of mutual benefit society, and it is frequently absolutely impossible for the Crown to prove its case. No man is specially interested in seeing that the Crown gets a fair deal, but on the other hand there are some who are concerned, either directly or indirectly, in obtaining the largest sum possible from the Crown, which is regarded as a legitimate prey. The Crown would be looked upon in that light if land were resumed for the purposes of the capital site. The honorable member suggested that the land owners in one locality should be pitted against those in another. One-tenth of the residents in a district might be so impressed with the idea that great benefit would accrue to their locality from the establishment of the Federal capital that they would do all they could to secure a fair deal for the Government, but as against them nine-tenths of the residents would use every effort to make the Government pay to the very utmost.

Mr. A. McLEAN.—That would take place if only one site were dealt with, but not if the owners of land in two or three different localities were asked to set prices upon their property.

Mr. BAMFORD.—Would not that take place under any circumstances?

Mr. EWING.—Certainly, it would.

Mr. A. McLEAN.—I know of a case in which four and a half acres cost £450, whereas its market value was not more than £10 per acre.

Mr. EWING.—The honorable member proves nothing by that class of argument. It simply shows that, owing to the impossibility of finding favorable witnesses, or through ignorant or worse management, the State is called upon to pay more than it should pay. That is happening all over Australia.

Mr. JOSEPH COOK.—It proves that when you want difficulties you have not far to look to find them.

Mr. EWING.—When we find an evil in the community, we naturally look about in order to find a remedy. The honorable member for Herbert suggested that the difficulty would arise under any circumstances, and the honorable member for Gippsland has not made any suggestion which would place us in a better position. If we followed the course he proposes, we should stand in exactly the same position as if we adopted ordinary methods. It is possible that under the plan proposed by the Government, the will of the House may not be fairly expressed. Whatever views honorable members may hold, I presume that they are all prepared to accept the opinion of the House in regard to the capital site. The only question now before us is whether, under the motion, the opinion of the House can be fairly and properly expressed, or whether we shall be exposed to the danger of a split vote. We know that A, B, and C may be contesting an electorate, and that although A may be able to beat either B or C, it is quite possible, in the event of a split vote, for either B or C to be returned. We may find ourselves in a somewhat similar position with regard to the choice of the capital site. I do not desire, and I am sure that no honorable member desires, to arrive at any conclusion other than one which will fairly reflect the opinion of a majority of honorable members. It is impossible to imagine that any honorable member would be so ignoble as to lend himself to



any scheme that would result in an unfair decision. The Prime Minister might, however, consider whether the amendment proposed by the honorable member for North Sydney should not be adopted. It might assist us in securing an absolutely clear expression of opinion on the part of the House, and I hope that that result will be achieved.

Mr. HUGHES (West Sydney).—I desire to say a word or two with regard to one or two of the objections urged against the motion now before us. The honorable member for Kooyong seems to object to the motion because it involves something in the nature of undue and extraordinary haste. He stated that, owing to the action of the Government in introducing the motion at this early stage, he had not had time to inform his mind. When we consider, however, that it is now some three years since Mr. Oliver's report was presented, that the report of the Commission of Experts has been before us for two months, and that ample opportunities have been afforded to every honorable member to make himself acquainted with the sites, I fail to understand what my honorable friend wants. The objections raised by the honorable member enable one to understand the attitude of those who still refuse to accept the truths of Christianity. They are, doubtless, prepared to say that although twenty centuries have passed since those truths were expounded, reasonable time has not been given to understand them. I could imagine the honorable member, on the Day of Judgment, mumbling out some such excuse for not having obtained grace. The honorable member has his doubts as to the referendum. That seemed to be the only matter regarding which he was at all doubtful, and that is a matter in which we all cordially sympathize with him. He approved very heartily of the amendment proposed by the honorable member for Gippsland. It is most instructive and very amusing to notice how each honorable member, in casting about for a good haul in one direction or another, looks at first one and then another of his floats, in the fervent hope that he may at length be rewarded by a bite. At last he gets hold of something which he thinks is very hopeful, and almost invariably it turns out to be the amendment of the honorable member for Gippsland. I cannot help expressing a certain amount of admiration for the ingenuity of that honorable member, and regret that he has not either on his own

initiative, or at the suggestion of some one else, adopted one of those systems of mnemonics that one reads of in the newspapers, and of which one always forgets the name. If the honorable member had availed himself of one of these aids to memory, he might have avoided falling into a grievous mistake, which somewhat mars the effect of his amendment. I desire to call the attention of the House, and particularly of those who support the honorable member for Gippsland, to one or two of these quotations. The *Age* of Saturday, 5th September, 1903, contains the report of a deputation which waited upon the Prime Minister on the previous day, and which was introduced by the honorable member for Gippsland. That deputation comprised Mr. J. Macdonald, President of the Maffra Shire Council, who acted as chairman of the Conference, and several of the principal speakers at that gathering. Their object was to enter their united protest against the bush capital scheme of the Federal Government, and to lay before the Prime Minister the resolutions at which they had arrived. In introducing the deputation, the honorable member for Gippsland said that he sympathized with their object. Mr. Macdonald emphasized the remarks of the previous speaker, and in a very masterly way laid down the resolutions which had been arrived at by the Conference, and with which he was heart and soul in accord. In passing, I may repeat that Mr. Macdonald is connected with the Maffra Shire Council, and it is scarcely a coincidence that he is one of the most powerful supporters of the honorable member for Gippsland. Here, then, are "two souls with but a single thought, two hearts that beat as one," in a way that I am sure is not altogether strange to politicians. Upon the 5th September, 1903, Mr. Macdonald and the honorable member for Gippsland were saying the same thing. But the *Gippsland Times*, of Thursday, 6th August, 1903, publishes a letter which is addressed to the people of that district, and from which I shall make a brief extract. In it the writer says—

On the 14th February, 1900, a meeting of representatives from municipalities and other public bodies, convened by the Orbost shire, was held at Bairnsdale, which was attended by, amongst others, Councillors Edwards and Macdonald, as representatives of the Maffra shire. At that meeting it was moved by Councillor Wise (Sale) and seconded by Councillor Macdonald (Maffra), and, as the minute says, "enthusiastically supported by Councillors Fogarty, Cameron (since

M.L.A.), Grove, Hall, Killeen, Edwards, and Seehusen"—"that this Conference resolve itself into a league, to be called the Gippsland Railway Extension and Federal Capital League, for the purpose of co-operating with the Southern Monaro League, in respect of the object in view," which was the establishment of the Federal capital at or near to Bombala, and the extension thither of the Gippsland railway. At another meeting on the 27th June, 1900, Mr. Macdonald, again representing the Maffra shire, letters were read from (amongst others) the Maffra shire, promising to support the league in every way.

Upon these facts the author of that letter ventures to ask why these gentlemen have gone back upon their previous position. In the same newspaper of the 10th August last, a further communication appears, in which the writer inquires why the Maffra Shire Council has changed its attitude upon this subject. Yet the honorable member for Gippsland has submitted an amendment with the attitude of a man whose sole object is to save the Commonwealth much trouble and money. Unfortunately, I cannot secure the newspaper which contains his statement upon the matter, but following upon this bold and statesmanlike declaration of Councillor Macdonald, on 14th February, 1900, the same gentleman was an enthusiastic supporter of the Gippsland Railway Extension and Federal Capital League, whose object was the establishment of Federal Capital at or near Bombala. It would, therefore, appear from the records that only a little while ago both these gentlemen were enthusiastic supporters of the very project which they now decry. It is in the last degree unfortunate that the honorable member for Gippsland, in submitting this amendment, should have failed to explain to the House the reason for his extraordinary change of attitude, or, indeed, that he had changed his attitude at all. In the case of the honorable member, I cannot too strongly deplore that fact, because he assumes a virtue of such an extraordinary character that it simply repels any ordinary person by reason of its intensity. These are but pretexts of the most shallow character, as is proved by the documentary evidence from which I have quoted. Under the circumstances, the very reasonable, and, in many respects admirable, resolutions of the Prime Minister, may well be adopted. At the same time I think that the amendment of the honorable member for North Sydney is one which deserves attention. I am quite willing to abide by the decision of the House, and I agree with the honorable

member for Richmond that it would be unfortunate if we were prevented from expressing our opinion by reason of a split vote. The amendment of the honorable member for North Sydney will lessen the chance of that contingency arising, and therefore I intend to support it. Personally, I think it is better that we should take an open vote by ballot. I trust that this House will do New South Wales that measure of justice which the Constitution demands, and that speedily.

Mr. G. B. EDWARDS (South Sydney).—I hailed with very great satisfaction the proposals of the Government to settle the vexed question of the Capital site during the present session, but I have just been informed that it is unlikely we shall arrive at the solution of the difficulty which we had hoped would result from these proposals. I regret that events have transpired which will render those proposals inoperative. I think the Government are to be congratulated upon having submitted a scheme which under happier circumstances might have proved the groundwork for obtaining a decision upon this question. The only alternatives to the proposals of the Ministry are that we shall delay its settlement indefinitely; that a referendum shall be taken upon it; or that we shall amend the Constitution. Realizing the difficulties in the way of obtaining a decision upon the question by the adoption of the ordinary legislative procedure, I am certainly of opinion that the proposals of the Government were most wise and politic. It was inevitable that a great deal of difficulty would be experienced in its settlement. In any case we had to face a possible difference of opinion between the two branches of the Legislature. Had the Ministry submitted a Bill recommending a particular site, or inviting the House to fill up a blank, it would have undergone precisely the same sort of discussion which has taken place upon these resolutions, and probably there would have been a division of opinion upon it between the two Houses. I exceedingly regret that we are unlikely to arrive at a settlement of the matter during the present session, especially as it was one of the chief duties which was remitted to this Parliament by the people. I entirely differ from those who advocate delay. I hold that we were sent here to settle this question amongst others. In establishing the Federation, we had to frame a Tariff, to create a High Court, and to

provide legislative machinery in various directions. At the same time, it was the opinion of the electors throughout Australia that one of the great duties of the first Parliament would be to select the Federal Capital site. No Parliament will ever be more fitted to settle this question than is this, and we shall incur very grievous danger, and produce endless strife, if we allow ourselves to separate without determining it. Each succeeding election will see us further removed than before from its settlement, and the result of the elections in many districts will largely turn upon this question. It is one upon which, in my opinion, elections should not turn. It is not a question of policy, but of carrying out the provisions of the Constitution, and no future Parliament will be so eminently qualified to come to an unbiased determination upon it as is the present one. I should exceedingly regret the occurrence of anything that would prevent us from coming to that decision before the close of the session. The alternative other than that of delay, which I think I have already shown to be extremely dangerous, is the proposal which has been mentioned, only to be very largely scouted, that we should refer the question to a referendum. I think that the large majority of the electors would prefer the site of the capital to be determined by this Parliament rather than that the duty should be committed to them. It is not to be expected that many electors of the Commonwealth, residing thousands of miles away from the probable site of the future Federal Capital, could give an intelligent decision upon such a question. The Commonwealth has expended large sums of money in assisting honorable members to inspect the various sites, and in supplying them with reports by men possessing technical knowledge as to their capabilities. There are also private members of this House who have spent considerable time in fitting themselves to decide this matter. It is unlikely that in any future Parliament we shall find the same degree of industry which has been displayed by the members of this House in making themselves familiar with this question, and it would be very regrettable indeed if anything happened to prevent us from arriving at a decision. The honorable member for Kooyong has denounced in those vague and general terms which have been largely employed by the press of this State the proposition that

the Federal Capital should now be established. Like those journals he has spoken in a nebulous way of what the cost is to be, but he has not produced a scintilla of evidence in support of his assertion that an outlay of millions will be involved in this work. I hold with the suggestion made by the Prime Minister in introducing the motion, in which he foreshadowed what he conceived to be the general policy that would be adopted in creating the capital. From what the right honorable gentleman said, it is apparent that we are not going to enter upon any lavish scheme of expenditure. I think that, as a business man, the honorable member for Kooyong should justify his assertion that it is proposed to spend millions and millions of money in this way. The metropolitan press of this State should also do so. We have the assurance of the Prime Minister that some £500,000 will provide for all immediate requirements. I have a very much more cautious and guarded estimate of what the work is likely to cost, and I would say, in answer to the honorable member for Kooyong, that a syndicate, composed of business men, would be prepared to give a guarantee to expend £15,000,000 within fifteen years, in constructing the capital, in erecting public buildings, in laying down streets and trams, and in forming parks, if we would only give them the profits derivable from the rentals of the lands within the Federal territory. Holding these views, I fail to see why we should contemplate any large expenditure in the construction of the capital. It would, of course, be necessary at the outset to make some advances, but I believe that the capital could ultimately be established without a penny of cost to the taxpayers of the Commonwealth. I have held that view from the first, and having regard to these facts I think that the work should be undertaken as speedily as possible. We should definitely select a site, and commence the work of laying down and constructing a city, at all events on paper, so as to prepare the way for that time when we shall be in a position to finance the whole work and carry it out. I do not see that any better method than that embodied in the Government proposal could have been proposed to solve the difficulty. I advocated some time ago a similar means to determine it. My only difficulty was that I thought it possible that we should not find a constitutional justification for

the proposal. I believe, however, that the lawyers have considered that point, and have determined that the adoption of the motion as framed would be no breach of the Constitution. I hope that the meeting of both branches of the Legislature will lead to the happy consummation of our desires. If we fail in this, the first attempt to fix the site of the capital, I trust that the Government—and particularly in view of the speech made by the Prime Minister in submitting the motion to the House—will keep their promise by adopting some other course to circumvent the difficulty, and enable this question to be dealt with once and for all by the present Parliament. Notwithstanding the delay which Ministers have shown in dealing with this question, I have felt myself in accord with the views of the Prime Minister as expressed in the Maitland manifesto and subsequently. My sole regret has been in regard to the delay which has occurred in carrying out this compact. Propositions of this kind are never advanced as rapidly as honorable members of the Opposition might perhaps desire, and I must candidly admit that in this matter the Prime Minister, in my opinion, has acted faithfully and rightly, and that the proposals he has brought forward open the way for a final solution of the difficulty. If they fail I shall look to him—and I think we shall all look to him—as a patriot—to see that the provision of the Constitution for the establishment of the permanent seat of government is carried out in some other form so that this vexed question shall not be dragged like a red herring across the trail at every election. I do not wish to give way to the proposal that the Constitution should be amended. It is sometimes held out as a kind of a bait to the representatives of New South Wales that if they would agree to the amendment of the provision in the Constitution that the capital shall be not less than 100 miles distant from Sydney, certain representatives of Victoria would support its establishment in Sydney. I am here to assert, notwithstanding what the consequences may be, that I, for one, would not agree to its establishment in Sydney, for the same reason that I would not agree to the establishment of the capital in Melbourne. The capital should be in Federal territory, away from the influences of either of those two large cities. We should be in our own legislative home, and we should develop the

capital according to modern principles relating to the building of cities, and according to that system of finance which would enable us to carry out the work without the imposition of a shilling of extra taxation.

Sir EDMUND BARTON (Hunter—Minister for External Affairs).—I am sorry to say that I have had news—

Mr. SYDNEY SMITH.—Is this a reply?

Sir EDMUND BARTON.—No. I have consulted Mr. Speaker in regard to that matter. I am sorry to say that I have received news which although not conveyed officially to me is sufficient to acquaint me with the fact that a reverse has been met with in regard to these proposals. I rise now for the purpose of asking honorable members not to abandon this motion because of that reverse. I ask them to assent to it, and to indicate to the Senate that they have done so by a message requiring its concurrence in it. I wish honorable members to join with me in passing this motion, in transmitting it to the Senate, and in desiring its concurrence in it. It happens to us all in political life to meet with reverses, but seldom to meet with reverses upon questions so dear to our hearts as this is to mine. I cannot think that it would be right of me, because of what I have heard, to abandon the endeavour to settle this question during the present session. Feeling deeply as I do the reverse which has been met with, I have yet no word to say of the action taken, and I ask every honorable member to abstain from saying any word as to any such action calculated to provoke irritation between the two Houses of Parliament, or to impair in any way the excellent relations which have prevailed between us—a breach which would not bring us any nearer the conclusion of this matter. I think that we should pass this motion, and I ask honorable members not to exercise themselves too much about amending it. If we are to come to a conclusion it will be by joint process, and to arrive at that joint process we must proceed upon a common basis. If we carry two different sets of motion in the two Houses it will follow that we shall approach a Conference—if we gain one—with divergent views and with different ideas as to the method of carrying out this proposition. That would be obviously to invite failure.

Mr. WATSON.—It is just as well to indicate what our wishes are.

Sir EDMUND BARTON.—I was coming to that point. I think, therefore, that we should do well if we passed this motion, and sent it to another place in some form in which we might expect to obtain their concurrence in it. I urge those honorable members—and I think that they constitute the majority of this House—who really wish to see some honorable solution of this question arrived at during the present session, not to seek too strongly to press this kind or that kind of amendment, but to rely on the judgment of the President and Mr. Speaker to settle the details of the method of voting. I would ask them also not to adopt any suggestion—and I am dealing now with the amendment suggested by the honorable member for Gippsland—which would in their view, as in mine, result in confusion. I would ask them not by any means to adopt any suggestion which would substitute for the selection made by this House by process of exhaustive ballot any selection which might be arrived at by the enumeration of two or three sites and the elimination of others to the great dissatisfaction, and possibly the enmity towards our proposal, of large sections of the Commonwealth. I would urge honorable members not to do anything of the kind, but, as a matter of policy and reason, to keep as closely as possible to the terms of the motion which has been proposed; to send that motion to the Senate; to leave us to see in what way we can best promote an agreement between that Chamber and this House; and to devise some method of procedure by which we may invite another place to see eye to eye with us, and not to lose the chance during the present Parliament to arrive at a settlement of this question. I could say much more if I were to say as much as I feel. But I take it that the times when we are best to show our mettle as a Legislature are those when others would provoke quarrels between the two Houses of the Parliament, to the destruction of their several proposals, when a little timely good feeling and kindness would avert adverse results, which, if they ensue in this case, will, in my judgment, be so detrimental to the interests of the Commonwealth. I have said more than once that I regard this as a national question. The Constitution has restricted our choice to the area of one State. It does not

arise from that that the interests of that State alone are to be considered. I am asking that we, as the representatives of a new nation under the Southern Cross, should come to a conclusion not in haste, not in asperity, not by a difference with those elsewhere who have a right to hold their opinions as we have a right to hold ours. Let us not invoke anything in the shape of antagonism between the one House and the other, but let us try to pass this motion in a form which has been well thought out, as this form has been thought out between the leader of the other Chamber and myself. Seeing that there may be only a difference of only one vote between their opinions and ours, that may have the result of bringing us by subsequent consideration into line, and enabling us to effect a common object, the achievement of which will be as much to the credit of the other Chamber as to our credit. I ask honorable members to be with me in this; to accept my leadership, and to repose in me the confidence which in this matter if in no other I think I may deserve, trusting me to use my best endeavours to bringing about a reasonable consideration of the question. It will not be by variegated proposals, by numerous amendments, that we shall come to that end. We shall achieve our object by coming as soon as possible to conclusions which will be fair to both Houses, by sending them to the other Chamber, and by asking the members of that Chamber to agree, in the light of what we have done, to the reconsideration of the conclusion at which they have arrived. If that is done it will save much quarrelling and bickering in the community. Let me say one word more upon that subject. We are not dealing with a village when we are dealing with New South Wales. Strenuously as I have always opposed any undue advantage to any State, and heartily as I would at any time oppose a wrongful advantage, even to the State which I represent, where a matter which is secured to it under the Constitution is concerned I am, not a provincialist, but an Australian, in asking that Australia, as an honorable nation, shall stand by the contract. It is for the sake of the nation, and not for the sake of the provision; for the sake of the people, not for the sake of any city, or village, or huge centre of population, that I ask that we shall be worthy of the Constitution which we have gained

for which the people voted, and which we have been elected to enforce. I ask that we shall deal with this matter from a standpoint which does not admit of dispute in any petty, mean, or parochial interest; that wherever we come from, we shall not brand ourselves as being concerned merely in the interests of this State or that—whether it be delay for Victoria or the insistence upon a bargain for another State. I put aside the delay as I put aside the bargain. We have nothing to do with either. We have to do with the Constitution, and with the honorable observance of it on behalf, not of any section, but of the whole people. If those who talk of delay in the interests of Victoria will put aside that interest as subordinate to the national interest—

Mr. CROUCH.—The right honorable gentleman is the first to make the suggestion.

Sir EDMUND BARTON.—I am not making any improper suggestion of any sort at all. If they will put aside that interest, I, on the other hand, will say for myself, and, so far as I can, for those whom I may influence, that we shall endeavour to look at the question, not as it affects New South Wales or Victoria, but free from outside influences, in a pure Federal atmosphere, as a national question. We should take the earliest opportunity of doing our business in that place which we alone can choose, and where we shall be freest to carry out the trust that we must recognise has been placed in us by the nation which we represent.

Mr. CONROY (Werriwa).—I regret to hear the information which has been conveyed to us by the Prime Minister, although twelve months ago, as a reference to *Hansard* will show, I pointed out that the attitude which the Government were taking in regard to this question was bound to result in failure. That prediction is now fulfilled, but the House is not to blame. The Ministry are responsible for the delay which has taken place, and they alone will be to blame if the question is not decided this session. Parliament has been sitting for two years and a half now, and during a full year, at any rate, we have had ample opportunities to deal with it, but nothing has been done. I objected from the first to the form of this motion. This House has a right to decide what it will do, and the other House has a right to do the same. When no agreement can be arrived at between the two Chambers, it is time to

ask for a Conference, but we have no right to abnegate responsibility, and to meet difficulties half-way. What are Ministers appointed for, but to consider and to come to a decision upon matters of public interest and importance, and to ask Parliament to support their decision? If that decision is a wise one, Parliament supports it; but if it is a wrong one, Parliament opposes it. In this case we have gone the wrong way to work. The Government took a very unusual course in asking us to consider a motion of this kind. A Conference should be held only when the ordinary methods of legislation prove unequal to the task imposed upon them. In both Houses of the Legislature there are many men so anxious for the settlement of this question that they are prepared to adopt almost any proposal. But that is no reason for departing from the sound constitutional course. The Ministry have met with a decided snub. It is not too late for them to consider the evidence that has been gathered in regard to this question, and to put a definite proposal before Parliament. As the honorable member for Kooyong has observed, it is only the members of the Ministry who have the whole matter thoroughly under their control. Having given proper consideration to the subject, they should take the responsibility of submitting for approval what they consider the best site. If they had done that there would have been no difficulty. There might have been differences of individual opinion, but if they had submitted a proposal based upon the information at their command, and had explained it thoroughly to the House, it is not likely that we should have rejected it. Why should not the Government take that responsibility? I hold them absolutely to blame for the position in which we now find ourselves. On the 25th of September last year I pointed out that the course which the Government were pursuing would result in this question being left unsettled. It is not too late now for them to secure the determination of Parliament upon the question of the capital site, if they are prepared to take up a strong attitude. I do not, of course, ask them to stake their existence upon the settlement of the question, but to come to some conclusion regarding it. They should be prepared to say which, not perhaps the site, but the district, in their opinion is the best. They might even submit two or three

districts to honorable members. They might say, for instance, whether the southern or south-eastern or the western districts found most favour in their eyes. The Government proposal deserved the fate which has overtaken it. I am sure that some of the representatives of Victoria are as ready as are the representatives of other States to carry out the compact with regard to the capital, and that the people of Victoria, as a whole, are certainly with them. If the Government had desired a pretext for delay they could not have taken a course more suited to their ends than that which they have adopted. I entirely object to the motion in the form submitted to us. It would commit us to the selection of one of the particular sites reported upon by the Commissioners, which is contrary to the advice they give us. In their report they say—

Your Commissioners have made what they believe to be the best suggestions for sites which were possible under the circumstances; but they wish to record an emphatic opinion that, when the locality in which the Federal Capital is to be placed shall have been selected by the Parliament, extensive contour surveys, covering the suggested site in that locality and the neighbourhood around such site, should be made before the exact city site is determined.

Mr. WATSON.—That refers to the city site within the Federal area, and the selection of the district would not depend upon that.

Mr. CONROY.—As the motion is framed, we should commit ourselves to one of the particular sites mentioned by the Commissioners, and I consider that all reference to the sites reported upon by the Royal Commission should be eliminated from the motion. If we adopted the motion in its present form, we should be bound to select one of the sites mentioned by the Commissioners, and the Bill would have to be framed according to the terms of the motion. If the Bill went beyond the terms of the motion, it would exceed the order of leave. If the motion be proceeded with, I shall move to omit from paragraph 3 the words "of the sites reported on by the Royal Commission on sites for the seat of government for the Commonwealth appointed by the Governor-General on the 14th day of January, 1903," with a view to make the paragraph read as follows:—

That at such Conference an exhaustive ballot be taken to ascertain which district is, in the opinion of the members of the Parliament, the most suitable for the establishment of such seat of government.

Some remarks have been made with regard to allowing this question to be decided by referendum. But I would point out that section 125 of the Constitution expressly provides that—

The seat of government for the Commonwealth shall be determined by the Parliament.

Those words are so clear that there is no necessity to propose a referendum. If there is to be a referendum upon this question what is the use of having a Parliament at all? The sooner Parliament abolishes itself the better. If the members of this Parliament are not competent to decide such matters as this, let them resign and give place to others who will not be afraid to undertake their responsibilities.

Mr. SALMON (Laanecoorie).—I hope that the Prime Minister will consent to an adjournment at this stage. There are three other honorable members on this side of the House who desire to speak.

Sir EDMUND BARTON.—Does the honorable member suggest an adjournment? How many honorable members desire to speak?

Mr. SALMON.—I know that the honorable and learned member for Corio, for one, intends to take part in the debate. But I do not wish to move the adjournment against the wish of the Prime Minister.

Sir EDMUND BARTON.—I should like to see these resolutions passed to-night, if possible.

Mr. SALMON.—The Prime Minister has given us some information which, I think, places the whole subject in quite a different light from that in which we viewed it previously. I fail to follow him in the attitude he adopts in regard to the desirability of passing the resolutions exactly as they stand, and sending them on to another place with any hope of having the decision there given reversed. It would be far better to consider the various amendments which have been proposed, and to alter the resolutions in such a way that probably they will be found to be more acceptable to the Senate. My own impression is that if the amendment of the honorable member for Gippsland were carried we should not experience the same difficulty in having the resolutions adopted by another place. The minds of the restive members from New South Wales would then be completely tranquilized by having removed the cause of the irritation which they have endured since the incer-

of this Parliament. It is my intention to support the amendment of the honorable member for Gippsland. I feel that we shall only be doing our work in a business-like fashion if we take steps to prevent the Commonwealth being bled, as it would be to an enormous extent, by those who have property to dispose of in the vicinity of any site which might be finally selected. There is not the slightest doubt that there is not a single member of this House who would think of carrying out private transactions upon the lines on which it is proposed to carry out this transaction. The Commonwealth ought to acquire the land that is necessary for the capital site at the lowest possible rate, and should not be compelled to pay a high premium for it.

Mr. POYNTON.—Does the honorable member know that I brought that matter before the Prime Minister in 1901?

Mr. SALMON.—A number of sites have been reported on and inspected, but we have not the slightest idea of what the cost of acquiring any one of them will be. It is nothing new in this House to find the Victorian members speaking on the side of economy. It is the result of their past experience. In New South Wales it appears there has been a perfect saturnalia of extravagance, and the people there are only just waking up to the fact that for years past they have been parting with their patrimony. I should be very glad indeed to see this question removed altogether from the purview of this Parliament and settled. But my own personal feelings must not be allowed to govern my votes when I am acting for the public; and what I desire to see is that the bargain which was made—an unrighteous and improper bargain, in my opinion; but it was a bargain—shall be fully carried out by all the parties to it at the earliest possible moment. But that is not to say that we are to “buy a pig in a poke.” Are we going to settle upon the site first, and settle the price of it afterwards? That would be a most ridiculous proceeding.

Mr. THOMSON.—Why did not the honorable member ask for that information before the expert Commission was appointed?

Mr. WATSON.—Does not the Victorian State Government resume first, and settle the price afterwards?

Mr. SALMON.—I should be sorry to see this Parliament paying as much for land as the State Parliament has done. There have been resumptions in New South Wales,

and I can say from personal observation, that when the bill comes in I believe that some of the taxpayers of that State will want to know what their politicians and their Government have been doing. I know one place where the Government resumed some land upon which there was a hotel. It was resumed for the purpose of building a railway station. But the Government afterwards found that they did not need the land. So they re-erected the hotel, and still hold the licence. That is the sort of thing we do not do in Victoria. I do not desire to see this Parliament entering upon a system which can result only in loss to the taxpayers. The bill will have to be paid by the people of the whole Commonwealth. Under such circumstances, I am only doing my duty as a representative of the Commonwealth in endeavouring to protect the interests of every unit in it. I am not advocating a course which will be advantageous to Victoria any more than to every other portion of Australia. I am not advocating delay. The question of cost can be settled in a very few weeks. The charge of a desire to delay has been hurled at the Victorian members over and over again. We have heard it to-night from honorable members opposite. It is strange indeed that there is not a member representing another State who has had a word to say against the Victorian members. It is only the New South Wales representatives who feel it incumbent upon them to attribute unworthy motives to Victorian members. It does not become this Parliament, as a Federal body, to have these statements made in it, and to have the actions of honorable members, who are actuated by honest motives, attributed to unworthy designs. That sort of thing is good enough for the hustings and good enough for the leader of the Opposition, who cannot find time to come here and attend to his work when an important question like this, affecting the whole Commonwealth, is under discussion, but who can find time to slander the people of Victoria and those who represent them, as he did in his late campaign.

Mr. SPEAKER.—The honorable member must confine himself to the question before the House.

Mr. SALMON.—I am now drawing attention to the remarks made by the leader of the Opposition during his late election campaign in Sydney. Speaking the night before his election—an election which he said was on a single question—he did just



what honorable members of the Opposition have been doing—he tried to inflame the people of New South Wales—

Mr. SPEAKER.—The honorable member is not discussing the question before the Chair.

Mr. SALMON.—The question is the settlement of the site for the Federal Capital.

Mr. SPEAKER.—That has nothing whatever to do with any action of the leader of the Opposition.

Mr. SALMON.—Shall I be in order in reading the remarks of the leader of the Opposition on the question?

Mr. SPEAKER.—I cannot say until I know what the remarks are; but references to any action of the leader of the Opposition in regard to the matter on which he recently appealed to his constituents are certainly out of order in this debate.

Mr. SALMON.—Then I should like to deal with remarks made by honorable members in this House with regard to an alleged combination amongst representatives of Victorian constituencies. The honorable member for Dalley over and over again asserted that a caucus meeting of Victorian members had been held at which it was decided to formulate a certain proposal to be presented to the House by the honorable member for Gippsland. That statement was denied time and again, but the honorable member for Dalley declined to take any notice of the denial. It is not the custom in this House to refuse to accept a denial under the circumstances, and the statement made by the honorable member for Dalley—a statement unsupported by a tittle of evidence—although it may be worthy of the honorable member, is not worthy of the House. The Victorian representatives have acted *bona fide* in this matter from the beginning. As I said before, a number of us would be only too glad to see this bone of contention removed; and I recognise that the only way to remove it is to settle this question. But the settlement of the question is not the settlement of the expense; and I for one am not prepared to pledge the credit of the people of the Commonwealth to an undertaking the end of which we cannot possibly see. Until we have some adequate idea of the amount which will be required to secure the necessary land we have no right to proceed further.

Mr. JOSEPH COOK.—Then I suppose that if the honorable member thinks the land is too costly he will not carry out the contract?

Mr. SALMON.—I do not say that I should be limited by the amount, but I contend that we have no right to spend more of the people's money than is necessary. If we now finally decide the question by this motion we shall find ourselves in the position of a buyer who is absolutely compelled to acquire a property.

Mr. JOSEPH COOK.—We will give you the land cheap.

Mr. SALMON.—The honorable member probably speaks for himself, and I do not know how much he holds of the particular site which his party favours. We require some guarantee as to the ultimate cost before we can be prepared to enter into the purchase. The honorable member for South Sydney has an idea that it would be fatal to leave this matter open for a future Parliament; and he is apparently not prepared to trust the people whom he represents as being anxious to have the question settled. If this Parliament were to come to a decision regarding three or more of the sites, and these were placed in competition, we should be likely to save more money, and thus justify delay, than we should be likely to save if we dealt with the matter at once and held over the consideration of the price until after the selection. In the matter of land, prices oscillate in the most remarkable fashion, when it is found that there is a determination to purchase. We cannot divest ourselves of ordinary business procedure. We cannot possibly get rid of the responsibility which attaches to us as business men, in dealing with a matter of the kind. The transaction should be of a purely commercial character, into which no sentiment should be allowed to enter. We ought to secure the best possible site, but take the question of cost into our most careful and immediate consideration. Under the circumstances I intend to support the amendment proposed by the honorable member for Gippsland. I regret that during the debate a good deal of acrimony has been displayed with regard to the attitude adopted by Victorian members.

Sir EDMUND BARTON.—No.

Mr. SALMON.—The stock tax was referred to by the honorable member for Dalley as one for which the honorable member for Gippsland was responsible.

Mr. SPEAKER.—The honorable member must not refer to that matter.

Mr. SALMON.—I do not intend to do more than assure the honorable member

Dalley that the stock tax has died altogether out of the memory of the people of Victoria; and I may add that I was always one of the strongest opponents of the impost. We shall have with us in the Commonwealth a parochial feeling, so long as honorable members attribute improper motives to those who are only honestly endeavouring to deal with the Commonwealth as a whole. It is our bounden duty to endeavour to obliterate the unfortunate divisions which separated us in the past. It is not well or right that in the first Parliament of the Commonwealth we should perpetuate divisions which did so much harm to all the States concerned. I can assure honorable members from New South Wales that if a prominent member of this House, or of the community, were to call a meeting in the Melbourne Town-hall, next week, for the purpose of decrying the mother State, it would not be possible to get an audience. But if the honorable member for Dalley were to call a similar meeting in Sydney for the purpose of decrying Victoria he would not be able to find a hall large enough for the attendance.

Mr. SPEAKER.—The honorable member is not discussing the question before the Chair.

Mr. AUSTIN CHAPMAN.—I ask the Prime Minister to now consent to an adjournment of the debate. Several honorable members who have amendments on the notice-paper have gone home on the understanding that there was to be an adjournment. I myself propose to say a few words, and I think it would be convenient to now adjourn the debate.

Sir EDMUND BARTON.—A little while ago I expressed the opinion that we ought to come to a decision to-night, and that is my opinion still. Since I spoke, however, I have found that the honorable member for Gippsland and one or two others have gone away through a misapprehension which was created—I do not know whether by my fault or not—I hope not—but certainly under an honest misapprehension. I do not think that in these circumstances I ought to adhere to the determination to force this matter to a division to-night, especially as it would only be provocative of acrimony to ask the House to come to a division in the absence of those who have been relying upon us not to do so.

Mr. THOMAS.—Will the right honorable and learned gentleman let us know this in future at about 8 o'clock, so that we can all go home?

Sir EDMUND BARTON.—When the honorable member finds me beginning to do that, he can adopt that line of criticism. In the meantime, I think I must consent to the request for an adjournment of the debate.

Debate (on motion by Mr. AUSTIN CHAPMAN) adjourned.

## ADJOURNMENT.

### ELECTORAL RETURN.

Motion (by Sir EDMUND BARTON) proposed—

That the House do now adjourn.

Mr. SYDNEY SMITH (Macquarie).—On Friday week the Prime Minister promised to lay upon the table a paper showing the number of electors in the electorates in New South Wales. I shall be glad to know when he expects to be in a position to fulfil his promise.

Sir EDMUND BARTON (Hunter—Minister for External Affairs).—What I said to my honorable friend was not that I would lay that particular paper on the table, but that I would have it converted into a document fit for presentation to the House. I gave an instruction for that conversion to be made, and I thought it would have been done before now. I shall look into the matter to-morrow and see that it is produced as soon as possible.

Question resolved in the affirmative.

House adjourned at 10.52 p.m.

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## Senate.

*Wednesday, 23 September, 1903.*

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The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### PETITION.

Senator MACFARLANE presented a petition from the Peace and Arbitration Department of the Women's Christian Temperance Union of Tasmania praying the Senate to provide against conscription or compulsory drill.

Petition received.

## MAJOR CARROLL.

Senator DAWSON.—I desire to ask the Minister for Defence, without notice, if it is his intention to grant to Major Carroll an inquiry into the reasons for his retrenchment, and, if so, when will it be instituted?

Senator DRAKE.—I have the matter under consideration, and I can assure the honorable senator that in any case there will be no delay.

Senator DAWSON.—The Minister intends to grant an inquiry?

Senator DRAKE.—I am endeavouring to arrange it.

Senator DAWSON asked the Minister of Defence, *upon notice*—

1. If he has received from the General Officer Commanding a report containing the reasons why Major Carroll was retrenched?

2. If so, will he immediately cause such report to be laid on the table of the House?

Senator DRAKE.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. As there is a probability of an inquiry being held I think it is inadvisable at this stage to lay such report on the table.

## PREFERENTIAL TRADE.

Senator PULSFORD asked the Minister for Defence, *upon notice*—

1. Is it true, as reported in the press, that Sir Edmund Barton has cabled to Mr. Chamberlain that his policy commanded the support of Australia?

2. If it is true, then, how can Sir Edmund Barton know that Mr. Chamberlain's policy commands the support of Australia, when it has never been considered by the Federal Parliament?

Senator DRAKE.—The answers to the honorable senator's questions are as follow:—

1. Yes, and he has received the following answer:—"Believe in ultimate success, and rejoice in your co-operation."

2. Sir Edmund Barton's knowledge is derived from his confidence that the people of Australia will support Mr. Chamberlain's policy in place of the policy of little England, or little Australia.

## PACIFIC CABLE CONFERENCE.

Senator HIGGS asked the Minister for Defence, *upon notice*—

1. Did Mr. C. H. Reynolds, general manager of the Pacific Cable Board, on his arrival in Melbourne, inform the Prime Minister of the Commonwealth that a majority of the Pacific Cable Board were desirous of a Conference of representatives of the Governments represented in the Pacific Cable?

2. Did Mr. C. H. Reynolds at a later stage inform the Prime Minister that he had received a cable stating that a majority of the Board were still desirous of a Conference?

3. Is the following paragraph, appearing in the Melbourne *Argus* of the 21st September, true:—

### "THE PACIFIC CABLE.

"The Prime Minister is still awaiting a cable message from the Pacific Cable Board respecting the proposed Conference to discuss the agreement into which the Commonwealth Government wishes to enter with the Eastern Extension Company. Sir Edmund Barton does not think that there is any necessity to hold a Conference of representatives of the countries interested in the Pacific Cable, and he has submitted an alternative scheme to the Board, which that body is now considering."

4. What is the alternative scheme now being considered by the Pacific Cable Board?

Senator DRAKE.—The answers to the honorable senator's questions are as follow:—

1. Yes, and the Prime Minister was already aware of the fact.

2. Yes.

3. and 4. The paragraph is not quite accurate, but papers will be laid on the table at an early date giving all the facts required.

## MAIL SERVICE: NEW GUINEA.

Senator STANFORTH SMITH asked the Minister for Defence, *upon notice*—

Do the Ministry intend to place a sum of money on the Estimates as a subsidy for a regular mail service between Queensland and New Guinea, on lines similar to the subsidy granted to steamers running between the Commonwealth, the New Hebrides, and Fiji?

Senator DRAKE.—The answer to the honorable senator's question is as follows:—

The matter is under consideration. No sum, however, can be placed on the present Estimates, as these have already passed the House of Representatives.

## SIR SAMUEL GRIFFITH.

Senator STEWART asked the Minister for Defence, *upon notice*—

In the event of Sir Samuel Griffith accepting the office of Chief Justice of the Commonwealth, will he come under section 84 of the Constitution, which provides that any State servant transferred to the service of the Commonwealth shall carry with him such pension rights as have accrued to him under the State law?

Senator DRAKE.—The answer to the honorable senator's question is as follows:—

It is not advisable to give, by way of answer to a question, what would only be an official opinion as to matters of law arising out of a hypothetical case.

## MAIL BOATS: FREMANTLE.

Senator PEARCE asked the Minister for Defence, *upon notice*—

Do any of the conditions attached to the tenders for the conveyance of mails between the United Kingdom and Australia omit Fremantle as a port of call; if so, which are they, and what are the reasons for Fremantle being omitted as a port of call in such cases?

Senator DRAKE.—The answer to the honorable senator's question is as follows:—

Only the conditions attaching to the tenders for the conveyance of mails *via* Vancouver omit Fremantle as a port of call. The reason for the omission is that Fremantle is not on the route between Australia and Vancouver.

## PRINTING COMMITTEE.

*Ordered* (on motion by Senator DRAKE)—

That the order of the day for the consideration of report brought up on 3rd September, 1902, be read and discharged.

## FISCAL REFERENDUM.

Senator DE LARGIE (Western Australia).—I move—

That in the opinion of this Senate—

1. It is in the best interests of Australian prosperity that a settled fiscal policy should be adopted by the Commonwealth.

2. Recognising the difficulty of securing a clear, explicit, and definite expression of opinion upon the fiscal question at a general election, when so many issues are involved, this Senate affirms the necessity of ascertaining the will of the electors by means of the referendum, at the forthcoming senatorial elections.

3. The ballot-papers to be used in the aforesaid referendum may be in the following form:—

## FISCAL REFERENDUM.

Protectionist Tariff ... ..	<input type="checkbox"/>
Free-trade Tariff ... ..	<input type="checkbox"/>
Protectionist Revenue Tariff ... ..	<input type="checkbox"/>
Free-trade Revenue Tariff ... ..	<input type="checkbox"/>

I do not know that I need to offer an apology for putting the motion on the business-paper, because this is not the first occasion on which I have advocated this proposal in the Senate. I had the privilege of doing so on at least two occasions last session—first, in speaking to the Address-in-Reply, and, secondly, in discussing the second reading of the Customs Tariff Bill. I may say that during the Federal elections I also advocated the adoption of this course. If at that time I was a strong believer in the referendum as a means of settling the fiscal question, my brief parliamentary experience has convinced me that it is the only possible way in which a period

of fiscal peace can be secured. I believe that the people of Australia are quite prepared to deal with this issue. There is no question of the day on which the man in the street is so well prepared to offer an opinion as that of the Tariff. No matter whom one may converse with, he is always ready to state which side he takes. Of course, I except the few cranks who can never make up their minds on any question. I held that the people are ready to express their opinion clearly and concisely, so that the Parliament may know the will of the majority. The question of free-trade or protection has provoked considerable controversy. It was discussed in this Parliament for a period of ten months. It has been discussed more or less in the Parliament of every State, but no finality has ever been reached. Its settlement has been put off for the time being, and at the next elections the same indefinite expression of opinion will be obtained as at the preceding ones. I see no hope of any better results being obtained in the future than in the past unless a referendum is taken. The fiscal question was a very important factor in the last general elections. Generally the candidates took sides on the question, and when the Parliament was opened the fiscalists on either side claimed a victory at the polls. It was said that if the people could only be given an opportunity of expressing their opinion on the Tariff they would vote against it. The free-traders declared that it was not framed in accordance with the will of the people, while the protectionists took the opposite view. If this confusion of thought has been witnessed in the past, I see no reason to anticipate any better result from the next general elections unless a suitable method is adopted to ascertain correctly the will of the people. The present method of electing members of Parliament is not a very safe guide to what is public opinion on the fiscal question. I cannot suggest a better method to ascertain public opinion than that which I submit in this motion. I admit that it is a difficult task to draw up a ballot-paper which will provide for the expression of various shades of fiscal thought. For several days I puzzled my brain to draw up a ballot-paper which would be comprehensive, and, at the same time, simple and easily understood; I have to confess that it is capable of improvement. But

I am satisfied that it is possible to frame a ballot-paper which will afford to the electors an opportunity to indicate their opinion. I believe that the ballot-paper which I have drawn up will furnish to the electors an opportunity for which they have been longing. I make bold to prophesy that if a referendum is taken at the next general election there will be no doubt as to what is the collective opinion of Australia. I expect to be met with the argument that I am proposing a method which will enable a candidate to shirk the responsibility of declaring himself on the fiscal question. But there is very little in that argument when it is examined. It must be admitted that at an election the candidates declare themselves on one side or the other. If there was anything in the argument at all, I think it would tell rather against a candidate than in his favour. Take, for instance, the various members of the Senate. Almost every candidate who appeals to the electors of Victoria is quite ready to declare himself a protectionist. And it seems to be the usual thing in New South Wales for a candidate to declare himself a free-trader. For a man to boldly declare himself either a free-trader or a protectionist does not explain his true position. Just in the same way as there are protectionists of different degrees, so there are free-traders of different degrees. If my proposal is adopted an elector will have the opportunity of voting either for a straight-out free-trade or revenue Tariff, according to free-trade ideas, or for a protectionist or revenue Tariff, according to protectionist ideas, and we shall be able to ascertain more accurately the will of the people than we should do if they simply had to vote for candidates who announced themselves as free-traders or protectionists.

Senator HIGGS.—How many questions does the honorable senator propose to have on the ballot-paper?

Senator DE LARGIE.—I have included in my motion four questions, which I think are clear enough for the average man to grasp. We know that there are scientific protectionists, who do not desire any revenue to be collected through the Custom-house. That is generally called scientific protection. There is also the free-trader, pure and simple, who does not believe in deriving any revenue through the Custom-house—that is the free-trader of the out-and-out Henry George school. Of course, either protection

or free-trade of the kind mentioned involves the necessity of direct taxation. There are large numbers of electors in Australia who believe in free-trade or protection from that stand-point; but I cannot shut my eyes to the fact, after the long debate we had on fiscalism when the Tariff proposals were before us, that there are also many voters who believe in revenue-tariffism combined with either free-trade or protection. No matter to what political school a man may belong, the ballot-paper which I propose provides for all the various shades of fiscalism.

Senator DRAKE.—I thought the honorable senator said that he was not quite satisfied that his ballot-paper achieved the object he has in view.

Senator DE LARGIE.—I quite admit that I had some difficulty, as is shown by the fact that I asked leave to amend my motion. There is another aspect of the question which perhaps forms a greater recommendation of the proposal than any I have yet mentioned. If my motion be carried, it will be a means of making people think for themselves; in fact, it will compel the people to devote their attention to one of the great questions of the day, and will have an educative effect, by causing them to take a more direct part in the legislation of the country than they take at the present time. This method of settling important questions has been adopted by the republican and liberty-loving people of Switzerland, who are perhaps the most intelligent people in the world; and that fact speaks highly in favour of my proposal. I do not wish to initiate the referendum as a sweeping change in our methods of legislation, because such a proposal would court instant defeat. What I desire is to initiate the principle of the referendum in connexion with a question on which the people of the country are well prepared to express an opinion. There is nothing of a wild-cat nature in my proposal. Another important feature has to be taken into consideration. Australia requires a stable or permanent policy of fiscalism. If the trade of this country is to progress, and we are to have prosperity, we must have a settled fiscal policy; the industries of the country must have time to become established before any Tariff alterations are made. If we change and chop about after every election, stability cannot be expected, and people will never know when there is to be a disarrangement

of the Tariff, with consequent confusion in trade and commerce. Viewed from whatever stand-point we like, we have everything to gain and nothing to lose by submitting this question directly to the people of Australia. We recognise that there are certain financial obligations imposed on the Federal Parliament by the Constitution; and this makes it all the more necessary for us to have a settled fiscal policy. If my proposal is not adopted I am quite sure that after the next elections we shall have the same fiscal turmoil we have had during the life of the present Parliament; and that state of things will continue until a method similar to the one which I am now advocating is adopted. We shall always be in doubt as to what is the will of the people, and politicians will have the right to declare that the opinions they express are also the opinions of the public. We shall never be able to obtain any proof as to what are the real opinions of the people until an opportunity such as the referendum affords is given, and a vote recorded in accordance with the popular will.

Senator PULSFORD (New South Wales).—I suppose nobody is more anxious than I am to have the fiscal question settled, but I wish it settled properly, and in accordance with what I believe to be the requirements of civilization and common-sense. I am not prepared to submit my lifelong convictions to any referendum with the intention, from that time forward until I reach the grave, of not expressing any opinion or any desire to alter the Tariff if I conceive it to be wrong in any particular. I take it that whatever may be the existing doubts of Senator Higgs and Senator De Largie, if they thought any special industry would be benefited by a duty of 5 per cent., 15 per cent., 100 per cent., or 1,000 per cent., they would straightway propose such an impost. In that may be seen one of the great objections to a referendum, which, though it might be introduced with an honest desire to obtain finality, would not assure that end. I am quite certain that if we had a referendum and the free-traders carried the day, as they ought to do, Senator Higgs or Senator De Largie would not take a "back seat" on a fiscal question for ever.

Senator HIGGS.—I certainly should not.

Senator PULSFORD.—I think Senator De Largie said he was quite certain how the referendum would result, and was therefore

prepared to advocate that method of settling the question.

Senator DE LARGIE.—I said nothing of the sort.

Senator PULSFORD.—Then, I understand that if at the next general election the free-traders obtain the sweeping triumph to which they are justly entitled by virtue of their policy—a policy which nowhere receives more powerful indorsement than in Western Australia—Senator De Largie will at once forth and for ever be prepared to bide by that result. I do not, however, think that that would be the case. I should like to know what is meant by "protectionist Tariff." Senator De Largie has practically told us that by these words he means something that would be more properly described as a prohibition Tariff—a Tariff so high that no duties could be collected. Then I understand that Senator De Largie by "free trade Tariff" means a Tariff which would result in the abolition of the Custom-house.

Senator DE LARGIE.—Hear, hear!

Senator PULSFORD.—Senator De Largie gives us in the first place a choice between the prohibition of imports and the abolition of the Custom-house. But everybody knows that Australia is not in a position to accept either proposal. Both goods and revenue are required.

Senator DE LARGIE.—Is that the sort of free-trader the honorable senator is—a revenue-tariffist?

Senator PULSFORD.—Australia needs revenue, which must be collected, but which cannot be collected by an application of the Henry George theory.

Senator PEARCE.—Oh!

Senator PULSFORD.—No other conclusion can be arrived at by any person who has studied the figures relating to the value of land in Australia.

Senator PEARCE.—Are there no other sources of revenue?

Senator PULSFORD.—Undoubtedly there are; but at the present time what we have to consider is the difference between a protectionist Tariff and a free-trade Tariff. By the former, I understand a Tariff which is levied so as to more or less protect local producers. There are all sorts of protection; there can be a duty of 5 per cent. which is protective, or there may be a duty of 500 per cent., or a duty of 5,000 per cent. Does Senator De Largie mean moderate protection, or does he mean immoderate protection,

which approaches very near to prohibition? I object to the term "free-trade revenue Tariff." In England the Tariff is confined to a very few articles, and is clearly a Tariff for revenue; and that is what is desired by free-traders all the world over. They contend that if a Tariff is necessary it should be for revenue pure and simple.

Senator DE LARGIE.—The honorable senator may find free-traders to dispute that view.

Senator PULSFORD.—I do not know any free-trader who would do so.

Senator DE LARGIE.—Senator Pearce would for one.

Senator PEARCE.—I should most certainly.

Senator PULSFORD.—Senator Pearce does not dispute that, under a free-trade Tariff, duties must be imposed for revenue purposes only. I am sure the honorable senator does not desire a Tariff imposed for protection. Free-traders are united in the opinion that when a duty is imposed it should be wholly and solely for revenue. There are so many degrees of taxation connected with the Tariff that we cannot go to the masses of the people and ask—"Which side are you on?" What the rates of duty may be depends very much on who is handling the Tariff. There might come into power moderate protectionists who would impose only moderate duties, while others might go as far in the direction of absolute prohibition as revenue considerations permit. The differences are so great that we cannot finally settle this matter by a referendum. Even if we did settle the question in that way, on the very next day politicians on one side or the other would be announcing that they disputed the result, and would take the earliest opportunity of having it reversed. The only thing we can do is to fight the matter out, and I for one am quite determined to fight it to a finality, in the hope that the day will come when Australia will be thoroughly free-trade.

Senator STANIFORTH SMITH (Western Australia).—Senator De Largie proposes to introduce the principle of the referendum into our Federal system of government, and the motion is one which should receive very careful attention before being adopted. The referendum would practically decide the question just as though our system of government were a unification pure and simple instead of a Federation. It would mean that the mass vote of the

people would, irrespective of any State rights, decide some of the most important questions with which the Australian Government have to deal. Under the Federal system, the States have equal representation in one of the Chambers; and that system would be nullified if important questions were decided by a mass vote. No doubt the adoption of a referendum would be supported by a large number of people who believe in absolute unification, and who hope that our present Federal system will pass away. But from a Federal point of view any question of importance which involves State rights ought not to be settled by means of a referendum. I do not say that the question of the Tariff specially involves State rights.

Senator PEARCE.—Then the honorable senator's argument does not apply.

Senator STANIFORTH SMITH.—There are numbers of questions with which State rights are intimately associated, and in such cases the referendum would be anti-Federal. When we come to examine the proposal of Senator De Largie, apart altogether from the question of whether it is advisable to introduce the referendum into our Federal system, we find that, after that method had been resorted to, we should be no nearer the solution of the difficulty. It is proposed that the people should have an opportunity of deciding the question in four ways—of saying whether there should be a protectionist Tariff, a free-trade Tariff, a protectionist revenue Tariff, or a free-trade revenue Tariff. Supposing for the sake of argument, that the people decided in favour of a protectionist Tariff, should we be any nearer finality?

Senator DE LARGIE.—We should be a long way on the road.

Senator STANIFORTH SMITH.—What is the definition of "protectionist Tariff"? It might be said that the protectionist Tariff should mean duties of 15 per cent.; but the present Government might take the view that the duties ought to be as high as those in the United States—that there should be a prohibitive or true protectionist Tariff. The whole question would then have to be decided by the two Houses, just as though there had been no referendum. Of course "freetrade Tariff" is definite, meaning as it does the imposition of no duties. As to a "protectionist revenue Tariff," when we cast our minds back to the celebrated Maitland manifesto,

we remember that Sir Edmund Barton declared that the Federal Tariff would be principally a revenue Tariff—that it would be neither protectionist nor free-trade, but a revenue Tariff incidentally protective. We had there a pronouncement in favour of a protectionist revenue tariff; but what was the Tariff which the right honorable gentleman's Government introduced? It was a Tariff in which many of the composite and specific duties amounted to over 100 per cent. If at the referendum the people decided for a revenue Tariff incidentally protectionist, Sir Edmund Barton would introduce just such a Tariff as we dealt with last session. The right honorable gentleman time and again justified the statements he made at Maitland, and he held that the Tariff brought before the Federal Parliament was a fulfilment of the promises he made on that occasion.

Senator DE LARGIE.—He allowed for plenty of room to cut down.

Senator STANFORTH SMITH.—Sir Edmund Barton never said that. He claimed that he was perfectly justified in submitting his Tariff to Parliament, and that in doing so he broke neither the letter nor the spirit of any statement contained in his Maitland manifesto.

Senator DRAKE.—Quite right.

Senator STANFORTH SMITH.—The Minister for Defence agrees with me that Sir Edmund Barton's definition of a revenue Tariff incidentally protective was shown by the Tariff which he introduced. Another definition of a revenue Tariff would be a Tariff of 10 or 12 per cent. In such a case we should have just the same fight as before as to what was a revenue Tariff, and the same time would be occupied in settling the question as if no referendum had been taken. While a definite decision on the fiscal question would be of immense advantage to Australia, I am certain that the proposal submitted by Senator De Largie would be absolutely useless to secure such a decision. We have the fiscal issue continually cropping up in Australia, and dominating parties in Parliament. It draws a line transversely across the two historic parliamentary parties, the conservative and democratic parties, and divides them into camps, though upon everything but fiscalism they may not hold views in common. We have amongst free-traders conservatives and radicals, and, amongst protectionists, Tories, the most

extreme liberals, and labour members. We know that there has been fiscal peace in Great Britain for the last forty or fifty years, and the Right Honorable Joseph Chamberlain has recently thrown a bomb into the political camp, which is having the effect of dividing the two historic liberal and conservative parties once more. In the division that is now taking place in those parties we have labour members and the extreme Tories of England on one side, and liberals, land-owners, and manufacturers on the other side. Any one who has the interests of Australia at heart must agree that it is regrettable that the Tariff issue should be continually hanging over our heads, like some sword of Damocles, and that parties should be dominated by it.

Senator DE LARGIE.—Does the honorable senator support Senator Pulsford's contention that Henry George's view could not be applied in Australia?

Senator STANFORTH SMITH.—No, I do not. I believe in free-trade, and I support a revenue tariff only because I look upon it as a stepping stone to free-trade. If some sane proposal could be submitted by which the people could give a definite decision upon the Tariff which would stand for at least ten years, it would be found to be in the best interests of Australia, but I have not yet heard of a solution of the difficulty. While Senator De Largie submits his motion with the best intentions, he must see that even though the people decided that we should have a revenue Tariff, the issue would be no nearer a settlement, because we should still have to decide what a revenue Tariff is. When we came to deal with specific duties, we should have the same differences of opinion as before, because whilst a revenue Tariff interpreted by free-traders would permit of 10 per cent. duties, according to the definition of the Prime Minister, it would allow of the imposition of duties of over 100 per cent. in some cases. I do not believe that we can bring about a settlement of the fiscal issue by a referendum. I cannot therefore support the motion, believing that it will bring us no nearer to the goal which Senator De Largie and I desire to reach. If the question of the Tariff is fought out at the next election, we may hope that there will be fiscal peace for some considerable time. I do not believe that a referendum on the fiscal issue would violate any of the principles of Federation, because I do not



believe that the Tariff issue is one which specially affects States' rights. If it did, it would be impossible to submit it to a referendum. So far as the principle is concerned, there does not seem to me to be any insuperable objection to the taking of a referendum upon the question; but when expediency, and the results which are likely to accrue from a referendum upon the question, are considered, we shall find that we would be no nearer a settlement than ever, and we should have just the same fiscal differences in this Senate as we have at the present time.

Senator HIGGS (Queensland).—I thought that this motion would furnish a very good subject for discussion, and I expected to find honorable senators more eager to take part in the debate. I wish to say that I am prepared to support the motion with a certain amendment. I propose to add to it this additional question :—

Are you of opinion that the present Customs Tariff should remain undisturbed for a period of seven years?

That would bring us to about the end of the bookkeeping period. I cannot understand why Senators Pulsford and Smith should object to a referendum upon this question. During the prolonged debate on the Tariff, extending over some seventeen months, they continually told us that they were sure that if we appealed to the people they would decide in favour of free-trade. Here is an excellent opportunity offered them to appeal to the people, and they are not disposed to take advantage of it. My impression is that, although Senator Smith may not realise it, Senator Pulsford does realise that free-trade is a dying cause.

Senator PULSFORD.—No he does not.

Senator STANFORTH SMITH.—How is it that the leaders of the protectionist party have repudiated the proposal for a referendum.

Senator HIGGS.—I am not aware that they have done so, but they may have the same doubts as the honorable senator. As a good protectionist, I have no fear as to the result. I should have no fear in submitting the question to a referendum even in New South Wales, because the very brief experience that the people of that State have had of the Commonwealth Tariff has been of such a nature that a writer in the *Argus*, dealing with New South Wales politics, has made a statement to the effect that the misfortune is that

when people get a taste of protection they want more of it. We know, from a tabulated statement which has appeared, that something like £1,000,000 has been expended in building factories and extending existing factories in New South Wales.

Senator Lt.-Col. NEILD.—That is an exploded lie.

Senator HIGGS.—The honorable senator is under a misapprehension. We are in a position to supply him with details of the various buildings that have been erected under the ægis of the Federal protectionist Tariff.

Senator PEARCE.—Is the honorable senator referring to the figures in the *Argus* of this morning?

Senator HIGGS.—No, I am referring to a long list which appeared some time ago in the columns of the *Daily Telegraph*. There may have been a little stuffing in the statement. It is possible that some buildings which would have been erected whether there were a protectionist Tariff or not were included in the list; but that could have been due only to the excessive zeal shown by certain protectionists. We have amongst our ranks certain misguided men, just as have the free-traders, whose zeal outruns their discretion. Whether we fear the result or not, Senator De Largie proposes to submit a fair proposition to the electors. We know very well that in New South Wales the cry of free-trade has lashed politicians for some forty years, and they have lived upon it during that time. The only question submitted to the electors from time to time in that State was whether they favoured free-trade or protection.

Senator Lt.-Col. NEILD.—That question was not submitted until 1889.

Senator HIGGS.—The honorable senator must know that the late Sir Henry Parkes lived on the question of free-trade in New South Wales for about forty years, and to the great detriment of the country.

Senator PEARCE.—It was evidently nourishing.

Senator HIGGS.—I would remind the honorable senator that the late Sir Henry Parkes got some help also from the quantity of Crown lands he sold. He got several millions in that way which enabled him to pull through. There was not much nourishment in the free-trade policy; but there was a great deal in the alienation of Crown

lands, which enabled him to meet public expenditure. When a candidate appears before the electors, the first thing they study in him is his personality. Personal considerations influence electors more than a political programme. They will say—"I know so-and-so, and I will give him a vote." The next consideration of importance may probably be some useful legislation which he proposes, and the views of a candidate upon the fiscal question form only one of many considerations. A man might be a free-trader or a protectionist. He might be like Mr. Bamford, a fiscal atheist, or like Senator Stewart, who says he is a free-trader, and votes protection. Electors return a man very often without considering what his fiscal policy is. It is possible to have a majority in Parliament that will vote on the fiscal question against the wishes and desires of a majority of the electors.

Senator MCGREGOR.—Senator Walker was returned on account of his financial knowledge.

Senator HIGGS.—Senator Walker was returned to this Senate because he is the great financial authority of New South Wales. I think that Senator Pulsford is the only representative of New South Wales who was returned because he was a free-trader, and a free-trader who has held the flag aloft, and I am glad to hear him say will hold it aloft to the end. I am glad to find that he is not like a certain other so-called free-trader, who, when addressing a public meeting in the Melbourne Town Hall, said it had been the proud boast of his life to uphold the honour of free-trade, but who has since then said that, if it could be shown by a referendum that the people were against free-trade, he would abandon it for the rest of his days. I am glad that Senator Pulsford is not a free-trader of that kind. I think the electors will be able to give a very intelligent vote upon this question. I do not know that Senator De Largie's questions are stated in the best possible way. I think the electors would understand what a protectionist Tariff is, but they would not know what a free-trade Tariff is, because they have no experience of a free-trade Tariff in any part of the world. We know that the Tariff of the old country is a hybrid Tariff. I support the motion, but I do not feel positive that it will turn out as I should like, because there may be some confusion in the minds of the electors. It must not

be forgotten that we shall have to deal with an unknown quantity in the women's vote, which may be cast in a direction different to that in which I should like to see it cast. Free-traders may appeal to the women folk, who have to carry on the household economy in many instances on a very limited sum. They may suggest to them that it would be wise to take the duty off condensed milk, oatmeal, and other household requisites, and some of the women folk may be shortsighted enough to vote in that way.

Senator PLAYFORD.—They would knock the duty off salt, soap, and scent.

Senator HIGGS.—If a stiff duty were imposed on soft soap the honorable senator might find it a great deal harder to get a seat in Parliament. I cannot get away from the justice of this proposal. I believe in the adoption of the referendum. I hope that it will not be very long before a reasonable number of electors will be able to secure a referendum on any subject. I move—

That the following words be added :—"Are you in favour of the present Customs Tariff remaining unaltered for a period of seven years?"

The Tariff does not give protectionists all the protection which they desire. For example, the duty on hats was reduced, and the result is that the hat factories are not doing as well as they ought to do, as they have to compete with the cheap products of other countries. The Tariff as a whole may be said to be a fair compromise, and I think that the general public, especially commercial men, desire to have a few years' rest from the turmoil which no doubt would ensue from a prolonged fight on the fiscal question.

The PRESIDENT.—I desire to call the attention of honorable senators to the fact that under new standing order 393 only the amendment can be discussed, and that when it is disposed of another amendment can be moved and discussed, and so on. If, however, this amendment is put, no other amendment can be proposed, because it is an amendment to add to the motion.

Senator Sir JOSIAH SYMON.—Shall we be allowed to speak once to the amendment and once to the motion?

The PRESIDENT.—Every amendment which is put can be spoken to by every honorable senator.

Senator Lt.-Col. GOULD.—I am under the impression that our standing order was taken from the Standing Orders of the Legislative

Assembly of New South Wales. In that Chamber it is competent for a member to speak to both the amendment and the original question upon it. And I take it, sir, that it will be competent for honorable senators to do the same, and that if this amendment were negatived and another amendment moved, honorable senators who had spoken to the original question would be required to confine their remarks to the amendment. I submit that it will be competent for Senator Playford or Senator Dobson, who have not yet spoken to the original question, to speak to both the amendment and the original question.

Senator DRAKE.—I believe that there is a similar standing order in the Legislative Assembly of Queensland. The practice, I think, was that if a member confined his remarks strictly to the amendment he did not lose his right to speak subsequently to the main question. There was nothing to prevent him if he chose from discussing both the amendment and the main question at the same time; but if he did, he had no right to speak again to the main question after the amendment had been disposed of.

The PRESIDENT.—I do not exactly know the practice in the State Parliaments in which the standing order has been in force, but I cannot see how Senator Playford, for instance, can refrain from speaking to the original question if he addresses himself to the amendment. I shall be very glad to learn whether the practice in the State Parliaments is that when an amendment is moved a member can speak to that amendment, and after it is negatived or passed he can speak again to the original question.

Senator Lt.-Col. GOULD.—The rule is that a member can speak to both the amendment and the original question, and that when that amendment is disposed of he can speak to any other amendment which may be moved, but not to the original question, except so far as may be necessary to explain himself. I think it will facilitate the transaction of the business if that practice is adopted here. Our former standing order, taken from the South Australian practice, to the effect that a member who had spoken to the original question, could not speak afterwards to an amendment, was, I understood, the reason for our present standing order so as to enable a member who had spoken to the main question to speak to any amendment which might be moved, or, if he had not already spoken to the main

question, to speak to both the amendment and the main question at the same time.

The PRESIDENT.—I should like to get this matter settled. Standing order 393 says—

Every senator may speak once on—

(a) Any question before the Senate;

(b) Any amendment thereon.

Am I to understand that in the Parliaments in which this standing order is in force a member is entitled to speak to both the original question and the amendment, and that he cannot speak again unless another amendment is proposed?

Senator Lt.-Col. GOULD.—Hear, hear.

The PRESIDENT.—How am I to know that a senator is speaking to the original question and the amendment? Ought he to state when he rises that he intends to speak to both questions?

Senator Lt.-Col. GOULD.—If he chooses to speak to only the amendment he will lose his right to speak to the original question.

The PRESIDENT.—I confess that I am in a fog about this matter. It is quite a new practice to me. I shall call on Senator Playford to speak, subject to the restriction that if he speaks to both the original question and the amendment he cannot speak again.

Senator DRAKE.—Not unless another amendment is moved.

Senator Sir JOSIAH SYMON.—May I suggest, sir, that the question before the Senate is the substantive question plus the amendment, and therefore that those honorable senators who spoke on the substantive question before the amendment was moved will, according to the practice which has been described, be permitted to speak to the amendment alone, subject to your power to call them to order if they diverge from the question, or repeat what they said previously. If that course is taken it will relieve us from any difficulty which might otherwise be experienced.

The PRESIDENT.—That is what I understand to be the wish of the Senate.

Senator Lt.-Col. NEILD.—That is the practice in the Legislative Assembly of New South Wales.

Senator PLAYFORD (South Australia).—If we were compelled to keep strictly to the amendment before the Senate, and subsequently to be allowed to debate the whole question the discussion might be interminable. It appears to me that we adopted

a bad rule. A great many bad things, and among others this standing order have come from the mother State.

Senator HIGGS.—I submit, sir, that the honorable senator has no right to reflect on a decision of the Senate unless for the purpose of securing its repeal.

The PRESIDENT.—The honorable senator is right.

Senator PLAYFORD.—I could have very easily got round the standing order by saying that I was prepared to move for its repeal at some date. Senator De Largie has explained that he has advocated the adoption of the referendum for this purpose on several occasions, and that he is now submitting his views in a concrete form. This can be nothing but an academic discussion. If he will reflect for a moment, he must see that it could lead to no practical result, but would cause the utmost confusion. Although I have for many years been engaged on difficult subjects which could be put in a concrete form before the electors—a form which would enable them to answer practically yes or no—still I preferred to have a referendum. I supported a referendum in South Australia respecting the question of Bible reading in State schools, when of course the direct question could be put to the electors. In the case of the Tariff, however, a difficulty arises at once. When Senator Higgs expressed his belief that the electors would be able to give an intelligent answer to the questions on the ballot-paper, I asked him to state what is meant by a protectionist Tariff. To one man it means a protection of 50, 60, or more per cent.; to another man it means a moderate protection, perhaps going down to 25 per cent., and possibly up to 30 per cent. in the case of certain luxuries; while to another man it may mean a protection of only 10 per cent. If a man said, "I am in favour of a protectionist Tariff," we should not get from him an intelligent decision. What would be the use of putting such a question to the electors when, if it were answered, no result could follow? There would be only confusion and wrangling over what it meant. It would be said that it meant a high protectionist Tariff, or a moderate protectionist Tariff, or a low protectionist Tariff, and therefore we could get no decision. On the other hand, what is meant by a free-trade Tariff? In almost every case it is incidentally protective; very often it cannot be

otherwise. The same difficulty arises in this case as in the other.

Senator Sir JOSIAH SYMON.—What protection is there in a duty on tea?

Senator PLAYFORD.—What protection is there in a duty on wine?

Senator Sir JOSIAH SYMON.—That might be directly protective. Take the duty on tea?

Senator PLAYFORD.—The honorable and learned senator will remember that a Speaker of our House of Assembly, Sir R. D. Ross, had an idea that tea could be grown at a profit in South Australia. We offered a bonus—a grant of land, I think—to induce the growth of the tea plant. A man brought tea plants from Assam, which he planted in land granted to him in the Mount Lofty ranges. He took care to grow precious few tea plants, and a considerable quantity of potatoes, which, of course, he marketed at a profit. The idea of starting tea plantations in the State was exploded. Possibly tea may be grown by-and-by, and when it is grown a duty on tea will not be a free-trade duty. Senator Higgs said he was a little frightened about the women's vote on this fiscal question. I can assure him that in South Australia we are not frightened of the women's vote. As a rule a woman votes with her husband, or her brother, or her cousin. I was not in the State when the first elections under adult suffrage were held. I was intimately acquainted with all the leading politicians, and when I saw the results I came to the conclusion that if there had been no women's votes the same men would have been returned. The women's vote was a negligible quantity. I do not know how far the experience of New Zealand bears out that view. I believe that in that Colony, the women favour prohibition more than men do. It has not been the case however in my State. The granting of the franchise to women has only duplicated the voting power. It had no right to be withheld from the women, because they have to obey the laws; the logic was on their side.

Senator FRASER.—Do they defend the country?

Senator PLAYFORD.—They would, if necessary, stand behind Senator Fraser and load his rifle for him. The Boer women fought in the war against the British, and women have in the past fought, and in the future will fight, if necessary, in defence of

their homes and families. Senator De Largie says in his motion that "in the best interests of Australian prosperity" a settled fiscal policy should be adopted by the Commonwealth. That is a truism. It would be a good thing if we could adopt a settled fiscal policy; but in this world of change we cannot have a policy that will last for all times. Revision must always be demanded by altered circumstances. At the same time, I believe, that throughout Australia the majority of protectionists and free-traders alike are strongly of opinion that it would be unwise to interfere with the Tariff until we have had experience of its working for a good many years—that it would be unwise to make the fiscal question an issue at the forthcoming elections.

Senator DE LARGIE.—Why not let the people express that opinion?

Senator PLAYFORD.—That is what I understand Senator Higgs wishes the people to have an opportunity of saying; and, no doubt, a single question might be put at the referendum, though it would be impossible to put all the questions proposed by Senator De Largie. Senator Higgs' amendment is practically that the people should be asked—"Are you prepared to leave the fiscal question alone for seven years?" No doubt that is a definite question; but in my opinion there is no necessity for a referendum. The matter may be left to the common-sense of the electors when the candidates are before them, and when the prevailing opinion may be easily ascertained. My belief is that free-traders and protectionists alike will agree to leave the question alone for a considerable time to come. Senator Higgs' amendment imposes a limit of time, but altered circumstances might arise having regard to which both free-traders and protectionists would be of opinion that the Tariff should be altered in certain particulars. The referendum would draw a hard and fast line which would do no good and might do considerable mischief. I ask Senator De Largie not to press his motion to a division.

Senator LT.-COL. NEILD (New South Wales).—This afternoon I have heard honorable senators advocating the very thing they condemned yesterday, namely, the absence of Ministerial responsibility. Some honorable senators yesterday deplored the fact that the Government were leaving, or seeking to leave, Parliament to decide a question which they themselves ought to have the courage to propose and support.

The motion before us strikes at the very root of responsible government, and leaves it to the man in the crowd to settle the fiscal policy of the country.

Senator HIGGS.—Who has the better right?

Senator LT.-COL. NEILD.—No one, perhaps; but the question is whether by the plan proposed we can arrive at the result desired. The referendum might perhaps apply, I admit, if there were no constituencies other than entire States. But how are we to work a fiscal referendum in the separate constituencies which form a State? In Victoria, for instance, there are twenty-three constituencies, and in New South Wales twenty-six. If a referendum were taken, should we not find great differences in the figures amongst those different electorates? I admit that in New South Wales we might find some constituencies which would vote for a continuance of the present fiscal system, but in the large majority of cases the vote would be in exactly the opposite direction. Is it to be supposed that representatives of electorates which had decided against the present fiscal system, would consent to have their mouths closed by the votes of people whom they did not represent? Is it to be supposed that I, as a senator for New South Wales, would consent to have my mouth closed for seven years in consequence of the votes of people in another State? Unless the people of the whole Commonwealth vote, irrespective of whether they form House of Representative electorates or Senate electorates, it will be quite impossible to get an all-round vote on such a question. No matter what question might be submitted, there would be varying results in the States and in the House of Representative constituencies. We could not expect the people of a State or the people of a constituency to refrain from expressing their views because people elsewhere had decided in a different manner. How can any just decision be obtained by a vote on the questions which Senator De Largie submits? The honorable senator himself suggests that his proposals might be improved on. There are four phrases used—protectionist Tariff, free-trade Tariff, protectionist revenue Tariff, and free-trade revenue Tariff. What on earth do these four propositions imply? Without an interpretation clause, showing the maximum rate to constitute a protectionist Tariff and the minimum rate to

constitute some other variety of Tariff, what will the people understand themselves to be voting on? What constitutes, in the estimation of the members of this Chamber, let alone the people of the Commonwealth, the different degrees of fiscal faith or belief set forth in the four phrases I have mentioned? I remember reading some time ago of an old sea-captain, who was asked what represents moderation in the consumption of liquor, and who replied—"Well, it is some where between a glass and a barrel." Free-trade and protection, as set forth in the four propositions, suggest the old captain's notions of moderation, as being somewhere between no duties and prohibition. But where are the halting places between no duties and prohibition? In submitting a question of this kind to the people by referendum, there would have to be attached to the ballot-paper an interpretation clause much more elaborate than that inserted in any Bill by Parliament.

Senator DE LARGIE.—Was that done in the case of the Federal Constitution?

Senator Lt.-Col. NEILD.—That was a clear-cut issue whether we were or were not to have the Federal Constitution, and it required only a plain "yes" or "no." Here very different propositions are put forward in the four suggestions.

Senator DE LARGIE.—They are all on one subject.

Senator Lt.-Col. NEILD.—Yes, but the honorable senator knows that a thousand questions could be framed on the fiscal policy, whereas in the case of the Federal Constitution there was involved only one question. A portion of the notice of motion, which the honorable senator has not moved, is as follows:—

You may in addition give a contingent vote for any other Tariff by placing the number 2 in the square opposite, so as to indicate the order of your preference.

Senator DE LARGIE.—If the honorable senator reads the paragraph from the beginning he will understand it differently.

Senator Lt.-Col. NEILD.—The words immediately preceding those I have just read are—

Indicate your vote by placing the number 1 in the square opposite the Tariff that you vote for in the first instance.

I see what the honorable senator intends, but the notification is so framed that the average voter would read it as I did, namely, as inviting him to vote for any

other variety of Tariff. This is not a question of whether we do or do not trust the people. We may trust the people implicitly; but in order to get an intelligent vote we must submit an intelligent question. I submit that in a matter of the Tariff it is impossible to have a ballot-paper in such a form as to be intelligible. It is practically impossible to frame questions in such a manner that they cannot be misunderstood. In the Senate elections in New South Wales there were no less than 34,000 informal ballot-papers.

Senator PEARCE.—There were fifty candidates.

Senator Lt.-Col. NEILD.—Exactly; and the electors became so confused that in a large majority of cases the informality consisted of voting for five senators instead of six. Is it not almost certain that if so many electors voted informally at the Senate elections, there would be much greater confusion in the case of a referendum such as is proposed? How can a man or woman in the little voting compartment, with a waiting crowd behind, deliberately con over four or five propositions and come to a wise decision on the spur of the moment? As to Senator Higgs' amendment, why should the present electors, thousands of whom will be dead before the end of seven years, debar new living electors and senators from dealing with the Tariff?

Senator PEARCE.—That applies to every law.

Senator HIGGS.—The honorable senator's leader proposes if the referendum goes against free-trade, to drop the fiscal question for life.

Senator Lt.-Col. NEILD.—I do not profess to be my brother's keeper, and I have nothing to do with what may have been said elsewhere. I entertain the opinion that those electors who have gone from the world have no right to bind living electors for six, five, four, three, two, or even one year.

Senator PEARCE.—That happens at every election.

Senator Lt.-Col. NEILD.—The honorable senator cannot know what he is talking about to say such a thing. An election to the House of Representatives is for three years.

Senator PEARCE.—But the laws may stand for twenty years.

Senator Lt.-Col. NEILD.—An elector who is placed on the roll after a law has

been passed, is not debarred from attempting to alter that law, whereas, under Senator Higgs' amendment, the Tariff would have to remain unaltered for seven years. I sympathize with Senator Higgs in his opinion as to the probable effect of extending the franchise to women. That reform was not the act of the present Government or the present Parliament, but the act of the framers of the Constitution.

Senator DE LARGIE.—The "Braddon blot" is for a term of years.

Senator Lt.-Col. NEILD.—I never believed in the "Braddon blot," and voted against it, as I should do again to-morrow.

Senator DE LARGIE.—It is there all the same.

Senator Lt.-Col. NEILD.—If that proposition were submitted in New South Wales to-day, there would be no hope, for the sake of any form of Federation, of carrying it into force. I feel absolutely certain that the newly enfranchised half of the community would give a vote, whether for members of Parliament or on a referendum, which would mean the destruction of the present Tariff at the earliest possible moment. It is not only, as Senator Higgs fears, the free-traders who will bring forward the question of the Tariff at the next election. The honorable senator must know very well that, whether the free-traders bring that question forward or not, the Government, from the opposite stand-point, are pledged to bring it forward. They are pledged to rip up the Tariff in the interests of preferential trade. If there is anything in pledges or utterances, it is the Ministry who have pledged themselves quite as strongly as have the Opposition to raise the fiscal issue at the forthcoming elections. It is certain to be raised, and will continue to be raised so long as there are large bodies in the Commonwealth entertaining diametrically opposite views of fiscal policy. While I do not think that there is any hope of the motion being carried, or that it would bring about any useful result if carried, I am quite sure that we all sympathize with Senator De Largie in his desire. The honorable senator has left charmingly indefinite the result which he would hope for from the proposed referendum.

Senator DE LARGIE.—That is quite another question.

Senator Lt.-Col. NEILD.—I freely admit it. We can recognise the very natural and proper desire which the honorable senator

has that there should be some element of finality in the fiscal policy of the Commonwealth. We will all agree with him as to that, but, unfortunately, the probabilities are that we all desire that finality from our own stand-point. We all think there is one form of fiscal policy better than another, and we all believe that the adoption of our views is the only way by which fiscal salvation may be attained. We know that, whatever the result of the next elections may be, we shall be certain to find active propaganda work in the Commonwealth in the future. If the free-traders—or, shall I say, the revenue tariffists—secure a majority at the next election, can we be quite sure that the protectionists will remain quiescent?

Senator Higgs.—No.

Senator Lt.-Col. NEILD.—I do not think they would. If, on the other hand, the protectionists secure a majority, I do not think that free-traders will remain quiescent. I do not see how the carrying of this proposal into effect can promote fiscal peace, and I do not think it would achieve the degree of finality which the honorable senator who submits it so much desires to see established.

Senator PEARCE (Western Australia).—I do not think this proposal can be called academic, when we find the leader of one of the great fiscal parties in the Commonwealth prepared to advocate it.

Senator WALKER.—I wonder if he is.

Senator PEARCE.—He has advocated it on one occasion. I do not know whether Senator Walker desires to hint that he may be prepared to advocate something else on the next occasion. With regard to Senator Pulsford's fear that he may be asked to sink his opinion, there is no necessity for any free-trader or protectionist to do that. If it were decided by the Parliament to refer the fiscal question to the people, every member of the Senate and every member of the other House could take the stump, and advocate free-trade or protection as much as he chose. But it would remove the question from the elections later on. Do we get the true opinion of the people on the fiscal question at an ordinary election? We know very well that at the next election such questions as the proposed Conciliation and Arbitration law, and the amendment of the Navigation law, will sway many of the electorates altogether apart from the fiscal issue; whilst members returned from constituencies in which this

takes place will come here and have an equal voice with others in framing or altering the Tariff. Senator Pulsford seemed to be alarmed that in some subsequent Parliament he would not have the opportunity to give us the splendid figures and facts with which he favoured the Senate during the last discussion of the Tariff. I am sure that they may be found useful at some subsequent period, and the honorable senator need not be afraid that he will have to forsake the child of a lifetime. Senator Smith said that a referendum on the fiscal question was opposed to the Federal system, but that is not the case, because the fiscal question is not one which affects one State as against the others. It is not a question in which the smaller States are against the larger States. Judging by past events, there would be a large majority for free-trade in New South Wales, and a large majority for protection in the other large State of Victoria.

Senator MILLEN.—Under the Federal system, a referendum might be taken to decide whether the majority of the people and of the States are in favour of a particular view of the question.

Senator PEARCE.—A referendum taken on the lines laid down in the Constitution would safe-guard the Federal idea, because, as Senator Millen says, we could get the view, not only of a majority of the people, but of a majority of the States. Senator De Largie does not say, in his motion, that he refers to that kind of referendum, or to a mass referendum. In the absence of any reference in the motion to a mass referendum, we may take it that the honorable senator suggests a referendum such as that indicated in the Constitution, which would provide for a decision by a majority of the States as well as of the people. Senator Smith evidently recognised the weakness of his position, because he very quickly retreated from it by admitting that he was not prepared to say that the fiscal question involved States rights. Senator Higgs has rightly said that this is a very broad question, and that honorable senator proceeded to show that it is by dealing with the whole question of Tariff legislation. The honorable senator referred to some figures, and I thought he was referring to the figures appearing in the *Argus* of this morning, which show that industries, which Senator Higgs claimed we would destroy by the lowering of duties, have progressed

and prospered under the Federal Tariff. It is shown that industries, in connexion with which duties were most cut down, have increased to the greatest extent.

Senator DE LARGIE.—Are they under the Factories law.

Senator PEARCE.—Yes, they are under the Factories law, and notwithstanding that fact, and the fact that duties connected with them have been cut down, they have progressed and prospered.

Senator FRASER.—Because they got a wider market.

Senator PEARCE.—That was so, but when that was pointed out during the discussions on the Tariff, Senator Higgs, and those who agreed with him, said that we were going to wipe those industries out of existence by lowering the duties.

Senator HIGGS.—I referred to industries which have sprung up in New South Wales under protection.

Senator PEARCE.—I am glad of the correction, because I have no desire to misrepresent the honorable senator. I hope, however, that he will look into the figures appearing in the *Argus* this morning, as they may have some effect in inducing him to change his views. I think Senator Higgs was somewhat unjust to the leader of the free-trade party, in dealing with his statement that if, at a referendum, the people said they were against free-trade, he would abandon it for the rest of his life. Perhaps, after all, what the right honorable gentleman desired to show was only that he was so good a democrat that he was prepared to bow to the will of the majority. Senator Higgs should give the right honorable gentleman credit for that. What he has said is that, as a free-trader, he is prepared to take the will of the people on the question. He is a free-trader who is prepared to recognise that there are other questions to be considered besides the fiscal question; whilst free-traders like Senator Pulsford believe that there is no other question. With them the fiscal question is everything.

Senator MILLEN.—There is the question of the Federal capital.

Senator PEARCE.—Yes, the Federal capital is certainly another question with the honorable senator. I remind Senator Pulsford that the people of New South Wales will desire to know his attitude on the question of the Arbitration and Conciliation Bill, the amendment of the Navigation



law, and the White Australia question. All those questions will have to be dealt with at the election, and they will influence some votes for or against the honorable senator. When he comes to this Parliament again, he will be a very bold man if he can say "I am returned to the Senate simply because I am a free-trader." The honorable senator may be returned because he is for or against the Conciliation and Arbitration Bill, or for several other reasons apart from free-trade. The people, in returning the honorable senator, or any other honorable senator, do not declare whether they are in favour of a free-trade or a protectionist Tariff. I am opposed to the amendment proposed by Senator Higgs, because it will not put the question fairly before the people. I take it that the present Tariff may be called a protectionist revenue Tariff. The protectionists themselves say that it is not a protectionist Tariff, but a protectionist revenue Tariff. I, as a free-trader, admit that. If Senator Higgs and those who think with him believe that the policy of protection should continue, they will be entitled to take a referendum vote in favour of a protectionist revenue Tariff as a declaration by the people that they desire that the present Tariff should remain in force for seven years. It would be only confusing to give them a fifth option, by asking them to say whether the present Tariff should remain undisturbed for seven years. How many of them know the exact incidence of the Tariff?

Senator FRASER.—We cannot bind future Parliaments.

Senator PEARCE.—If a large majority of the whole people declared by vote that the present Tariff should continue undisturbed for seven years, a future Parliament would be likely to respect their decision. It is quite true that any future Parliament would have the right to review the decision, and no referendum could take that right away from it. Senators Neild and Playford have asked us to say what would happen if the people by a referendum declared for a protectionist Tariff, and there were free-trade majorities in both Houses. I am sorry that Senator Playford is not present, because I should like specially to remind him that it would not be the first occasion upon which a free-trade Minister brought in a protectionist Tariff. In South Australia last week I heard a little tale of South Australian

political history. It was the story of a free-trade member of Parliament, who was defeated because he was a free-trader. He was then invited to contest a free-trade electorate, and was returned for it. When he entered Parliament he joined a protectionist combination, and brought in the first protectionist Tariff in South Australia. It is clear, therefore, that we should not be without a precedent for a free-trader bringing in a protectionist Tariff. I believe that the gentleman of whom I was told, now boasts of the protectionist Tariff which he introduced as the proudest achievement of his life. I believe he never went back to the same electorate for re-election. I am of opinion that the majority of free-traders and protectionists alike, desire to have this question removed from the arena of party politics. Senators Fraser and Zeal will agree with me that there is an attempt on the part of the Employers' Federation of Australia to make the issue at the next elections the policy of the Labour Party and the policy of those opposed to the Labour Party. As a member of the Labour Party I should, welcome that division of opinion, but how can we secure that when the fiscal question is introduced? There may be some members of the Labour Party who agree with Senator Fraser on the fiscal question, but if we had the fiscal question removed, the honorable senator would be able to act in direct opposition to the party, and we could get a clear cut expression of opinion from the electors on the issue which the Employers' Federation desire to put before them.

Senator FRASER.—I am only opposed to the policy now announced by the Labour Party, and not to the Labour Party as a party.

Senator PEARCE.—That is the same thing, practically.

Senator FRASER.—No; they may come to their senses two days hence.

Senator PEARCE.—If the next election is fought on the fiscal question we shall not have a straight out-fight as to whether the policy of the Labour Party should be adopted or not. The members of the Employers' Federation, and the others who support Senator Fraser, have said that they are prepared to sink the fiscal issue.

Senator FRASER.—I am not a member of the Employers' Federation.

Senator PEARCE.—I refer generally to the persons who support the honorable senator. Senator De Largie is here giving an

opportunity to those who represent persons opposed to the labour policy to sink the fiscal issue in a satisfactory way for seven years. With Senator De Largie I supported the proposal he now makes, during the discussion on the Address in Reply and when the Tariff was introduced. I would remind Senator De Largie that we supported it together upon another occasion, and that was when we were before the electors of Western Australia. On every platform upon which we spoke in Western Australia, we advocated the reference of the fiscal question to the people, and I believe we secured a large amount of support for that reason. Because, while there is a large free-trade vote in that State, it was recognised that the fiscal question divided the issue upon other questions of importance, and that it was better that it should be settled by a direct reference to the people. There are other questions connected with the Tariff which might very well be submitted to a referendum. I am surprised that no honorable senator has contemplated the possibility of settling the question of preferential trade in this manner.

AN HONORABLE SENATOR.—Who can tell us the details of the preferential scheme?

Senator PEARCE.—We know what the principles are. The Government say, "We will raise the existing Tariff duties against the foreigner, whilst leaving the duties, as at present, against the old country"; and the Opposition say, "We will allow the duties to remain as at present, against the foreigner, and will lower them as against Great Britain." That is a clear cut issue.

Senator HIGGS.—Does the honorable senator, as a free-trader, mean to support the last proposition?

The PRESIDENT.—I ask the honorable senator not to be led away into a discussion of that question.

Senator PEARCE.—I do not propose to discuss it, as it is irrelevant to the motion. But it is a part of the fiscal issue, and it might properly be dealt with by a referendum. Will any satisfactory solution of the question be afforded by the elections? I will guarantee that the question of preferential trade will occupy a very small place in the minds of many electors, and yet honorable senators will come here, and

by their votes will settle the question of preferential trade and the alteration of the Tariff necessary to give effect to it. That is one reason why this motion should be carried. It is said that the discussion is academical, but, if the motion is carried, and we send the resolution on to another place, and the House of Representatives carries a similar resolution, what is there to prevent it being put into force at the next general election? We could then get a direct vote from the people on the question, and we could have the next elections fought out on the other questions which will be before the people, such, for instance, as the amendment of the Navigation law and the passing of a Conciliation and Arbitration Bill. Senator Nield referred somewhat contemptuously, I think, "to the man in the crowd."

Senator Lt.-Col. NEILD.—It is a very old game for the honorable senator to put things in that manner.

Senator PEARCE.—I will withdraw the expression if the honorable senator objects to it. At all events, the honorable senator asked us why we should refer this question to the man in the crowd, and the answer is that it concerns the man in the crowd.

Sonator Lt.-Col. NEILD.—I said it was a shirking of Ministerial responsibility, and opposed to the principles of constitutional government to do so.

Senator PEARCE.—That is a fine-sounding phrase, which seems to me to mean nothing.

Senator Lt.-Col. NEILD.—Because the honorable senator does not understand it.

Senator PEARCE.—Possibly it is because of a lack of understanding, but the phrase conveys nothing to my mind. I shall vote against Senator Higgs' amendment, and in favour of Senator De Largie's proposal; and I trust that the Senate will show its desire to obtain a straight-out vote by adopting the referendum.

Senator DRAKE (Queensland—Minister for Defence).—With the first part of Senator De Largie's motion—that it is in the best interests of Australian prosperity that a settled fiscal policy should be adopted—I think we can all heartily agree. But when we come to the second and third parts of his proposal, the honorable senator himself sees great difficulties in the way of obtaining what he desires—a clear and definite opinion on the fiscal question. The

honorable senator recognises that the difficulties are insuperable, because after providing in a foot-note to meet every particular shade of fiscal opinion he struck it out. I regard that as a kind of despairing note, indicating that the honorable senator has come to the conclusion that it is absolutely impossible, by any means that he can devise, to obtain through the referendum an expression of the views of the people upon a complex question like the Tariff.

Senator DE LARGIE.—The foot-note was omitted because the contingent vote was provided for.

Senator DRAKE.—Then I beg the honorable senator's pardon. He expects the people of the Commonwealth to be able to express their various shades of fiscal opinion under one of the other four headings. I think it is quite impossible for them to do that. The shades of fiscal thought are so various that it would be absolutely impossible for a man, with the choice of those four headings before him, to express what his views were. Senator Higgs has endeavoured, but, I think, without success, to simplify the matter, by submitting a question which he himself frames with a view of eliciting a simple "yes" or "no." But I do not see what particular right Senator Higgs has—if he will excuse me for putting the matter in this way—to dictate the particular form of question which the electors are to be called upon to answer. Why should not another honorable senator have the right to state the question? Why should we not specify five or ten years? Why, seven? In taking a referendum, two things have to be decided. The first is to determine the question that should be submitted to the people; and then the question should be reduced to such a form that it can be answered by a simple "yes" or "no." The Swiss referendum has been referred to. But that referendum is intimately associated with the initiative. If there is a wish to take a referendum in connexion with a certain matter in Switzerland, first of all a number of electors can ask that a poll be taken as to whether certain action shall be taken. That is the initiative. If that is carried, the Government of the day is charged with putting the question into such a shape that the electors can next be asked to say "yes" or "no" to it. I thoroughly agree with the referendum for great national issues when it is conducted in that way. We have had a very striking illustration of the

referendum in operation in connexion with our own Commonwealth Constitution, when practically both the initiative and the referendum were applied. A very good occasion for the initiative to be put into force was when the people sent delegates—ten from each colony—for the express purpose of drawing up a Federal Constitution. When that task had been accomplished the Constitution was submitted to the people to obtain an answer, "yes" or "no." That, to my mind, is the proper use and limit of the referendum. The honorable senator has not provided for the initiative in connexion with the Tariff issue. He proposes that certain questions shall be put to the people. But we want first of all to have an initiative from the people as to the particular work to be done. Then, when the work has been carried up to that point, the people of the whole of the States can be called upon to say "yes" or "no." That is the time to take a referendum. But no good will be obtained by asking the people to answer "yes" or "no" to a series of questions. Instead of simplifying issues at the time of the general election, it would introduce an element of confusion. That being the case, I must vote against the motion.

Senator DE LARGIE (Western Australia).—I desire to say a few words with regard to the amendment.

The PRESIDENT.—The honorable senator can do so, but at this stage he cannot say anything more with regard to the original motion. Under the new standing order I shall put the amendment before the honorable senator replies finally, because his final reply will close the debate. After the amendment has been disposed of the honorable senator will have a right to reply upon the whole debate. Senator De Largie can now speak upon the amendment only.

Senator DE LARGIE.—The reason why I did not include the proposal of Senator Higgs in my motion was that I thought it would have the effect rather of complicating than of simplifying the question. I recognise the difficulty of drafting a ballot-paper that will be comprehensive and at the same time put before the electors the question of the Tariff in a clear form. If I were to include the question—"Are you satisfied with the present Tariff?" and left it to be answered by a simple "yes" or "no," great complication would arise. For instance, there are numbers of protectionists at the

present time who are very much dissatisfied with the present Tariff. There are a number of free-traders who are also dissatisfied with it. Therefore we should have both those shades of fiscal thought voting against the present Tariff from two different stand-points. So that Senator Higgs' amendment would make the result of the referendum worse than useless.

Senator HIGGS.—Does the honorable senator think there is a large body of people in the Commonwealth who want to reopen the fiscal question next year?

Senator DE LARGIE.—I believe there is a large number of people, both protectionists and free-traders, who desire to allow the present Tariff to remain for a number of years at any rate. I believe that those people can be given an opportunity of expressing their opinions clearly without any subsequent confusion arising. That is the reason why I should like to see the amendment defeated. Instead of simplifying matters, it will only make the confusion more apparent and worse than it is now. I recognise the difficulty of presenting the question to the people, and, therefore, I should like to keep it as simple as it can be kept. I hold that the form in which I have moved the motion is preferable to the form suggested by Senator Higgs.

Question—That the words proposed to be added be added—put. The Senate divided—

Ayes	...	...	...	3
Noes	..	...	...	18
				—
Majority	...	...	...	15

## AYES.

Dawson, A.		Teller.
McGregor, G.		Higgs, W. G.

## NOES.

Baker, Sir R. C.		Pearce, G. F.
Barrett, J. G.		Playford, T.
Charleston, D. M.		Pulsford, E.
Dobson, H.		Smith, M. S. C.
Drake, J. G.		Stewart, J. C.
Fraser, S.		Walker, J. T.
Gould, Lt.-Col. A. J.		Zeal, Sir W. A.
Macfarlane, J.		
Millen, E. D.		Teller.
Neild, Lt.-Col. J. C.		De Largie, H.

Question so resolved in the negative.  
Amendment negatived.

Senator STEWART (Queensland).—It may look almost like heresy on my part to oppose any motion providing for the

referendum, which is one of the planks of the labour platform, and one with which I am thoroughly in accord. But there are occasions when it might be easy and proper to utilize the referendum, and there are other occasions when the only result of bringing it into requisition would be to make "confusion worse confounded." The occasion suggested by Senator De Largie is one of the latter kind. The honorable senator says in the second part of his motion that "recognising the difficulty of securing a clear, explicit, and definite expression of opinion," he desires the whole question to be submitted to a referendum of the people. He proposes four questions. I would ask any honorable senator whether there is anything definite, anything clear, and anything explicit, in those questions? The first question which he asks the electors to answer is this—"Are you in favour of a protectionist Tariff?" What is a protectionist Tariff? We can get a dozen definitions of that term. One honorable senator has one idea of what a protectionist Tariff is; another has quite a different idea. One elector has one idea, and another elector has a different one—and so on *ad infinitum*. It is the same with regard to a free-trade Tariff.

Senator DAWSON.—What is a free-trade Tariff?

Senator STEWART.—That is just what I want to know. We are told that Great Britain has a free-trade Tariff. I do not believe there is a single free-trade Tariff in existence on the face of the globe to-day. Neither do I think there is a protectionist Tariff in existence. Then, again, we hear of a protectionist-revenue Tariff. Suppose the electors decide in favour of that? The members who are elected to Parliament will have to debate the whole question from Dan to Beersheba as to what a protectionist-revenue Tariff is. We should have Senator Smith saying one thing, Senator Macfarlane another, with Senator Gould taking a third view, Senator Millen a fourth, and so on right round the Senate; each honorable senator having a different opinion as to what a protectionist-revenue Tariff was. Then, again, there is the limit of time. Suppose a referendum be taken, and a particular policy affirmed. How long is that policy to last? Until there is another referendum, or not?

Senator DE LARGIE.—Certainly.

Senator STEWART.—I do not think that method of dealing with the question would be at all satisfactory. It would not be satisfactory to me. I hear a great deal about Tariff peace. I do not want Tariff peace except on one condition, and that is, the utter defeat of the free-trade party.

Senator MILLEN.—This must be a war of extermination.

Senator STEWART.—It may be put by the honorable senator in that way if he likes. I am so satisfied that protection is the only fit policy for Australia that I could not sleep at night if we had a free-trade Tariff.

Senator PEARCE.—The honorable senator means that he would not sleep under free-trade blankets.

Senator STEWART. — No. I would much rather sleep under protectionist blankets, even if they were a little dearer than free-trade ones. I would know that Victorian blankets were manufactured out of pure wool, whereas the others would probably be shoddy. I am very sorry that I cannot support the motion. I should like to be able to vote for this proposal, but I cannot see how, if adopted, it would promote a settlement of this much-vexed question.

Senator DE LARGIE (Western Australia).—I cannot understand the position of Senator Stewart, or his quibbling about the terms used in the proposed ballot-paper, because I believe that the various shades of fiscalism are denoted as nearly as any person could denote them. I recognise the difficulty of getting a scientific definition of almost any kind of fiscalism. But if common-sense is applied to the definitions it is not very hard to gather what is meant by "free-trade" or "protection." Every one would recognise that the term "protection" on the ballot-paper meant a very high protectionist Tariff. No one I suppose would suggest that we should prohibit importation. I do not believe that there are many fiscalists in Australia who would vote in that direction. Nor do I think that there are many free-traders who would wish to bring about a complete abolition of Customs duties. It is well known that the most advanced of the free-traders admit the necessity of imposing duties on narcotics and stimulants.

Senator STANFORTH SMITH.—Unless a State monopoly is created.

Senator DE LARGIE.—The institution of a State monopoly would not obviate the necessity for imposing customs duties.

Senator STANFORTH SMITH.—We could prohibit importation.

Senator DE LARGIE.—I think we can all readily grasp what is meant by a revenue Tariff according to protectionist ideas. I admit that it is somewhat difficult to define a revenue Tariff according to free-trade ideas, unless, as I proposed when the Customs Tariff Bill was before the Senate, excise duties were imposed on articles produced in Australia corresponding to the import duties. I should describe revenue tariffism, according to free-trade ideas, as the imposition of a very small duty to bring in about one-half the amount which is now collected at the Customs-house. I do not know if that would meet with the general approval of revenue tariffists. I have stated the common-sense definitions which might be applied to the different questions on the ballot-paper. I feel that if this means of settling the fiscal question is not adopted on this occasion it will have to be adopted on another occasion, after the people have had time to reflect on the subject. At a general election now it is utterly impossible to elicit a clear expression of opinion from the people. The personal element enters so largely into the contest that electors will vote for a candidate no matter what his fiscal creed may be. Public opinion will never be ascertained on this question until a plebiscite such as I have proposed is taken.

Question—That the motion be agreed to—put. The Senate divided.

Ayes ...	...	...	5
Noes ...	...	...	16
<hr/>			
Majority ...	...	...	11

## AYES.

Dawson, A.  
Higgs, W. G.  
McGregor, G.

Pearce, G. F.  
*Teller.*  
De Largie, H.

## NOES.

Baker, Sir R. C.  
Barrett, J. G.  
Cameron, C. St. C.  
Charleston, D. M.  
Dobson, H.  
Drake, J. G.  
Gould, A. J.  
Macfarlane, J.  
Millen, E. D.

Neild, J. C.  
Playford, T.  
Pulsford, E.  
Stewart, J. C.  
Walker, J. T.  
Zeal, Sir W. A.  
*Teller.*  
Smith, M. S. C.

## PAIR.

*For.*  
O'Keefe, D. J.

*Against.*  
Keating, J. H.

Question so resolved in the negative.

## PAPER.

The CLERK laid upon the table the following return to an order of the Senate—

Eastern Extension Telegraph Co.: Correspondence.

## PUBLIC SERVICE REGULATIONS.

Motion (by Senator STEWART) proposed—

That the report be adopted.

Senator DRAKE (Queensland—Minister for Defence).—At an early stage in Committee I said I would get the views of the Public Service Commissioner with regard to the amendments desired by Senator Stewart. I have already communicated to honorable senators his views with regard to each separate amendment. I asked him to furnish me with a statement of his views on the amendments generally, in order that it might be laid before the Senate when the adoption of the report was moved. The amendments are all in the direction of increasing the expenditure of the Departments, mostly the transferred Departments. We have always been in the habit of considering the expenditure on those Departments from the point of view of its effect on the States Treasuries. Each amendment which has been made in Committee involves great expenditure. As it is not very long, I propose to read the report of the Commissioner.

Senator Lt.-Col. NEILD.—I rise to order. For the purpose of influencing the decision of the Senate the Minister proposes to read a document which he has obtained from a public officer. I recognise the propriety of a Minister using public documents generally, but I am now drawing attention to the use of a document which has been prepared to his order for a certain purpose. I submit that it is utterly opposed to the proper conduct of parliamentary business for a Minister to quote a document which has been specially prepared to his order, with the view of influencing the decision of the Senate.

The PRESIDENT.—I do not see how I can say that a Minister of the Crown can be prohibited from giving information to the Senate on a question under discussion, when it comes from an officer in the Public Service who is in a peculiar position to give information. Whether the document was prepared to the order of the Minister or not I do not know. I have never known a Minister or any one else to be prohibited

from reading a document which did not come within the terms of a standing order. So far as I know, there is no standing order which would prohibit Senator Drake from reading this document. It may be that afterward he ought to lay it upon the table, but that is another question.

Senator DRAKE.—In ordinary circumstances I should prefer not to rely upon statements specially prepared by officers of the Department, but it should be remembered that I was asked to get this information from the Public Service Commissioner, and that on one occasion Senator Pearce twittered me with not having carried out my promise. The honorable member was probably unaware at the time that I had carried out my promise, and had actually obtained the information. There are two papers, one of which I have already read, and I think it my duty under the circumstances to read the other, seeing that it deals with the whole subject. The document is as follows:—

## NOTES ON AMENDMENTS IN PUBLIC SERVICE REGULATIONS AGREED TO BY THE SENATE.

Amendment No. 1.—Regulation 4.—Increase of luncheon time for general division officers from half-an-hour to three-quarters of an hour.

No definite representations as to increased luncheon time have been made to the Commissioner by any persons qualified to speak on behalf of the General Division officers throughout the Commonwealth. Prior to the framing of the regulation it was understood that the majority of General Division officers in Victoria preferred to have only half-an-hour for luncheon, in order to complete their day's work earlier. Under existing conditions, the actual working hours (exclusive of luncheon time) of the General Division officers are forty-six and a half hours per week. If the luncheon time be increased as proposed, these hours cannot fairly be reduced, and, consequently, the men will be required to commence work earlier, or remain later in order to perform the day's duty. The greater number of the General Division officers are not manual labourers, but are messengers, letter-carriers, sorters, &c., who bring their luncheon with them, and do not desire more than half-an-hour. An extension of the luncheon time has been authorized by the Commissioner in special cases where the public interest is concerned and the eight-hours principle is not interfered with. If it be found that any body of employes is desirous of an extension of the luncheon time on the understanding that the working day shall be proportionately lengthened, the Commissioner will be prepared to favorably consider the request. In the majority of cases, however, it is found that the existing regulation works satisfactorily, and that an increase in the time allowed for luncheon will not be welcomed by those concerned, seeing that it will not lessen the number of hours worked per week. The Commissioner, while at

all times prepared to fully consider any representations made on behalf of officers of the service, is not satisfied that in the present instance the proposed amendment of regulation 4 is required.

**Amendments Nos. 2 and 3.**—Regulation 66—(a) Sunday pay to be contingent upon officers having already worked six days a week in addition to Sunday; (b) One and a half days' pay to be allowed for Sunday work in lieu of a day's pay.

Large classes of officers, such as telephone attendants and telegraph operators, are connected with branches where, from the nature of the business, Sunday duty is unavoidable, and is more or less continuous throughout the year. It must be remembered, however, that there is no compulsion upon officers to work on Sundays, and that the difficulty is not so much to obtain volunteers for this work as to fairly apportion it amongst those who are anxious to earn an additional day's pay. Sunday work is not exacting, but, on the contrary, is much easier than that performed through the week, the business on Sundays being intermittent and comparatively very light. Telegraph operators only work six hours on Sunday, and, where necessary, are then relieved by fresh operators. The present cost, annually, of an extra day's pay for Sunday duty is £7,500. The adoption of the amendment would increase the expenditure by one-half the sum named, and the Commissioner is of opinion that such an increase is not justified by the circumstances of the case as set forth above.

**Amendments Nos. 4 and 5.**—Regulation 149—Travelling allowances:—(a) Officers of General Division, receiving between £111 and £200, to be paid a daily travelling allowance of 8s. in lieu of 7s., as heretofore; (b) Officers of General Division, receiving £110 and under, to be paid a daily travelling allowance of 7s. in lieu of 6s., as heretofore.

The proposed increase of the daily allowance to officers of the General Division for travelling expenses will largely add to the cost of administering the service, as by far the greater proportion of travelling is done by officers of that division. For example, in Victoria during the past six months the payments for travelling expenses of General Division officers have amounted to £2,445, while for officers of the Administrative and Clerical Divisions the cost has only been £261. The Commissioner sees no adequate reason for an increase of the present allowances, more especially as positions where travelling is involved are eagerly sought for by officers, and that there is no difficulty in filling the positions under existing conditions. The greater part of the travelling done by officers is necessary for the discharge of their ordinary duties, and is continuous throughout the year. It is considered that the present rates are ample to meet the expenses incurred by General Division officers, and the fact that there is no paucity of applicants for work which necessitates travelling is a sufficient answer to the demand for higher daily rates. In exceptional cases where it can be shown that the rates fixed by Regulation 149 do not cover actual expenses, provision is already made under Regulation 154 for increasing the allowance. Under ordinary circumstances, however, the present scale rates are held to be sufficient to cover the expenses of officers.

It will be remembered that yesterday, in reply to Senator Glassey, I said that the Postmaster-General was making a precis of complaints which have been made in his Department, with the view of bringing the whole subject before the Cabinet, and, if it were found that genuine grievances existed, of taking steps to remove them. Senator Stewart has brought this matter very prominently before the country by means of the amendment he has carried to the regulations, and I see no reason why these should not be taken into consideration by the Cabinet at the same time. But with regard to some of the suggested amendments, such as that referring to the lunch time, I ask the honorable senator whether in the interests of the men themselves he desires to proceed with it, after having heard the explanation of the Commissioner.

Senator STEWART.—I should like to hear the men's version.

Senator DRAKE.—The Commissioner, I expect, is in a better position than any one else to know the views of the men in the service on a matter of the kind.

Senator STEWART.—I do not think so.

Senator DRAKE.—I should imagine that the Commissioner is in a better position than even a member of Parliament to hear the views of all the employes affected.

Senator DOPSON.—Does the Commissioner not say that he could extend the time allowed for luncheon if good reason were shown?

Senator DRAKE.—Yes; the Commissioner says he is prepared to consider the matter if the men are willing to start work earlier, or remain later, so that forty-six and a half hours per week be worked. The Commissioner also says that the greater part of the men bring their luncheons with them, and prefer to take only half-an-hour, in order that they may finish their day's work earlier. If, in consequence of the alteration which has been made in the regulations, it is insisted that the men have three quarters of an hour for luncheon, the Commissioner will, against their wishes, have to make them start earlier or work later. Surely we ought to be able to trust the Commissioner in a small matter of this kind.

Senator STEWART.—How is it that men in the clerical division have three-quarters of an hour for lunch and have not to work any additional time?

Senator DRAKE.—I do not know that that is the case. I suppose the men in the

clerical division work the same hours as those in the general division.

Senator STEWART.—No, they do not.

Senator DRAKE.—The Commissioner points out that the men in the clerical division are a different class of employes. Supposing the Senate adopts the amendments, what is the Commissioner to do? The Senate is one House of the Parliament, and how can it dictate an alteration in a regulation? It is quite conceivable that the other House might come to a resolution of an exactly opposite character. What then have the Government to do? Are the Government to instruct the Public Service Commissioner to make an alteration in accordance with the resolution passed by one House?

Senator Lt.-Col. NEILD.—That is the provision in the Defense Bill.

Senator DRAKE.—Supposing the two Houses pass contrary resolutions, what is the Public Service Commissioner to do?

Senator STEWART.—Nothing.

Senator DRAKE.—I submit that it is not a proper course to ask the Senate to insist on small alterations of this character being made in the regulations. A certain form is prescribed for making the regulations, which are very important as having the force of law; and it does not seem right that they should be altered simply at the wish of the majority in one House. Senator Stewart has had the matter thoroughly ventilated and discussed, and has explained what are the grievances of some of the civil servants, who I presume have been in communication with him; and under the circumstances he ought to be satisfied to withdraw his motion.

Senator WALKER (New South Wales).—Having devoted so much time to this matter, it would, I think, be well to adopt the report, and send the suggested amendments down for the approval of the other House. Unless we take some action of that kind, we shall have occupied a great length of time to no purpose. The remarks of the Public Service Commissioner are very well so far as they go; but surely it cannot be that all the resolutions at which we have arrived are not wise. I suggest that Senator Stewart should move in the direction I have indicated.

Senator Lt.-Col. GOULD (New South Wales).—A considerable amount of time has been devoted to this matter, and we have now to consider how far we are justified, in view of the report of the

Public Service Commissioner, in endeavouring to carry out the conclusions which have been arrived at by the Senate. Under the Public Service Act, provision is made for the preparation of regulations, and also for the laying of these regulations on the table of both Houses within seven days of their publication in the *Gazette* if Parliament is in session, or, otherwise, within seven days after the commencement of the session. But there is no further provision as to what may then be done. The Senate having expressed disapproval, what is the effect? The Act does not say that under such circumstances the regulation shall be inoperative. The only meaning is that the regulations disapproved of will have to be reconsidered in the light of the debate, and of the circumstances which have arisen. It is usual to make provision in an Act that either House of Parliament shall have power to disallow regulations; but somehow or another that power does not appear to have been inserted in the Public Service Act.

Senator DRAKE.—I believe that that is so; the only provision is that the regulations shall be laid on the table.

Senator Lt.-Col. GOULD.—Of course Parliament may consider and deal with the regulations, but the present instance shows how desirable it is that either House shall have the power to disapprove or disallow them within a limited period. Even if the Senate express disapproval, the regulation must, according to the Act, remain in existence until the Executive see fit to have it repealed.

Senator PEARCE.—The Commissioner is the servant of Parliament.

Senator Lt.-Col. GOULD.—Of course; but the regulations are made not by the Commissioner, but by the Executive.

Senator DRAKE.—And the Commissioner is not the servant of one House of Parliament.

Senator Lt.-Col. GOULD.—According to section 287 of the Public Service Act, the regulations are made by the Governor-General, which means the Government of the day, who are responsible to, and who take their instructions from Parliament. It is possible to adopt the suggestion of Senator Walker, and send our proposals to the other Chamber for consideration; but I ask whether this is a case in which that course should be pursued. No representation



have been made by the public servants themselves to this Parliament.

Senator PEARCE.—According to the Act, it is wrong for the public servants to approach Parliament.

Senator Lt.-Col. GOULD.—So far as Parliament knows, the public servants are perfectly satisfied with the regulations. Public servants have a way of signifying their dissent by approaching the Commissioner, and pointing out where the regulations affect them harshly or improperly.

Senator WALKER.—That might mean their having a black mark placed against them.

Senator Lt.-Col. GOULD.—Surely not. If the public servants, as a body, went to the Commissioner and expressed dissatisfaction with the regulations, what kind of a man would the Commissioner be if, on that ground, he placed a "black mark" against any man?

Senator DRAKE.—When I was Postmaster-General, the public servants used to come to me with suggestions and recommendations, and all of these I sent on to the Public Service Commissioner.

Senator Lt.-Col. GOULD.—I point out that so far we have no knowledge that these men are dissatisfied. The Public Service Commissioner says that no representations have been made to him, and he gives good reasons why no alteration of the regulations should be made at present. He says also that if it be shown that any hardship exists he will be prepared to make a recommendation which will remove it. Speaking as one who has known the Public Service Commissioner for a number of years, I say that his character is such that he would not willingly do a single unjust act to any member of the Public Service, and that any representations made to him would receive the fullest and most careful consideration. He has pointed out that to alter one regulation with regard to the lunch time would mean that the men affected by the alteration would be required to give another half-hour's service each day in order to make up the forty-six and a half hours which should be worked in each week. Honorable members may ask why it should be made up in that way, and why these public servants should be asked to work any longer than before: but every quarter-hour or half-hour taken from a public servant's time only means that additional assistance must be

secured in order to cope with the work. In regard to travelling allowances, the Public Service Commissioner has pointed out that he has received no complaints. They have been fixed with a due regard to the circumstances in each State, and the persons who are called upon to travel. So far as we know, the public servants are satisfied with the rates fixed, but if in any case the allowance does not prove to be sufficient, the public servant may approach the Commissioner, who under another regulation may increase the travelling expenses if those allowed by the scale are proved insufficient. The Commissioner has given that power under the regulations. If we adopt the course proposed, and say that the allowances shall be increased, and that the hours of labour shall be shortened, we shall be increasing the public expenditure without adequate reason having been shown for so doing. I desire honorable senators to understand that I wish every public servant to be fairly paid for his work. I desire that no man should be asked to work for less than a living wage, or less than adequate remuneration for the services he renders.

Senator PEARCE.—Does the honorable and learned senator believe that a man should be paid less for Sunday work than for work on other days?

Senator Lt.-Col. GOULD.—No.

Senator PEARCE.—That is what is being done under the regulations at the present time.

Senator DRAKE.—That is being corrected. I disapproved of that.

Senator Lt.-Col. GOULD.—I quite agree that a man should not receive less for work done on Sunday than for work done on Monday. The whole question has been thoroughly discussed and ventilated in the Senate, and in view of the fact that there is no probability that the other House will be able to deal with the question during the present session, it would be better if Senator Stewart did not insist upon the adoption of the report. He might allow the settlement of the question to be postponed, and in the meantime permit of some trial of the regulations. If it is found that they work unjustly or unfairly, and the public servants feel that they are being treated improperly, I can promise the honorable senator that, so far as I am personally concerned, I shall do all I can to assist him to remedy what would be a manifest injustice.

Senator PEARCE (Western Australia).—I desire briefly to remind Senator Gould that each of these regulations was debated on its merits in Committee, and nothing fresh has been brought forward to-day. I remind him also that this is not merely a question of the public servants and the Commissioner. There is more than that in it. I think that the public conscience of the Commonwealth is against Sunday labour, and would discourage it in every way possible.

Senator DRAKE.—We desire to discourage it.

Senator PEARCE.—How can we discourage it?

Senator DRAKE.—Not by paying people more for Sunday labour.

Senator PEARCE.—That is the proper way in which to discourage it. I know, as one who has had to work for his living, that so long as we did not insist upon overtime rates of pay, we were frequently called upon to work overtime.

Senator DRAKE.—That was in private employment.

Senator PEARCE.—The same thing would hold good in Government employment. When we were sufficiently powerful to insist on overtime pay, and double pay for Sunday work, Sunday work and overtime work generally disappeared.

Senator DRAKE.—It would not disappear in the Public Service if we paid double rates.

Senator PEARCE.—The matter largely rests with heads of Departments. They can do away with Sunday labour if they desire to do so, and they will be induced to do so if extra payment is demanded for that labour. I see no reason why the Senate should go back on what has been done by the Committee. Senator Gould's proposal is that because the other House may not agree with what we have done we should throw the whole thing over. Why should we not ask the other House to pass these resolutions?

Senator Lt.-Col. GOULD.—Let us have an opportunity of seeing how the regulations work.

Senator PEARCE.—We have had that opportunity. Senator Gould says at one time that the Government make the regulations, and when we propose to hold the Government responsible to Parliament the honorable and learned senator tells us that the Public Service Commissioner is responsible.

Senator Lt.-Col. GOULD.—Not at all; the Government are responsible for the regulations.

Senator PEARCE.—The honorable and learned senator says that we should wait to see whether the public servants are satisfied, but I say that it is not sufficient to know that the public servants are satisfied with ordinary pay for Sunday work. Even though it were proved that they are satisfied, I, as a representative of Western Australia, am prepared to take the responsibility of saying that the Commonwealth should not give ordinary pay for Sunday labour; and, on the question of the lunch interval, I am prepared to say that we should not limit the time allowed for lunch to half-an-hour, no matter whether the public servants are willing to accept it or not. It is detrimental to their health, and I am prepared to record a vote against it. I hope that Senator Stewart will move that the resolutions be sent on for the concurrence of honorable members of the House of Representatives, and I trust the Senate will not stultify itself by accepting the advice of Senator Gould and rejecting the report of the Committee.

Senator DOBSON (Tasmania).—There are more ways in which we may stultify ourselves than that to which Senator Pearce has referred. We have appointed a Public Service Commissioner in order to remove the Public Service as far as possible from political control. That gentleman holds a most important office, and his duties are almost sacred, because in every instance justice is the underlying motive which should move him. If Senator Stewart will apply his cool logical mind to the question, he will admit that one link in his chain is wanting. The honorable senator has not taken us into his confidence. He has not told us upon what evidence he was induced to submit his criticisms of the regulations. We do not know whether he has been seen by one or by fifty of the public servants. We know absolutely nothing from the honorable senator's point of view except that he is moving in the matter. But we do know from the Minister, under the hand-writing of the Public Service Commissioner, that he has received no definite complaint. It is probable that he may have heard a murmur from somebody who does not think the lunch interval is long enough, but he is certain to have made inquiries, and it is easy to believe that the public servants prefer that they should have half-an-hour for lunch if that enables them to get away earlier to their homes and gardens. The missing link

in Senator Stewart's chain to which I refer is the absence of evidence of dissatisfaction on the part of a substantial number of civil servants, and of any sufficient reason for the action the honorable senator has taken. Assuming that there are 100 men in a particular grade of the service, does not the honorable senator think that before he is entitled to ask the Senate to take action in the matter he should be able to show that at least one-fifth, one-fourth, or one-third of the number are dissatisfied, and that they have appealed to the Commissioner in a proper way to reconsider certain regulations which they think unjust, or which they believe press hardly upon them? The Senate has not a tittle of evidence to show that any one civil servant has ever approached the Commissioner, or that the regulations have given the slightest dissatisfaction to any individual. There is no evidence whatever that the public servants desire that these questions should be raised. The Public Service Commissioner has more experience of civil servants than have a score of honorable senators, and the only time when we should be called upon to act as a court of appeal from that officer, is when it can be shown that the civil servants have approached him, that he has not given them satisfaction, and that there is a *bona fide* question of justice, either as to pay or hours, between them. I hope Senator Stewart will accept the suggestion of the Minister of Defence, and will be quite content with what he has done. We may be certain that the Commissioner has most carefully considered the amendments made by the Senate in the regulations. These amendments were made by small majorities, because cases appeared to have been made out, and we had not the Public Service Commissioner present to give us the other side of the matter. The other side has been prominently brought before us again in a memorandum from the Commissioner, and in connexion with every subject referred to, he has given good reasons why we should leave the regulations as they stand. We find that men who have to work on Sunday, work for six hours on that day, and for half the time they are standing idle. The work is nothing like that which has to be done on week days. We find that these men, getting the ordinary day's pay for this work, absolutely rush forward to secure it. It appears to me that we cannot stop the desire of men to get on in the world by earning another day's

pay. The work required to be done on the Sunday is not to be compared with the work required to be done on the Monday or on the Saturday, and for the second time we have the statement from the Commissioner that, so far from the men being dissatisfied at being asked to do this work, the great trouble is to divide it amongst the numerous applicants for it. Have we any right, on behalf of the taxpayers of the Commonwealth, to give them any more than the remuneration with which they are satisfied? Have we any right to give them for a light day's work a bigger wage than they are now rushing forward to obtain. On the question of the payment of travelling expenses the Commissioner points out that there is a great deal of travelling to be done, but the regulation has proved ample in the past to compensate men for all their travelling expenses. He points out also that there is a regulation under which, if the expenses allowed are not sufficient, the Commissioner is empowered to make a further allowance. I hope honorable senators will recognise the importance of the duties the Commissioner has to discharge, and the desire that the Public Service should not be mixed up with our political life. I am sure that every honorable senator is willing at any moment to do ample justice to every public servant; to see that the wages paid are fair, that the hours worked are not too long, and that the conditions of labour are such as the men may fairly accept. It is the desire of the members of the Federal Parliament that we shall have a contented, satisfied, and prosperous Public Service, and we can well leave these matters in the hands of the Public Service Commissioner, until it is shown that he has been appealed to and appealed to in vain.

Senator Lt.-Col. NEILD (New South Wales).—So far as the Senate is aware no member of the Public Service is dissatisfied with the existing regulations. No communication upon the subject has been addressed to us by petition, nor have we heard of any communication to the Commissioner. I may say that while these matters have been before honorable senators, members of the Public Service have been in communication with me about various matters relating to overtime payment, Sunday work, and other matters, and as the records of the Senate show I have asked a good many questions, and have also spoken upon these subjects.

Yet while these communications, both verbal and in writing, have passed to me continuously, strangely enough the matters involved in the proposed changes of regulations have not been whispered to me in any form. It does not follow that there are not hardships that it is desirable to obviate. It is also true that there are many members of the Civil Service who are not anxious to appear as applicants for any attention whatever at the hands of members of Parliament. They are not supposed to communicate with members of Parliament, and it is very likely indeed that they may shrink from making representations that they would desire to make. I am inclined to think that Senator Walker's recommendation is a good one, namely, that we should carry the report and send it to the other House. We have spent a good many hours in discussing these alterations in the regulations. I have spoken for them and voted for them, and I am not going to stultify myself by voting against the adoption of a report which partly owes its existence to myself. On the other hand I think it has been clearly shown that it will be necessary to pass a Bill to amend the Public Service Act, so as to provide an opportunity for Parliament to discuss these regulations exactly as we provided for the discussion of regulations made under the Defence Bill. That measure provides that either House may, by motion, veto any military or naval regulation; and if that is proper with reference to defence, it is equally proper with reference to the Public Service. Under present circumstances, there is no method by which we can veto regulations. Senator Walker's suggestion is about the only one we can adopt, unless we follow the course suggested by Senator Stewart, of moving an Address to His Excellency the Governor-General, in opposition to the existing regulations, and requesting the insertion of the amendments which this Chamber has agreed to. I shall support the motion for the adoption of the report, trusting to Senator Stewart to take whatever subsequent action he deems desirable. After having spent so many hours in debating the question, we should not be justified in waiving away the decisions we have arrived at merely because we are told that our amendments will cost so much money. No harm can possibly be done by adopting the motion, whereas if we refuse to confirm the report we may be doing a very serious wrong.

*Senator Lt.-Col. Neild.*

Senator STEWART (Queensland).—I may say at once that I have no intention of withdrawing from the position I have already taken up with regard to this matter. We have thrashed out the whole thing in Committee, and have arrived at certain decisions, after hearing the statements of the Commissioner and of the Minister. I hope that we shall not stultify ourselves in this last stage by refusing to adopt the report. As to the objection taken by Senator Dobson that we have no evidence of discontent with the regulations on the part of the Civil Service, I may inform the Senate that in this matter I am representing the civil servants of four States. They are the States of South Australia, Victoria, New South Wales, and Queensland. I have brought up these matters directly at their request. Probably if I had not been appealed to I should not have taken any action in the matter. I can assure honorable senators that I did not move until I was completely sure of my ground, and until I had satisfied myself that there was a reasonable ground for dissatisfaction with the regulations. I should like to read a letter which I received only to-day with regard to Sunday work. The writer says:—

I was rather amused at the attitude taken up by some members regarding Sunday overtime. Speaking of the office in which I work, and which I suppose, is typical of many others in the Commonwealth, there is no standing by on Sundays. At least two-thirds of the staff have to work every Sunday, and that jolly hard, as it is our busiest day, a big southern mail arriving, and western and northern mails being despatched, considerably over 200 bags of mails and parcels being handled on that day. Personally, and I know many others are of the same opinion, I should like to see Sunday work abolished altogether, as there is no fun in working seven days a week all the year round; and that is what the officers here have to do.

That represents one particular office, and, as the writer says, very probably that holds good all over the Commonwealth, more or less. I am really not in a position to form an opinion whether the amendments moved by me would lead to additional expenditure or not. The Commissioner evidently thinks they would. But even if that be so, is it right that men should be asked to work on Sundays for actually less than they receive for their work during the other six days of the week?

Senator DRAKE.—They will not work for less. That was indefensible, and I think it has been corrected already.

Senator STEWART.—Probably that system would have been continued if attention had not been called to it in the Senate. Then, again, why should this time-and-a-half rate for Sunday work be departed from? The honorable and learned senator says that if the Commonwealth pays extra for Sunday work, instead of having less Sunday work, there will be more of it. But as Senator Pearce has pointed out, and as, I believe, is the experience of every man who has had to work for his living in the open market, if higher rates are paid for Sunday work and overtime, they are reduced to a minimum. Why should not the same rule apply in the service of the Commonwealth? If it does not apply it is ample proof that there must be something radically wrong with the management of such Departments as are under the control of the Government. That is the only inference I can draw from the Minister's statement that increased pay for Sunday work and overtime would simply mean more Sunday work and overtime. The very opposite is the result under private management, and I cannot for the life of me see how, with good management, the same result cannot be achieved in the public service. I trust that the report will be adopted, and, if that is done, I shall have very much pleasure in moving, in accordance with the suggestion made by Senator Walker, that a message be sent to the other Chamber requesting their concurrence.

Question put. The Senate divided.

Ayes	...	...	...	16
Noes	...	...	...	9

Majority ... .. 7

#### AYES.

Barrett, J. G.	Neild, J. C.
Best, R. W.	Pearce, G. F.
Charleston, D. M.	Pulsford, E.
Lawson, A.	Saunders, H. J.
De Largie, H.	Smith, M. S. C.
Higgs, W. G.	Walker, J. T.
Keating, J. H.	
Matheson, A. P.	
McGregor, G.	

#### Teller.

Stewart, J. C.

#### NOES.

Baker, Sir R. C.	Millen, E. D.
Doobson, H.	Playford, T.
Drake, J. G.	Reid, R.
Gould, A. J.	
Macfarlane, J.	

#### Teller.

Cameron, C. St. C.

Question so resolved in the affirmative.  
Report adopted.

Senator STEWART (Queensland).—I wish to ask the leave of the Senate to move that the resolutions be communicated to the House of Representatives.

The PRESIDENT.—It is not necessary for the honorable senator to ask leave, because standing order 322 says—

It shall be in order at any time to move, without notice, that any resolution of the Senate be communicated by message to the House of Representatives.

Senator STEWART.—But I desire in the message to ask the concurrence of the other House in the resolutions of the Senate.

The PRESIDENT.—If no objection is offered, the honorable senator may move that motion without notice.

*Resolved* (on motion by Senator STEWART)—

That the amendments proposed in the Public Service Regulations be communicated to the House of Representatives in a message, requesting the concurrence of that House thereto.

## POST AND TELEGRAPH ACT AMENDMENT BILL.

### SECOND READING.

Senator DOBSON (Tasmania).—I move—

That the Bill be now read a second time.

I regret that I have to begin my speech at this late hour in the afternoon. When I asked the Minister to allow me an hour or two this evening, he said that he could not accede to the request, and therefore I am bound to proceed now. I make no apology for introducing the Bill, because I regard section 16 of the Act as the greatest blot on our legislation. It appears to me that it is an insult to our unfortunate coloured fellow subjects; that, considering all the circumstances of the case, it is an act of the gravest cruelty towards them; that it is absolutely embarrassing to the Colonial Office; that it will endanger the proper carriage of our mails to the old country; and that it will disserve us for years from the federation with Great Britain in regard to mails. Hitherto Australia and the mother country have been one, so to speak, in postal matters. But, owing to our legislation, we have had to say that we can no longer join with her in any arrangement which may be made for the carriage of mails between Australia and Great Britain. I fancy I hear an honorable senator reply that if the

motherland will only comply with our conditions, we can go on as heretofore, and have a joint contract. But he ought to know that certain Acts bind Great Britain to give to the King's subjects in India the same rights and privileges as are given to his other subjects. It ought to have been known to honorable senators, as well as the Prime Minister, that it would be simply impossible for the British Government to comply with section 18 of the Post and Telegraph Act. We all know what took place owing to the use of a few greased cart-ridges, and how all India was deluged with blood, and our dearest ones were slaughtered. To pass an Act prohibiting the Government from entering into a contract for the carriage of mails on steamers which carry lascars is a far worse insult than that which caused the Indian Mutiny. The cruelty and hardship of the case are apparent when we come to look into its history. When the East India Company was broken up, the trade between China and India was carried on by certain "country" vessels, as they were called, mostly manned by lascars, and commanded by European and Manilla officers. When the P. and O. Company came upon the scene, sixty odd years ago, they practically wrested that trade from them. But what did they do? They transferred the black sailors to their own fleet, and for the last sixty years the black sailors, and the generations which have succeeded them, to the number of about 37,000, have been employed on British vessels. After having taken their trade, given them employment, and trained them, family after family—sometimes three generations being employed in the one steamer—it is very cruel to suddenly say that they are not fit to be employed in the vessels which carry our mails, that we shall not enter into a mail contract if one black man is employed on a mail steamer. Do we expect or desire the P. and O. and Orient Companies to dismiss all these men? If white men were treated in that way anywhere what an outcry would be raised!

Senator PEARCE.—White men have been discharged from the Orient boats to make room for black men.

Senator DOBSON.—I am talking of the 37,000 men who are employed now, and I believe that 7,000 lascars are employed by the P. and O. Company alone. I contend that the only way in which the company can carry our mails and earn a

dividend—for I do not believe that a dividend could be earned without our subsidy—is by getting rid of those 7,000 men. I ask honorable senators if that is what they expect? Would not that be an outrage on humanity? Is it not insulting to our fellow subjects, and dragging down the Empire, for Australia to have a law of this sort? My honorable friend retorts that the Orient Company have dismissed white men in order to employ black men. He is turning the fact upside down—of course, unknowingly. I happen to know the fact. It furnishes a powerful argument, I think, in favour of my Bill. Within one week of the Senate's agreement to the insertion of clause 16 in the Post and Telegraph Bill by the other House, it was announced in the press that the Orient Company were compelled to give up the advantage which for years they had had over the P. and O. Company, and to employ lascars, because white men would not, and could not, work in the stoke-holds.

Senator MCGREGOR.—Oh, rot!

Senator DOBSON.—I thought I should raise the ire of my honorable friend. I call attention to the fact that I am now discussing the employment of stokers and firemen in the tropics, and I propose to read certain quotations as to the incapacity of the white sailor to do the work, and the frightful strain driving him into intemperate habits. Any quotations I have to read are not directed against the ability and skill of the white sailor, but against the impossibility of getting the generality of white sailors to stand the strain of the stoke-hold in tropical and semi-tropical climates. I hope that my honorable friends will remember that remark, and not accuse me, as they did before, of saying that a black sailor is better than a white sailor, or that white sailors are incompetent.

Senator MCGREGOR.—The honorable and learned senator is going to try to do so now, but it is all rot.

Senator DOBSON.—I think it is a rule of the Senate for one honorable senator to take the word of another.

Senator MCGREGOR.—I am declining not to take the word of the honorable and learned senator, but to accept the authority which he proposes to quote.

Senator DOBSON.—The incident I cited about the Orient Company is an absolute condemnation of section 16 of the Act, and

the best argument in favour of my Bill. I shall not allow any honorable senator to turn that fact upside down. The moment I heard of that incident I went down to the office of the company to ascertain the reason for the change, because for many years I had heard that passengers preferred to travel in the Orient boats, on the ground that, in their opinion, they carried safer crews. I was told that year after year the company had tried to run their boats to time, but had absolutely failed, not because of the incompetency of white men, but because of their inability to stand the frightful strain of working in the stokeholds through the tropics. We have the experience of not only the Orient Company but also the P. and O. Company. I have before me a letter in which Sir Thomas Sutherland points out that when the Suez Canal was opened the P. and O. Company understood that they would be able to man their boats with white sailors only. Why? In order to please the members of the travelling public, who were prejudiced against the employment of coloured crews. An experiment was tried, and the company had to revert to coloured labour. Yet, in the face of that fact, we find this wretched provision in our Post and Telegraph Act. Sir Thomas Sutherland, in his letter, writes as follows :—

With the opening of the Suez Canal in 1870, a new state of affairs arose. The services eastward and westward were no longer separated, and the same crew could serve in the ships alike in the Mediterranean, and in the Eastern seas. When the company's lines began to be worked regularly on the Canal, it was the intention of the directors of the P. and O. Company that the ships should be manned exclusively by Europeans, the employment of lascars being confined to the vessels running between India and China and on the coast lines. Accordingly the steamers leaving this country were provided with English crews, both seamen and firemen, but with results so unsatisfactory that the efficient working of the mail service was seriously compromised. It was no uncommon experience to have half a crew in prison for drunkenness and disobedience to orders, and the directors found themselves compelled, after a year's experience of English sailors and stokers in the tropics, to make the experiment of employing lascar crews on this side of Suez, in order to get the work of their ships properly done. I say against their inclination, because it was feared the lascar would never stand the rigour of an English winter.

Here is history repeating itself. The experience of the P. and O. Company in 1874 was also the experience of the Orient Company in 1901 or 1902. I know as a matter of

fact that the Orient Company succeeded in attracting patrons of the P. and O. Company by reason of their employment of white crews. Yet they have been obliged to abandon that policy in the stokeholds. Senator McGregor and others may ask what I know of the matter; but surely the chairman of the Peninsular and Oriental Company, and the officers of the Orient Company ought to know something, and I take their evidence as disclosing actual facts. Sir Thomas Sutherland goes on to say :—

The employment of mixed crews on the company's ships was brought about, therefore, by the impossibility of getting the work carried on satisfactorily in the tropics by Europeans.

He then proceeds to show that so many more blacks than whites have to be employed for the work, and that, though the black men are not allowed exactly the same space as the white sailors, the former get double the space required by the Indian Navigation Act. Sir Thomas Sutherland adds :—

Of course the object which the trades unionists have in view is to throw difficulties in the way of employing lascars. The result may be to diminish the numbers now carried in certain ships, but it will not be the ship-owner who will suffer, nor the English seamen who will be the gainers.

This question has very little, if anything, to do with the policy of a white Australia. If these 7,000 lascars were got rid of tomorrow, I ask my friends of the Labour Party to say how many Australian seamen would be taken on in their places? To begin with, articles are signed at home, and no men would be taken on in Australia unless those who had shipped at home deserted at Australian ports or died. I do not suppose that if the 7,000 lascars were got rid of, employment would be provided for a score of Australian sailors. I ask my friends of the Labour Party, what is the use of insisting on legislation which embarrasses the Empire, is opposed to the Imperial spirit, and is positively an insult to British Indian subjects?

Senator MCGREGOR.—What is the use of the honorable and learned senator persisting in a proposal which he has no hope of carrying?

Senator DOBSON.—I may tell the honorable senator that if every member of this Chamber were present, I should have a majority. Sir Edmund Barton was wrong in telling Mr. Chamberlain that this Parliament thought so and so, when the earnest

conviction and opinion of Parliament was against this section of the Act.

Senator MCGREGOR.—The honorable and learned senator will not get all the senators present.

Senator DOBSON.—That may be. The Labour Party, who are always here attending to their work, may gain a triumph in the absence of some of my supporters, but I tell Senator McGregor—and I tell the electors and also the Home Government, if our debate happens to come under their eye—that a majority of the Senate is in favour of repealing this section of the Act. As to benefiting the Australian or the English sailor, we ought to bear in mind that Great Britain possesses about 51 per cent. of the total shipping tonnage of the world, and that enormous shipping has to be supplied with men out of the 40,000,000 who constitute the population of the British Isles. Germany, with not one-tenth of the total tonnage, has a population of 45,000,000 or 50,000,000 to draw upon; and while other nations may have a much larger proportion of their own sailors on board their ships, that is absolutely impossible to Great Britain. We have to go all over the world for our sailors, simply because Great Britain, according to population, has more than her share of the world's shipping. Is not that a fact to be proud of? Has not the commerce of Great Britain made the Empire? And that commerce never could have been developed without the aid of the foreign sailor, and, to some extent, without the aid of the black sailor.

Senator MCGREGOR.—British sailors are being driven out of the service.

Senator DOBSON.—That is a very useless and incorrect interjection. Nothing of the sort is occurring. German, French, and Japanese vessels receive enormous subsidies from their several Governments. We all know what a howl there was when it was reported that the Morgan Trust had bought up some of the most magnificent vessels of the British mercantile marine. We also know now how the venture was over-capitalized and is not succeeding. We can quite understand what an important influence these enormous subsidies have in the commercial race for supremacy. When Sir Thomas Sutherland was before the Select Committee of the House of Commons which was inquiring into the effect on British trade of

the subsidies granted to shipping by foreign countries, he was asked by the Chairman—

What amount of subsidy would put you on a level with the North German Lloyd, which receives £280,000 a year?

The answer of Sir Thomas Sutherland is reported as follows:—

At least £50,000 a year more on account of the larger number of trips which the British vessels make through the Suez Canal, as compared with the German vessels. In connexion with the subject of foreign mail contracts, he (Sir Thos. Sutherland) was of opinion that the comparatively short periods for which they were made—seven years, as compared with fifteen in the case of the North German Lloyd—represented a short-sighted policy in the best interests of the mail service. The present contract had only four years to run, and as they did not know what was going to happen at the end of that time, they had to be very circumspect in regard to the outlay of capital for the purpose of constructing mail steamers pure and simple. If their contract were for fifteen years his company would be expending £1,000,000 or £1,500,000 more than they were doing at present in order to improve and accelerate the future mail service.

That shows how large companies, like the Pacific and Oriental and the Orient, depend on the mail contracts. Sir Thomas Sutherland advocates a longer period, because the companies would then know that the subsidy would continue, and they could therefore give to the Australian trade better ships, with greater speed. If we are to have a hand-to-mouth policy, with short terms and restrictive enactments as to the employment of black men, we are likely to get very few tenders indeed, and to have a very poor service in comparison with that which we might hope to have in the absence of drastic legislation. I have here an important document, which may help to answer some of Senator McGregor's statements. It is the report of a Committee appointed by the Board of Trade to inquire into certain questions affecting the mercantile marine. One of the points investigated was—

The causes that have led to the employment of a large and increasing proportion of lascars and foreigners in the British merchant service, and the effect of such employment upon the reserve of seamen of British nationality available for naval purposes in time of peace or war.

The committee issued a report from which I propose to read several important extracts. The date of the appointment of the committee is the 13th January, 1902, so that the opinions expressed are quite recent. The first extract I shall read is as follows:—

There is no doubt of the fact of the increase of foreigners employed and corresponding decrease



of British seamen employed in the mercantile marine. The statistics of the Registrar-General of Shipping and Seamen, obtained in the manner explained in question 12065, show that in 1888 there were employed on British merchant vessels 158,959 British and 24,990 foreign seamen; in 1901 the numbers were 151,376 and 37,174 respectively—a decrease of 7,583 British and an increase of 12,184 foreign seamen in 13 years . . . thus in the quinquennial period from 1896 to 1901 the decrease in the number of British seamen amounted to 4,597, and the increase in the number of foreign seamen amounted to 5,168.

This increase of foreigners and decrease of Britishers arises from the fact that we have our mercantile marine all over the world. We have been increasing our navy, and no doubt the best sailors find their way into that service; and the result is that there are not the men to keep pace with the enormous demands of the Empire.

Senator PEARCE.—Nonsense!

Senator DE LARGIE.—The people are drifting wholesale from the old country to the United States.

Senator DOBSON.—People may be drifting to the United States to start fruit growing or farming where they can get good land, but is it contended that two per cent. of those people would serve on board British ships. I do not mean to say that there are not men enough in the Empire, but in our land of freedom—although I fear it may be found to be a land of slavery—every man is allowed to choose his own vocation. The British sailor is the best sailor afloat, but he does not come forward in such numbers as to enable us to dispense with the foreigner and the black man.

Senator DE LARGIE.—That is because the foreigner and the black man are cheap.

Senator DOBSON.—That is absolutely contradicted by men who ought to know. I hope my friends of the Labour Party have something better than those wretched, miserable parrot cries to use in reference to an important matter which affects the Empire at large.

Senator DE LARGIE.—I shall quote authorities—not of the Labour Party—who tell a different story.

Senator DOBSON.—The report of the Committee proceeds—

Although lascars and other Asiatics are employed almost exclusively on steam vessels, they now exceed the total number of foreign seamen employed in all classes of British ships, and their increase during recent years has been much more rapid than the decrease of British or the increase of foreign seamen employed. . . . It is to be

observed that the growth of the mercantile marine has been very great, and that the proportion of British seamen to the total mass of the population is still high.

That shows that the proportion of seamen to population is high, and that, therefore, the English service is a good one. The Englishman evidently appreciates the wages, comfort, and treatment received on British ships. The report further states—

It will be found that one in every thirty-six of the males over fifteen years of age in the United Kingdom is a seaman or fisherman. . . . As regards the increasing employment of foreign seamen, we do not think, speaking generally, that they are preferred on account of cheapness.

This Committee sat for forty-three days and examined sixty or seventy witnesses, and I believe this report is the last authentic utterance on the subject. It will be seen that it is not a matter of cheapness, but a matter of getting men to do work which must be done.

Senator MCGREGOR.—Britishers will not do the work at the price.

Senator DOBSON.—Nothing seems to convince the honorable senator.

Senator MCGREGOR.—Because I know; I should not do the work myself at the price.

Senator DOBSON.—Does the honorable senator know better than the members of the Board of Trade?

Senator MCGREGOR.—Certainly I do.

Senator DOBSON.—Then I give my friend up as a bad job, and can only express the hope that he will not further interrupt me.

Senator PEARCE.—Is there not a great difference between the pay given by the North German Lloyd and the pay given by the Orient Company?

Senator DOBSON.—Yes; but what does the honorable senator make out of that fact?

Senator PEARCE.—It shows that the foreigner works for less than the Britisher.

Senator WALKER.—Why should he not, if he is prepared to do so?

Senator DOBSON.—The report shows that there is a full proportion of sailors amongst the 41,000,000 people in Great Britain, and also that the employment of the foreigner is not on account of his cheapness. I know that my friends of the Labour Party think that everything resolves itself into a question of wages. They will find before they are much older, however, that the question is one of character and ability,

and of wise and fair laws under which we may all progress in accordance with our capacity. The report proceeds—

The superior contentment and docility of foreign seamen, certainly in the earlier stages of their employment in British ships, render masters and owners willing to take them. It is, however, satisfactory to find that no competent authority alleges that the foreigner is a better seaman than the British subject, especially at times of danger.

Lascars and other Asiatics who are British subjects stand on a different footing from foreigners. . . . We think that, in addition to their claim as British subjects, they have also some claim to employment because British vessels have displaced the native trading vessels.

That is what I alluded to a short time ago. We have displaced their trading vessels and we have given them employment for sixty years, and it is now proposed that we should rob them of their means of living. I quote further from the report :—

Lascars are in most cases hereditary sailors, and have special qualifications for work as firemen in hot climates. They are temperate, and those who came before us made a most favorable impression upon us. The evidence shows that they make most amenable and contented crews. In consequence their employment as firemen has grown almost universal in the tropics, and they are also largely employed in vessels trading between ports within the tropics and the United Kingdom.

These Board of Trade experts have found that these lascars, being hereditary sailors, are able to stand the pressure of the stoke-hold. They are universally employed in the tropics, and yet some honorable senators say we should have nothing more to do with the Peninsular and Oriental Company and the Orient Company, who have served us so well and so faithfully, and who are a credit to the flag under which their fleets sail, unless they turn our fellow subjects out of their vessels.

They are so contented and so anxious to retain their situations in British ships, that it is not easy to be sure whether that service entails any hardship upon them. We believe, however, that there is no reason to think that many of them do, in any appreciable degree, suffer when employed in the colder climates to the north of the Suez Canal, or even in the Atlantic trade. We do not, however, feel competent to express any decided opinion on their employment on men-of-war; but we have no doubt of their desire to be so employed, or of their competency, at least in the capacity of stokers and firemen. We may add that those whom we saw belong for the most part to the northern and warlike races of India, and they certainly impressed us with their manly character.

I have said before, and I now repeat, that in the event of a great European war, which resolves itself to a great extent into a naval

*Senator Dobson.*

contest, on the first check we should get, involving the loss of a few ships and the loss of a great many men, these lascars might help to save the Empire by going into the stoke-holds of many of our mercantile marine vessels on which they are not employed now, and thus freeing the white stokers to go into the men-of-war. If my honorable friends opposite cannot see that, it appears to me that they are unable to see that two and two make four.

Senator HIGGS.—Heaven help the Empire if it has to depend upon lascars.

Senator DOBSON.—Does my honorable friend think that interjection worthy of his great intellect? Whoever said that the Empire had to depend on lascars?

Senator KEATING.—The honorable and learned member is suggesting it.

Senator DOBSON.—I have suggested that they might help to save the Empire in the way I have stated, and in the same way that Indian troops might help to save the Empire. Surely some thousands of them who are well-trained men, of the type of the men who were first into the forts at Pekin, might hereafter help to save the Empire, although they are not of the same colour as Senator Higgs.

Senator HIGGS.—They will be the first to massacre the British troops in India some day.

Senator DOBSON.—It is quite likely that they will if we continue to insult them in every possible way, as this section 16 of the Post and Telegraph Act certainly does. I am glad that Senator Higgs sees it so clearly, and on that ground I claim the honorable senator's vote, in order that he may do what he can to prevent British subjects in India being massacred as they were in the Indian mutiny. I quote further from the report :—

On the whole we feel that the objections which may be felt as to the employment of foreign seamen do not apply to the employment of lascars and other Asiatics who are British subjects.

Here the Board of Trade unanimously find that whatever objections there may be to foreign seamen, Scandinavians, Poles, Italians or Greeks, they do not apply to the coloured man who is a British subject, and who owns the sway of the British flag.

Senator Lt. Col. GOULD.—There is no exception taken to these men under the Post and Telegraph Act.

Senator DOBSON.—There is no exception taken to these foreign seamen, as the

honorable and learned senator points out. The Board of Trade further report—

One of the objects of a strong navy is to enable our merchant ships to keep the sea in time of war, and this object would be defeated if too many seamen and firemen were suddenly withdrawn from the mercantile marine and a considerable portion of it laid up in consequence of want of crews.

Will my honorable friends opposite consider that? There are from 30,000 to 40,000 foreigners now in the British mercantile marine service, and in the event of a European war more than half of those foreign seamen might be absolutely withdrawn from the vessels in which they are employed. We shall not have enough sailors to man our men-of-war and our mercantile fleet, if we get rid of our 30,000 foreigners and 37,000 lascars and Asiatics. As Senator Gould has pointed out, under our legislation, we are absolutely preferring, to our own British subjects, men who are called the scum of the nations of the earth, men of all nationalities who go down to the London docks and seek employment on board British vessels. The Board of Trade also say—

The mercantile marine is, and should continue to be, a valuable source from which to draw a portion of the naval reserve. The Committee feel that the numbers which at present come from this source may, and should, be increased.

*Orders of the Day called on: Debate interrupted.*

### SUPPLY BILL (No. 3).

EASTERN EXTENSION TELEGRAPH COMPANY :  
PAPUA CUSTOMS PREFERENCE : PACIFIC  
CABLE : HIGH COURT JUDGES : DEFENCE  
FORCE : CUSTOMS BONDING RENTS AND  
CHARGES : TASMANIAN CABLE : PREFERENTIAL  
TRADE : MONEYS DUE TO TASMANIA :  
SENATE ELECTIONS : DEPUTY POSTMASTER-  
GENERAL, WESTERN AUSTRALIA.

Senator DRAKE (Queensland—Minister for Defence).—I move—

That the Bill be now read a first time.

The Bill is for the purpose of voting two months' supply, £658,500. I do not think there is anything in it requiring special remark. The amounts are all based upon the Estimates.

Senator PEARCE.—On what Estimates?

Senator DRAKE.—Upon the new Estimates. The Appropriation Bill for the year has been read a first time in the House of

Representatives to-day. Probably we shall have it before us in a week, or perhaps within a fortnight.

Senator STEWART.—Say a month.

Senator DRAKE.—No; probably within a fortnight, or even less.

Senator HIGGS.—Do these Estimates provide for the construction of a line for the Eastern Extension Company?

Senator DRAKE.—No; provision is made upon the Estimates for the construction of a telegraph line, under the agreement with the Eastern Extension Company, but nothing is asked for under this Bill.

Senator HIGGS.—If we pass this Bill, shall we be voting money for that purpose?

Senator DRAKE.—No; I do not think there is anything in the Bill for that purpose.

Senator HIGGS.—There are a lot of contingencies.

Senator DRAKE.—That line is not provided for under the heading of "contingencies." It is a special vote. This Supply Bill is required to pay the salaries for the month; and, in accordance with the usual practice, the amount is made up as equivalent to two months' supply.

Senator HIGGS (Queensland).—I avail myself of this opportunity to refer to the conduct of the Government in regard to the Conference asked for by the Pacific Cable Board.

The PRESIDENT.—Is not that question covered by a notice upon the business-paper?

Senator HIGGS.—I think not.

The PRESIDENT.—I think it is covered by the order of the day, No. 4—"Eastern Extension Company's Agreement."

Senator HIGGS.—That is the agreement, but what I am discussing is the question of the Conference asked for by the Pacific Cable Board.

The PRESIDENT.—Is that a different question?

Senator HIGGS.—Not entirely a different question, but still it is not the same. It will be remembered that the Senate carried an amendment which in the ordinary course should have led to the withdrawal of the agreement; our object being to emphasize our disagreement with the attitude of the Government regarding the Conference asked

for. We understood that the Government were going to negotiate for a Conference, on the lines of Mr. Chamberlain's cablegram of 27th August.

The PRESIDENT.—I beg the honorable senator's pardon. I do not know exactly what he is going to say, but he will see that he has a notice of motion upon the paper in reference to that Conference, contingent upon a notice of motion in reference to the Pacific Cable agreement. Although it is admissible under one of our new standing orders to discuss matters which are not relevant to this particular Bill, still we have another standing order which provides that an honorable senator must not anticipate debate concerning a matter which is on the notice-paper. I am not sure, but it seems to me that Senator Higgs has a notice on the paper in reference to the question to which he is now alluding. He ought not to have anticipated debate on his own motion.

Senator HIGGS.—I very much regret that it is in the power of the Government to put upon the business-paper a notice of motion which precludes me from discussing a certain matter.

The PRESIDENT.—But the honorable senator has put this contingent notice on the paper himself.

Senator HIGGS.—Mine is a notice of motion, contingent on a certain proposal coming before the Senate. But the Government do not intend to allow us to reach that item.

Senator PULSFORD.—The honorable senator should ask leave to withdraw his contingent notice.

The PRESIDENT.—That cannot be done now.

Senator HIGGS.—There are one or two other grievances which I will deal with. The first is in regard to the resolution carried by the Senate, that the Government should prepare a tabulated statement showing the rates of duty which will be charged on exports from New Guinea under the Papua Customs Preference Bill.

Senator DRAKE.—Did not the honorable senator have that?

Senator HIGGS.—No; we have had a substitute. The terms of the resolution were that the statement should be prepared in accordance with the terms of the Papua Customs Preference Bill, which provided that the duty on imports from New Guinea should be thirty-three and one-third

less than the duties on imports from other countries. At the time when Senator O'Connor opposed my proposal, he said that what I asked for was a simple matter which would only take each senator a few minutes to calculate for himself. I pointed out that it would take a little time. The Government officer who had to prepare the tabulated statement also evidently thought that it would take a little time, because, either on his own initiative, or acting under instructions from the Government, he has prepared only a partial statement of what that preference would be.

Senator DRAKE.—The statement includes all the present imports. We are not going to import machinery or wine from New Guinea.

Senator HIGGS.—The object of the Papua Customs Preference Bill is to encourage settlement in New Guinea, and to establish manufactures there. But the Government refuse to tell us what duty they intend to charge on New Guinea goods, although we have carried a resolution asking for the information. Instead of giving us a comprehensive statement setting forth each item in the proposed preference schedule, they only take a few imports from New Guinea. I say, therefore, that the Government have not carried out the wishes of the Senate.

Senator MATHESON.—The order of the Senate.

Senator HIGGS.—The command of the Senate that a comparative statement should be prepared. The Government have only given us an emasculated statement with regard to a few items which come from New Guinea at the present time. I have another grievance. Here let me say to those honorable senators who may be surprised that I am adopting the rôle of candid friend, that I am a Government supporter only so long as the Government do what I consider to be right. I am not a Government supporter of the kind desired by the late Sir John Robinson, of New South Wales. When a member of Parliament said to him, "I support the Government when they are right," Sir John Robinson replied, "We do not want supporters when the Government are right; we want them when we are wrong." I am not a Government supporter of that class. I do not support them when I think they make mistakes. My second grievance against them is that the Senate carried a resolution proposed by myself that

there should be laid upon the table a copy of the cablegram sent by the Governor-General to Mr. Chamberlain. Honorable senators will recollect that Sir Edmund Barton wrote to the Governor-General, asking him to cable to Mr. Chamberlain, asking whether he was still anxious to proceed with the Conference in reference to the Pacific Cable. Mr. Chamberlain replied, and I imagine, from the terms of his reply, that the cablegram of the Governor-General to him contained something more than a mere request to know whether Mr. Chamberlain was still desirous of a Conference.

Senator DRAKE.—That is unworthy of the honorable senator.

Senator HIGGS.—If it is unworthy of us, how is it that the Governor-General's cablegram to Mr. Chamberlain has not been laid before the Senate? We carried a resolution ordering them to lay it on the table a fortnight ago.

Senator DRAKE.—I will tell the honorable senator why.

Senator HIGGS.—Then that is all right; but the honorable and learned senator will excuse me for thinking that there was something in the cablegram that was not contained in Sir Edmund Barton's letter, seeing that Mr. Chamberlain cabled out that it was quite possible that the matter had gone too far for the Commonwealth to withdraw from the agreement. The matter has not gone too far for the Commonwealth to withdraw from the agreement with the Eastern Extension Company, and I think that the cablegram from the Governor-General should have been produced, in accordance with our request. Another matter which I beg to bring under the attention of the Senate is in connexion with the Pacific Cable. I want to know how it is that the Government of the Commonwealth, being partners in the Pacific Cable, permitted the general manager to withdraw the canvassers who were working here in the interests of the cable. Why have the Government permitted Mr. Reynolds, the general manager of the Pacific Cable Board, to dismiss the canvasser who was employed to get business in Melbourne?

Senator CHARLESTON.—Does he not know his own business best?

Senator HIGGS.—The honorable senator will recollect that the Commonwealth is a partner in the Pacific Cable scheme. It is

in the interests of the general taxpayer that that scheme shall be a financial success. To make it a financial success the Pacific Cable Board, on which we have a representative, must try to attract business. It must adopt business methods. If the Eastern Extension Company employ a canvasser, the Pacific Cable Board should do the same. They were employing a canvasser until quite recently, but it appears that Mr. Reynolds decided that it would not be in the interests of the Pacific Cable to create any friction with the Eastern Extension Company, and dismissed the canvasser. I think that the Government is entirely wrong in allowing the company which is in opposition to the Pacific Cable to carry on business in Melbourne. Senator Drake has admitted, in reply to a question, that section 80 of the Post and Telegraph Act confers upon the Postmaster-General the exclusive privilege of transmitting and receiving telegrams and performing all services incidental to that business. Therefore, I think the Government are very wrong in permitting the opposition to the Pacific Cable to carry on business in Melbourne, when they must know that it will in all probability render the Pacific Cable a burden to the general taxpayer. I find that a certain company, carrying on business in Melbourne, will register addresses for any firm, and that if the Pacific Cable Board wishes to register an address the Government charge a fee of half-a-guinea per annum. I allude to Reuter's Telegram Company—a "packer" of telegrams—which will register, free of charge, as many indicators as a firm desires.

Senator MATHESON.—It is a very great convenience to a business man.

Senator HIGGS.—No doubt it is.

Senator MATHESON.—Which the honorable senator wishes to reduce.

Senator HIGGS.—I hold that if any private company can afford to supply firms with such facilities free of cost, the Commonwealth ought to be able to do so. As a taxpayer and a representative of taxpayers, I hold that the Government ought to be censured for refusing to provide those facilities. I went to the office of a firm in Bourke-street, Melbourne, and asked—"Will you be kind enough to explain to me your method of transacting cable business?" and I was shown a list of from twenty to thirty indicators—Latin words commencing

with the letter S. An indicator, I may explain, is a substitute for the name and address of a firm in Melbourne or elsewhere. If a firm in Melbourne wishes to send an order to a firm in the old country, they go round to the office of Reuter's Telegram Company and say—"We do not wish to pay the registration fee of half-a-guinea to the Post and Telegraph Department, and we shall be glad if you will fix up an indicator for us in London." Reuter's Telegram Company will not only fix up an indicator for the firm, but will register their message. If a man is carrying on business with several firms and he wishes to order ten dozen hats in London, Reuter's Telegram Company will register for him the name of the firm as "*Secundus*," and the firm in London will know when the message is received that "*Secundus*" means a certain firm in Melbourne. It will mean a firm in London as well as a firm in Melbourne.

Senator Lt.-Col. NEILD.—This has been going on for a quarter of a century.

Senator HIGGS.—It has been going on for a long time, but the point is that the action of the Government is causing an annual loss of from £20,000 to £30,000 to the Commonwealth. Some indicators have as many as fifty different addresses. When a firm in Melbourne which is doing business with fifty firms is called upon by the Post and Telegraph Department to pay registration fees to the amount of £26 5s. per annum, naturally they will go round to Reuter's Telegram Company where they will not only get these facilities for nothing, but get a rebate on their messages at the end of the half-year or year.

Senator CHARLESTON.—The Eastern Extension Telegraph Company deny all that.

Senator HIGGS.—It is just as well to lay the facts of the case before the Senate and the public, because the Government will not give us an opportunity to supply the information in any other way.

Senator DRAKE.—The Government are not preventing the honorable senator in any way.

Senator HIGGS.—What has been their attitude all along? They did not want the Senate to go into Committee to consider a certain matter, and in every possible way they have tried to prevent a discussion on this subject. They refused to agree to a conference with the Pacific Cable Board

for the purpose of preventing this discussion from taking place. I hold in my hand a card which reads as follows:—

# REUTER'S TELEGRAM COMPANY LIMITED.

Melbourne Agency :  
Tuckett Chambers, Collins-street.

## TARIFF.

For telegrams to the United Kingdom—

		£	s.	d.
Indicator and 1 word ...	...	9	0	0
" 2 words...	...	12	0	0
" 3 " ...	...	15	0	0
" 4 " ...	...	18	0	0
" 5 " ...	...	1	1	0
" 6 " ...	...	1	4	0
" 7 " ...	...	1	7	0
" 8 " ...	...	1	10	0
" 9 " ...	...	1	13	0
" 10 " ...	...	1	16	0
" 11 " ...	...	1	19	0
" 12 " ...	...	2	2	0

Every additional word, 3s.

For particulars see other side.

The following particulars are given on the other side of the card:—

# REUTER'S TELEGRAM COMPANY LIMITED.

*Telegrams forwarded to the United Kingdom, the Continent of Europe, the United States of America, India, and South Africa.*

*Rebate allowed to regular senders.*

*Addresses registered free of charge.*

*Telegrams Coded.*—A new and complete code has been compiled especially to meet the requirements of senders on business and social subjects, and affords exceptional facilities for cheap telegraphing. Telegrams so coded will in all cases be translated by the company before delivery.

*Remittances of Money* received and forwarded between the United Kingdom and the Australasian States. Transfers from London effected by telegraph free of commission or exchange. Remittances from Australasia at lowest ruling rates, which can be obtained on application.

*Advantages to Travellers.*—Letters addressed to the company's clients can by previous arrangement be sent to the care of Reuter's Telegram Company Limited, 24 Old Jewry, London, E.C., or to any of its numerous branches in the United Kingdom, the East, South Africa, and throughout Australasia.

Here is documentary evidence that Reuter's Telegram Company are giving rebates to regular senders of cablegrams. Will Senator Drake explain how it is possible for that to be done if it is understood that the telegrams must be charged a uniform rate according to the Berne Convention?

Senator DRAKE.—The honorable senator told us that it is the "packing" which enables the company to do that.

Senator HIGGS.—Is not the “packing” carried on in competition with the Post and Telegraph Department, and in disastrous competition with the Pacific Cable? Reuter’s Telegram Company will probably take 100 messages for transmission in one telegram. Each person who takes a message in has to pay for the word “London.” On a Reuter’s telegram containing 100 messages, 100 charges of 3s. are made, but a portion of that sum—1s. 6d. or more—is returned to the sender. I asked Senator Drake the other day whether the Postmaster-General had ever proceeded against any company or person for infringing the provisions of the Post and Telegraph Act by undertaking to deliver messages or letters, and his reply was “No.” But I remember reading in the Melbourne press some months ago a statement that the Post and Telegraph Department were interfering with an Express Messenger Company—Bell’s, I think—which proposed to deliver letters throughout Melbourne for their clients. If I were to start a business in this city for the delivery of letters at one-half of the sum which is charged by the Department I should be brought before a Court and fined for the infraction of the law, but here is a company which is allowed to collect and deliver telegrams and perform all the incidental services, to compete with the Post and Telegraph Department, to give rebates to regular customers, and to impose upon the taxpayers the duty of making up a considerable deficiency each year. That is not right, I submit. If there is a lack of business method in the Department, surely with an extensive revenue at our command and a considerable amount of ability to choose from, we ought to be able to secure the services of efficient officers? I am sure that Senator Drake will not declare that the men in the Department are not as good as the men who can be obtained by Reuter’s or any other company. I find that Reuter’s Telegram Company are influencing business over the Eastern Extension Company’s cable. I am told on very good authority that if a person goes into their office and says that he wishes a telegram to be sent by the Pacific route, the clerk at the counter will say—“Are you in a hurry? Do you want the message sent before a couple of days? I suppose you know that the line is not working very well, and that the Pacific Cable Board have only one line?” Naturally if the sender is not

well posted in the details of the cable system, and wishes his message to be sent away immediately, he will say—“Send it by the Eastern Extension Telegraph Company’s line.” That is the very instruction which Reuter’s Telegram Company desire to get. I am of opinion that there must be an arrangement with the Eastern Extension Telegraph Company for Reuter’s Telegram Company to influence business over their line, and not over the Pacific Cable. I contend that the Government ought to shut down on Reuter’s Telegram Company under section 80 of the Post and Telegraph Act, and compel them to stick to their own business. It is a varied business, including the conveyance of press news and the transmission of money. As a taxpayer I object to Reuter’s Company stepping in to help the Eastern Extension Company, and thus making the Pacific Cable a burden on the taxpayers. Mr. Warren, the manager of the Eastern Extension Company, who is an astute gentleman in receipt of a salary of £3,500 a year, with £1,500 for expenses, wrote a letter to the Commonwealth Government some time ago stating that he did not know of any rebates having been granted. When Senator Drake, as Postmaster-General, was opposing the late Senator Sargood’s amendment on the Post and Telegraph Bill, to allow telegrams to be transmitted by the route prescribed by the sender at the tariff for that route, he pointed out that the proposal would disadvantage the Pacific Cable. On page 2576 of *Hansard*, of 17th July, 1901, Senator Drake is reported as follows:—

I do not think this amendment will be of any benefit, and it might under certain circumstances be very mischievous. Where it will become positively mischievous will be in cases where we have two or more cable services and the published rates are equal. The disadvantage will be that a provision of that kind will enable persons to make private arrangements with the cable company to have their messages sent at a discount, and that I think will operate very prejudicially against the cable that is owned by the State. Of course what the honorable senator is looking forward to is the completion of the Pacific Cable.

Senator Sir FREDERICK SARGOOD.—Yes.

Senator DRAKE.—When it is completed it will be the first State-owned cable from Australia, and no doubt it will be in competition with other cable services. An enterprise which is controlled by the State is necessarily conducted in the open day. The rates by that cable will be published. The rates by a cable which is controlled by a private company will not necessarily be made public, or if published

there will be nothing to prevent its proprietors from allowing a considerable discount.

The PRESIDENT.—Is Senator Higgs not infringing the ruling I have given that he must not anticipate a debate on his own motion, which appears on the notice-paper? I did not stop the honorable senator when he was referring to Reuter, because that is a different question, but I must really ask him not to anticipate a discussion on the motion which he himself has on the paper. The question of the cable has been before the Senate I do not know how many times.

Senator HIGGS.—There is not a word in Senator Drake's speech which has any connexion with the motion of which I have given notice. Senator Drake was merely describing what would happen if Senator Sargood's amendment were allowed to find its way into the Post and Telegraph Bill.

The PRESIDENT.—I will take the honorable senator's word that he is not anticipating his own motion.

Senator HIGGS.—Senator Drake went on to say—

If this sub-clause is put in it will enable a privately owned cable company to make arrangements with the users of the cable to send messages over their lines in preference to using the State line, by promising a certain discount. In that way the Pacific Cable may be made unremunerative.

On page 2578 of the same issue of *Hansard* Senator Drake is reported as follows :—

It should be remembered that a State-owned cable is not in the same position as a privately owned cable, for the reason that the State-owned enterprise is conducted in the light of day. It has to publish its rates, and it cannot allow any discount. One man has to pay the same rate as another. But a privately owned cable can make secret agreements with certain persons to take messages at reduced rates. If a proposal of this kind is allowed to go in the Bill it will mean that the private cable company will be able to make such arrangements with the public as will enable it to obtain all the cream of the business, and the State-owned cable will have to carry such messages as come to it at its published rates.

I have already pointed out that Reuter's Company, in Melbourne, are granting rebates to customers, and when Mr. Warren wrote saying that he knew of no instance of the kind, he was not telling the truth. I have shown honorable senators the card issued by Reuter's Company promising to give rebates to regular senders; and that system undoubtedly conflicts with the clause of the Berne Convention providing that all telegrams shall be charged at uniform rates. There has already been a loss of some

£30,000 on the Pacific Cable; and the undertaking will be a financial failure unless the Commonwealth Government step in and stop the system of rebates by the private companies. Senator Neild says that this system has lasted for thirty years. If that be so, the system has now been perfected to the extent that not only the indicator but the very message is registered free of charge.

Senator Lt.-Col. NEILD.—The honorable senator means that the message is transmitted in code?

Senator HIGGS.—Yes, by means of a manufactured word.

Senator Lt.-Col. NEILD.—Immense code books have been prepared by different publishers, and have been in use for a quarter of a century.

Senator HIGGS.—But the registering of the message is a new departure.

Senator Lt.-Col. NEILD.—The honorable senator is mistaken; I had such an arrangement with Reuter twenty years ago.

Senator HIGGS.—So far as I can gather, the system to which I am referring is a new one. For example, if the proprietor of Cole's Book Arcade cables the word "stogrim" the receiver knows at once that what is wanted are so many dozen stories for children, by Grim, at 5s. each. As I say, addresses and messages are registered free of charge.

Senator Lt.-Col. NEILD.—Does the honorable senator know that if he travels to England by mail steamer, he can have a telegram sent to Australia for half-a-sovereign announcing his safe arrival?

Senator HIGGS.—That is a slightly different matter from that of which I am speaking. I am talking about the registration, free of charge, of 50 or 100 different firms, who, if they registered with the Pacific Cable Board, would have to do so according to the laws of the Postal Department, at a cost of £26 a year for 50 addresses, or £52 a year for 100. Business firms in competition are naturally careful of every shilling, and if they can save a penny or twopence a word they very properly do so.

Senator MACFARLANE.—Then do not prevent them from doing so.

Senator HIGGS.—The honorable senator, when advocating greater consideration for cable users, should remember that the general taxpayer is already bearing a considerable share of the burden which results



from our telegraphic system. There is a loss at the present time on that system of thousands of pounds; and though that loss may be incurred indirectly in the interests of the general taxpayer, it is to a greater extent in the interests of telegraph users.

**Senator MATHESON.**—All that the honorable senator is proving is that the management of the Government Telegraph Department is not up to date.

**Senator DRAKE.**—The honorable member does not prove that. The meaning is that the business is carried on in such a way as to enable users to get telegraphic accommodation cheaper.

**Senator HIGGS.**—I am anxious that the general taxpayer should be protected, and the Commonwealth Government are not going the right way to afford protection. The general public have been very generous to those who use the telegraph lines, seeing that a business man may send a telegram to any part of a State for 9d., or to any part of Australia for 1s. The loss caused by those great concessions is borne by the general taxpayer, and now there is to be another loss caused by the administration of the Pacific Cable. This is an important matter, well worth the time devoted to its discussion. The Government can protect the general taxpayer by improving the facilities for using the Pacific Cable. I am told that at the General Post Office in Melbourne it is impossible to obtain a Pacific Cable form. An instance occurred very recently.

**Senator DRAKE.**—The honorable senator did not test the matter himself.

**Senator HIGGS.**—No; but a gentleman showed me the ordinary yellow form which he had been compelled to use in the absence of the proper form. The influence of some people is so great that facilities which the Postal Department may desire to grant are kept from the public. I am glad to have had an opportunity of dealing with what I regard as a most important matter, and I hope that the Government will endeavour to make some of its suggested alterations. Business people ought to be given every facility which would be granted by a private company. The Commonwealth Government have the public purse to draw on in order to provide facilities, and if they do not provide these, the public purse will have to be drawn on to a greater extent in order to make up the general loss caused by the failure to adopt business methods.

Some one ought to be employed to canvass for business for the Pacific Cable in the same way as business is canvassed for in connexion with the private companies. My view is that these private companies ought not to have been allowed to enter Victoria until Parliament had ratified the agreement. I trust that the honorable and learned senator's statement is absolutely correct, and that it is not intended that any of the money we vote this evening shall be spent upon the construction of lines for any persons outside the Post and Telegraph Department. The Minister in his reply should give us a statement as to the legal opinion which he said was being obtained regarding the status of the company of which I have been speaking. That company is, no doubt, fulfilling a public want in certain directions, in the transmission of money and of press news; but I say that with regard to the system of packing messages for business people, they are competing with the Pacific Cable in a grossly unfair manner when they try to influence supporters of the Pacific Cable to send their messages over their lines. It is in the power of the Commonwealth Government to prevent this; and, if they do not prevent it, it will be only another black mark added to the very many which have been piling up against them during the last year or so. The Government, being interested as they are in the Pacific Cable, and being the guardians of the interests of the taxpayers of all the States, should see that the various telegraph stations are supplied with Pacific Cable forms. They would appear to have some idea that they are apart and separate in some way from the Pacific Cable. I say, however, that they are absolutely interested in it; it is as much their child as the telegraph lines running through any of the States of the Commonwealth, and they should protect it when they see violent hands being laid upon it by opposing companies.

**Senator STANFORTH SMITH** (Western Australia).—I am quite with Senator Higgs in his desire to safeguard in every way the rights of the Pacific Cable. I think the honorable senator has done good service by the action he has taken in connexion with the Eastern Extension Company. But when in his commendable zeal he is led into what I consider to be an unwarrantable and unfair attack upon a private company.

I must protest against the statement he makes. In my opinion, Reuter's Telegram Company is one of the finest and most useful companies we have in Australia. I can say, from personal knowledge, that that company has never done anything inconsistent with the highest commercial morality. It has a branch in every country in the world where there is a telegraph station. Its ramifications extend throughout the world, and it is of immense service to people requiring to cable messages to different parts of the world. According to Senator Higgs, this should be the one country in the world to take exception to the beneficent work of Reuter's Telegram Company, and it would seem that if the honorable senator could have his own way, he would close up the business of the company. The honorable senator accuses them of granting rebates, and in that way violating one of the clauses of the Berne Convention. My honorable friend will find that for every word which Reuter's Company send over the submarine lines they pay exactly the same rate as is paid on messages sent by any other company. The rebate which they grant does not, therefore, violate in any way the Berne Convention. If, while they pay the same rate for messages, they choose to grant a rebate to customers, the matter is one between the company and their clients, and it does not affect us in the slightest degree. Senator Higgs also referred to their code. It is true that they have a code which cost them thousands of pounds to prepare, and which enables their clients to transmit messages at a cheaper rate than they could be transmitted, probably, by any other code in the world. They have not only benefited themselves by the preparation of the code, but they have conferred a benefit upon the whole commercial community. It is ridiculous to say that while people are able to send messages by Reuter's code, they are unable to send them by any other code. If the honorable senator will go to Cole's Book Arcade, he will be able to purchase a Bedford and McNeil's code, an A1 code, or an ABC code, and he can send messages by those codes as well as by Reuter's code, though perhaps not so cheaply. The coding of messages is the invariable practice. No person would be so foolish as to send his cable message uncoded unless it were a press message, for which special rates are quoted, or a simple message of one or two words, which could not be conveniently

coded, because the reduction in cost by coding messages amounts to at least one-half, and sometimes more. I contend that the facilities offered by Reuter's Company have had the effect of largely increasing the cable traffic. Reference has been made to their indicators. I remind the honorable senator that people can register indicators with the Government, but with Reuter's specially prepared code, a man may send a cable for £1 which would otherwise cost him £2 or £3. I know, from personal experience, that when a man is able to register an indicator at Reuter's free, he will do so in the event of his requiring to send cable messages, whilst if he has to pay the Government 10s. a year for an indicator, he will not bother to register one. As a result of this system of free registration of indicators, men send cables which they would not otherwise send. A registered indicator will often save the cost of five or seven words, and a result of the free registration of indicators is to increase the business of the cable lines. I contend that when the Pacific Cable has to compete with the Eastern Extension Company's cable, there is no reason why the Pacific Cable Board should not adopt the same procedure, and allow indicators to be registered free. It is an improper, and an unfair, method to make people pay a large price for indicators and the ordinary cable rates as well. It would be all right if there were an absolute monopoly, but the Pacific Cable is in commercial competition with the Eastern Extension Company, and the Government should allow indicators to be registered free. Senator Higgs infers that Reuter's Company have some agreement with the Eastern Extension Company, or are interested in that company in some way. I have had six years' experience with Reuter's Company, and I have seen the general manager only within the last few days. He assures me that the company has no interest in common with the Eastern Extension Company, and has no arrangement whatever with that company. I am absolutely certain that that is correct. It is quite immaterial to Reuter's Company whether the messages they receive are sent by the Pacific Cable or by the Eastern Extension Company's lines. It must, however, be borne in mind that messages sent to Europe are always sent over the Eastern Extension Company's lines, because the rates for those messages are from 6d. to 1s. per word.

lower than the rates charged by the Pacific Cable Board. The sender of a cable on going to Reuter's Company simply states which line he desires his message to go over. The company are the servants of the public, and they comply with the wishes of their clients. I went to the company the other day to send a cable, and I simply asked that it should be sent *via* the Pacific, and it was sent by that line. Every message is sent by the company over the lines selected by the sender without any demur. When we are dealing with a company like this, which carries on business in every country in the world and which has been of undoubted benefit to the whole of the mercantile community of Australia, and has been practically the pioneer of submarine telegraphy, it is absolutely ridiculous to suggest that we should take any steps which would prevent them carrying on a legitimate and useful business. I agree with Senator Higgs that the Pacific Cable Board should adopt proper commercial methods in carrying on their business. In the matter of the registration of indicators, the Eastern Extension Company charge exactly the same rate as does the Pacific Cable Board, and as only those companies have submarine lines connected with Australia, from that point of view it really does not matter whether the Pacific Cable Board reduces the indicator rate or not, because if it did reduce the rate on the Pacific Cable, the Eastern Extension Company would lower the rate on their lines in the same way. Reuter's Company is willing to send messages by the Pacific Cable or by the Eastern Extension Company's lines, and I am sure that Senator Higgs made his attack upon the company only because he did not fully understand the methods of the company, and the benefit it has conferred upon the whole of the people of Australia. I can say that in in a mining State, such as Western Australia, Reuter's Company has been of the very greatest advantage, and its transactions, instead of resulting in a reduction of the number of words sent over the cables, have enormously increased the cable traffic by reason of the facilities afforded by the company for the sending of messages.

Senator KEATING (Tasmania).—I take advantage of the present opportunity to refer to one or two matters in the hope that the Minister for Defence may be able to bring them under the notice of his colleagues

before the termination of the present session. During the discussion with regard to the position of the cable companies, it has been mentioned that the Commonwealth has been very liberal in providing telegraphic facilities for the people. Senator Higgs has pointed out that it is now possible to send a telegram within any one State for the sum of 9d., and throughout the Commonwealth for 1s. It has been brought forcibly home to my mind, as I am sure it must have been to the mind of every other representative of Tasmania, that that does not apply to our State. It will be within the recollection of honorable senators that much more than twelve months ago a resolution of this Senate was passed unanimously to the effect that it was in the interest of the whole Commonwealth that the cable connecting the outlying State of Tasmania with her sister States should as early as possible become the property of the Commonwealth, and that there should be uninterrupted telegraphic communication throughout the Commonwealth, with undivided control and undivided ownership, in order that the people of the States should be able to participate to an equal degree in the benefits of an amalgamated administration. During the last recess, the Minister for Defence, who then held the portfolio of Postmaster-General, took some steps, I believe, towards giving effect to that resolution. He and the Prime Minister interested themselves to some extent in doing that; and during the course of those proceedings some officers were sent from the Commonwealth Post and Telegraph Department to put a valuation on some of the properties of the Eastern Extension Company in Tasmania. I believe that the valuation put upon those properties by these officers was not agreed to by the officers of the company. But it seems to me that, subsequently to that, Ministers have been in negotiation with the company with regard to cable services between Australia and the outside world, and that they then undoubtedly had an excellent opportunity of making a bargain in connexion with that little Tasmanian cable, that properly should belong to the people of Australia. But they neglected that opportunity, because, so far as I know, up to date nothing has been done to give effect to the resolution of the Senate. If nothing is done in the near future, the people of Tasmania are decidedly justified in crying out that they are not receiving

advantages of the amalgamation of the Postal Departments of the States to which they are entitled as citizens of the Commonwealth. I hope that the Postmaster-General, when replying to the various criticisms that have been made concerning different matters, will be able to give the Senate and the people of Australia some assurance that definite steps are being taken which, it is hoped, will soon lead to some tangible results. I take it that the Senate, when it passed the resolution to which I have referred, did not do so for academical purposes. We did not wish to affirm a mere academical principle that it was desirable that all the means of telegraphic communication within the Commonwealth should be the property of the Commonwealth, but we desired that that resolution should be given effect to at the earliest possible moment. If there had been no negotiations between the Government and the Eastern Extension Company, it might have been a difficult matter for the Government to approach the company and ask them to treat. I know that the cable owned by the company could only have been obtained by the Tasmanian Government under the existing agreement for a price, which, according to the valuation placed upon it by the company would have been utterly disproportionate to its value. But, as I pointed out during the course of our previous discussion, the Commonwealth Government did undoubtedly have "other fish to fry" with the company, and were in a position to make a good arrangement with them—an arrangement at any rate under which the Commonwealth would not be fleeced, and which would enable the Government to put the people of Tasmania into the position in which they are rightly entitled to be put. I hope that the Minister for Defence will be able to assure us that some definite action will be taken, so that the people of Tasmania will be placed on a similar footing to the people in the other States with regard to telegraphic communication throughout the whole Commonwealth. At present the position is this: We pay, first of all, a shilling for the same message as one shilling is paid for in the mainland States; and over and above that we have to pay one halfpenny for every word, including the address and signature—which money goes wholly into the coffers of the Eastern Extension Company. Let me give an illustration. If a man goes into the

Melbourne General Post-office to-night to send a telegram containing sixteen words, including address and signature, to Cape York, or to Boulder City, or to the Northern Territory—a message which has to go through two or three States—he has only to pay one shilling. But if he sends a message to Launceston—less than 300 miles distant from Melbourne—he will have to pay 1s. 8d. That is to say, he will have to pay 1s., which is the Commonwealth charge, and, in addition, he will have to pay to the company one halfpenny for each of the sixteen words. The company originally charged one penny per word, but from the 1st November, they have lowered that rate to one halfpenny per word; and the people of Tasmania and those upon the mainland who have business with Tasmania, have to pay in addition to the ordinary Commonwealth charge this additional half-penny charge, which is entirely appropriated by the company. The position is a most anomalous one. There is another matter which I should like to bring under the notice of the Minister. It concerns his own Department more particularly. I notice that in the amount set down in connexion with the Department of Defence, the sum appropriated for the Defence Forces in Tasmania looks like the amount that was voted in previous Supply Bills; from which I gather that the Minister intends to continue the policy that has hitherto prevailed with regard to the treatment of the officers and men of the various branches of the Defence Forces in that State.

Senator DRAKE.—I am proposing to put £600 more upon the Supplementary Estimates in consequence of the discussion that took place in the Senate.

Senator KEATING.—I assume that that £600 is to be appropriated for a definite purpose.

Senator DRAKE.—For camp pay; and it may not be enough.

Senator KEATING.—But it is not merely camp pay that is the subject of grievance with the Tasmanian forces. The whole of their general treatment is the subject of their grievance, and the camp pay is only an illustration of that treatment. These men are undoubtedly legally militia. They are entitled to be paid as militia, and they believed that on coming under the Commonwealth régime they would be treated similarly to their brothers in

arms in the other States. I know that the answer given to that is that for some years past the Tasmanian forces have not been receiving pay. I admit that. They have willingly foregone their pay, and no money was voted for that purpose by the Tasmanian Parliament year by year, simply because the Tasmanian finances were in such a state that it was necessary to retrench. These men, although legally entitled under the various Defence Acts of Tasmania, and by their status, to be paid as militia, willingly consented to forego that pay year by year, fully believing that as the finances straightened themselves their pay would be restored to them. But they certainly to a man believed that on coming under the Commonwealth régime the restoration of their pay would be hastened. But now they find that they are being treated as volunteers, and that there is no hope in the immediate future of their receiving what they are legally entitled to. As their terms of service run out none of them will be inclined to renew their service, and I tell the Minister, without any hesitation whatever, that unless this grievance is redressed—and redressed early—he can be prepared to see the forces in Tasmania diminished by at least 50 per cent. within a short space of time. The Minister has had the benefit of communications from Colonel Wallack in Tasmania. The correspondence between that gentleman and the Defence Department has been placed upon the table of the Senate, and has been printed and circulated. It goes to show that I am not exaggerating the condition and temper of the forces in what I have just stated. I hope that the Minister will not pursue the policy that has been pursued by his predecessor, but will see that simple common justice is done to these men. I trust he will see that a policy is not persisted in that will cause the Defence Forces of Tasmania to practically disband as the term of service of the various members expire. The Minister will notice from the correspondence that I have referred to, that Colonel Wallack points out that an intense feeling of dissatisfaction is widespread throughout the whole of the ranks. He will see that these men claim this payment as their just right. It is not merely a State matter by any means. If they are denied this right they will, as I have said, simply take the course that I have suggested, believing that a gross injustice has

been done to them. The Minister's predecessor pointed out, in justification of this extraordinary and anomalous conduct, that it was in consequence of requests for economy to be practised with regard to the Defence Forces of Tasmania. When I asked the present Minister for Defence whether those requests came from the Tasmanian Government or from somebody representing that Government, the answer was—"Yes." But when I moved that the correspondence should be tabled in the Senate, the Minister had to confess that after searching the whole of the records and papers of the Department, no such request could be found. It was simply the ordinary suggestion that came from the Governments of the States of Queensland and Tasmania a couple of years ago to the effect that, as far as possible, the Commonwealth should not be extravagant. But there is a great difference between incurring unnecessary and unjustifiable expenditure, which is extravagance, and incurring expenditure that is legally due to certain individuals, and which cannot be characterized as extravagance in any sense. There is one other matter to which I wish to allude, and which pertains to the Department of Trade and Customs. Since the taking over of the Customs Department by the Commonwealth authorities, and the passing of the Customs Act, a scale of bonding rents and charges has been drawn up for the whole of Australia. The new scale has superseded all the previous States schedules. In Tasmania we have little, if any, private bonding—at any rate, in Launceston; and the bonding rents and charges that have been fixed for the whole of the Commonwealth are so high as practically to be absolutely prohibitive. They are three times as high as the bonding rents and charges in the private bonds in Melbourne. As a consequence, many Tasmanian merchants bond their goods in Melbourne, and draw them out of the Melbourne bonds into their own stores in Tasmania for sale as they require them. I hold in my hand a letter from a leading firm of merchants, in which they state—

If we leave spirits in bond for six months before displacing them, our profits disappear altogether. Consequently, we pay duty on everything, on landing, if there be room for it in our own stores.

So that these high rates that have been imposed for bonding, and which are in many instances two and three hundred per cent.

are now nearly at the end of September, and the return has not been furnished.

Senator DRAKE.—I thought I had given the honorable senator a return with which he was perfectly satisfied.

Senator MATHESON.—The Minister should not think, but should read the resolutions of Parliament. I cannot be responsible for what the honorable gentleman thought. The resolution was explicit enough; but it was with the greatest possible difficulty I could impart to the honorable gentleman the least inkling of what I desired. I did really think, however, that I had succeeded in the end, and that we were going to have the report.

Senator DRAKE.—I thought I had succeeded in placing the report in the honorable senator's hands.

Senator MATHESON.—The Minister for Defence is very much mistaken. The report to which he refers was in the hands of honorable senators at the time my motion was carried, and special stress was laid on the fact that that report was inadequate. The special object of my motion was to have the fuller report in our possession before we deal with the Estimates. I have no doubt that later on somebody will suggest that this is an illustration of reports being called for and never used; and I am afraid that under the circumstances we shall be compelled to discuss the Estimates without the proper information, and that my labours and those of Major-General Hutton will be absolutely wasted. I hope the Minister will look into the matter, and let us have the report, even if it be only one type-written copy, before the Estimates come before us, as I understand they will, next week. As to the cable connexion between Tasmania and the mainland, I remember seeing in the daily press a statement that the Eastern Extension Company were asking, I think, £300,000 for the existing cable.

Senator DRAKE.—That is quite inaccurate; £70,000 is the amount mentioned.

Senator MATHESON.—I desire to show what the cost of adopting the Marconi system would be, so that the facts may be recorded in *Hansard*, and there may be no misapprehension on this very important question. Otherwise we might be told later on that nobody was aware that telegraphic communication between Tasmania and the mainland could be established by the Commonwealth at a cost of less than £70,000. The

Marconi Company charge an annual rental of £1 per mile, exclusive of the cost of the two installations, the latter being only a matter of a few thousand pounds. I am given to understand by Senator Macfarlane that the distance between the mainland and Tasmania is, roughly speaking, 200 miles, so that an annual royalty of £200 would be involved by the adoption of the Marconi system.

Senator PEARCE.—Would it not be £200 each way?

Senator MATHESON.—No. It is £1 per mile, and we may cable which way we like.

Senator DRAKE.—That shows good grounds for caution in dealing with the Eastern Extension Company.

Senator MATHESON.—That is why I wish the facts to be placed on record in *Hansard*. I understand that there is a strong prejudice against having any dealings with the Marconi Company—that there is an anxiety on the part of the Commonwealth Government to make a purchase from the Eastern Extension Company. I do not think such a tendency ought to be gratified. A royalty of £200 a year, capitalized at 3 per cent., means £6,700, and when the cost of the two installations is added, it will be seen that the Marconi system means a very much smaller expenditure than could possibly be arranged with the Eastern Extension Company.

Senator PEARCE.—What is the cost of the installation?

Senator MATHESON.—I do not know exactly, but the cost is very small. The installation simply consists of a certain number of perpendicular rods, connected by a central rod, with an electrical apparatus below. I know that the Minister will say that the efficiency of the Marconi system has not been proved. But the English Lloyds, which deals with all telegraphic matter in connexion with shipping, spent £4,500 in testing systems of wireless telegraphy, and have now made a contract with the Marconi Company for fourteen years. The ships of His Majesty's Fleet are supplied with the same apparatus, and under the circumstances, it would be quite preposterous for the Minister for Defence to say that the efficiency of the system has not been proved. I should like to refer to the question raised by Senator Higgs, who, in his very interesting speech, proved what

we all know, namely, that the telegraphic administration of the Commonwealth is capable of very great improvement. That administration is conducted on the most un-business-like methods which could possibly be conceived, and the advantages of cabling by the Eastern Extension Company or by Reuter's are numerous. In the first place, if a sender wants a receipt for his telegram, he may receive one from the private companies, without—as in the case of the Post and Telegraph Department—paying a penny. It may be within the recollection of the Senate that I protested most strongly when this charge was first brought under my notice. The payment is demanded, not by receipt stamp, but by postage stamp, and the charge is one of the most outrageous which could possibly be made by the Government. The stamp is not for the purpose of legalizing the receipt, but simply for the purpose of robbing and mulcting the public when they ask for a document to which they are entitled in the ordinary course of business, and which would be given by any commercial man.

Senator DRAKE.—Nobody is entitled to a receipt.

Senator MATHESON.—I never heard such a remarkable statement in all my life. In every State of the Commonwealth there is a special Act which provides not only that every man is entitled to a receipt, but that the receipt must be stamped when the amount involved is over a certain minimum. Time after time people are fined for giving receipts without stamps.

Senator DRAKE.—There must be a stamp, if a receipt is given; but no one can demand a receipt.

Senator Lt.-Col. GOULD.—Under the States' Acts, if a man demands a receipt the person who refuses to give a stamped receipt is liable to a penalty.

Senator MATHESON.—The Minister for Defence appears to hold that a person is not entitled to a receipt from the Government. This is one of the cases in which the Government simply play the ostrich—they bury their heads in the sand and say, "We are above the law, and will not give a receipt unless an unfortunate person pays a penny which we are not entitled to demand." It is an instance in which the Government of the Commonwealth deliberately set to work to spoil their own business. I should never send a telegram from a Government office, if there were any other channel.

None of the private companies would dream of charging for a telegraph form; yet, if I go to the Government Telegraph-office, and ask for a bundle of forms, I am asked to pay so much per dozen.

Senator DRAKE.—Why does the honorable senator want a bundle?

Senator MATHESON.—The Minister for Defence may send one telegram a month, but I am a business man, and I want a bundle of forms, because I send a number of telegrams.

Senator DRAKE.—The charge is only 4d. per 100.

Senator MATHESON.—Is that not so much per dozen?

Senator DRAKE.—But the honorable senator might use them for writing his speeches on.

Senator MATHESON.—The Minister for Defence always seems ready to impute the lowest and most absurd motives. Why should I endeavour to get bundles of telegraph forms on which to write my speeches, when I can get unlimited paper of better quality at Parliament House? I have cited some of the little annoyances which prevent people from using the Government Telegraph-office, and the Minister for Defence, if he were a business man, would understand them. If I go into the Eastern Extension Company's office or Reuter's office with a long message I find a civil clerk, who sits down and codes my message. The clerk takes all that trouble without extra payment, and I have so much less to pay for my message. Nobody would dream of affording a sender such a convenience in a Government Telegraph-office, where I am charged the full value, word for word. It is quite easy to understand why persons who cannot code a message go to the private companies in preference to the Government Telegraph-office. This is a facility which the Government might very easily afford their customers, but that is not afforded simply because they are a Government.

Senator STEWART.—Because they are incompetent.

Senator MATHESON.—It may be that the Government are incompetent to carry on the business. I now come to another reason why people will not deal with the Government. I have here a most interesting letter from a Deputy Postmaster-General, and I shall read it, after explaining the circumstances under which it came to be written. On 2nd July I received a long

cable from Perth, Western Australia, through the Government Post-office. Two of the words were wrong—they were not in my code—and on asking to have them repeated I was called upon to pay 2s. The repeat cable was asked for on 3rd July, and on the 7th of that month I got a message from the Government informing me that the words were wrong, and giving me the right words. Had I been dealing with Reuter's, for instance, I should with that last message have received a refund of that 2s. which I had paid for the repeat cable. But what is the practice of the Government? Week after week I had to make special visits to the telegraph office to ask why I did not get my 2s. back, and finally, on the 18th August, after a delay of nearly two months, I received the following letter:—

Sir.—With reference to the errors in telegram to your address, lodged at the Palace Hotel, Perth, on 1st July, I have the honour to state that inquiries show the mistakes were made between the Palace Hotel sub-office and the Central Telegraph Office, Perth. The Deputy Postmaster-General, Perth, expresses regret for the errors, and states that the officers in fault have been suitably dealt with. I beg to forward, herewith, 2s. in stamps, being a refund of cost of obtaining a repetition of portion of the message.

I ask honorable senators what business is it of mine where the error took place, and what earthly concern is it of mine that the operator has been suitably dealt with? I did not care twopence about that. All I desired was to get my 2s. back. Senator Drake appears to sneer because the amount was only 2s., but it might have been £2.

Senator DRAKE.—No; I am sure the honorable senator attached more importance to the information contained in the letter than to the 2s.

Senator MATHESON.—On the contrary I think it was a grave mistake to publish that information. I desire to impress upon the Minister the fact that people are kept waiting for a refund of money, whilst inquiries are being made as to who is responsible for mistakes. The Telegraph Office was responsible to me for the return of my money.

Senator DRAKE.—I know that there has been a difficulty in connexion with refunds.

Senator MATHESON.—The honorable senator, who is an ex-Postmaster-General, admits that there is a difficulty in connexion with refunds, but he did nothing to overcome the difficulty, and that is what I complain of. The Government know that there is something wrong, but they do not take steps to rectify it.

Senator DRAKE.—I do not know that it has not been rectified. The difficulty is that the money has been paid into the consolidated revenue, and it is not easy to get it out.

Senator MATHESON.—Our money goes into the consolidated revenue, and the Postmaster-General cannot pay it back for months, whilst Reuter's Company or the Eastern Extension Company can refund money in five minutes.

Senator DRAKE.—The difficulty has engaged my attention already. We shall try to correct it.

Senator MATHESON.—I am glad to hear that the honorable and learned senator hopes to be able to correct it. It was obvious that the matter must have engaged his attention, but I did not think he had taken any steps to correct it, because it is just one of those official pieces of red-tape which Post Office officials revel in. I desire to make it clear that while the Telegraph Office is managed in that way it is hopeless to expect the public to send their messages by the Pacific Cable. Senator Drake must see the force of that. The only way in which we can hope to increase the business of the Pacific Cable is by seeing that the Cable Board give the public the same facilities as are afforded by private companies.

Senator MACFARLANE (Tasmania).—For some time past I have been asking the Government to refund a certain sum of money which is due to Tasmania. I have received various answers to questions I have asked which show that the money is due as the result of the laches of Federal public servants. The first claim for the money was made in May, 1902, by the Tasmanian Treasurer, and in August, 1902, he wrote to the Federal Treasurer, Sir George Turner, as follows:—

I have the honour to call your attention to a return I have obtained from the Customs Department (copy of which is enclosed) showing what goods have been brought into Tasmania since 8th October, 1901, and down to 30th June, 1902, and on which no duty has been collected here, or no credit allowed, because duty equal to that now payable under the Federal Tariff had been paid in the other States prior to 8th October last.

The sum in question is £11,000, more or less. The Federal Treasurer replied to the letter as follows:—

I beg to acknowledge receipt of your letter of 27th ultimo relating to goods imported into Tasmania since 8th October, 1901, on which duty had



been paid in other States of the Commonwealth prior to the introduction of the uniform Tariff. In reply, I beg to inform you that, after full consideration, the right honorable the Minister for Trade and Customs ruled that section 93 of the Constitution applies only to duties collected under the uniform Tariff, and, after perusing the section referred to, I am of opinion that his ruling is correct. Should you have obtained any legal advice, however, as to the construction of the clause in question, I shall be glad if you will favour me with a copy.

That showed that Sir George Turner had some doubts in his own mind. The Treasurer of Tasmania replied—

There cannot be a doubt about our *equitable* right to receive this sum, but whether we have a legal right to it depends on the interpretation of sections 92 and 93 of the Commonwealth Act. I have been informed that the Federal Attorney-General (Mr. Deakin) is of opinion that we are legally entitled to it.

He took the advice given him by Sir George Turner, and got the legal opinion of the Solicitor-General of Tasmania, which was so worded that I am credibly informed it converted Sir George Turner to the view that Tasmania is entitled to the money. The opinion is somewhat lengthy, and deals with the question very closely. I propose to read one or two short paragraphs. The Solicitor-General said—

Where there are two constructions, the one of which will do . . . great and unnecessary injustice and the other of which will avoid that injustice, and will keep exactly within the purpose for which the statute was passed, it is the bounden duty of the Court to adopt the second and not to adopt the first of those constructions.

That seems to be a very reasonable legal opinion. Then he says—

I think, for the reasons hereinbefore stated at some length, that the construction put upon section 93 by the Commissioner for Trade and Customs is not the true construction. This conclusion has been arrived at by considering the matter as if it were merely a question of ascertaining by interpretation the meaning of a statute. But the Act to be construed is no ordinary statute. It is something more than an Act of the Imperial Parliament. It is a Constitution. Such an instrument is not to be interpreted on narrow and technical principles, but liberally and on broad general lines, in order that it may accomplish the objects of its establishment. It is a cardinal rule in the interpretation of Constitutions that the instrument must be so construed as to give effect to the intention of the people who adopted it.

Then to summarize he says—

There are two constructions: one of them leads to great and unnecessary injustice. (To reply to this that the matter is left unprovided for is insufficient. To give credit to one State for the amount of duties paid in respect of goods consumed in another is unjust, and can be defended

on no principle. Nothing but the clearest and most explicit language in the Constitution could justify it.)

Section 93 of the Constitution does not justify it. On the contrary it provides that—

During the first five years after the imposition of uniform duties of customs, and thereafter until the Parliament otherwise provides:—

1. The duties of customs chargeable on goods imported into a State, and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State, and afterwards passing into another State for consumption shall be taken to have been collected, not in the former but the latter State.

That is the whole position, and it is of very little use for the Government in answer to my questions to say that the accounts have not yet been made up in consequence of the difficulty of arriving at the duties collected under the State Tariffs from the 1st January, 1901, to the 9th October, 1901, because it is due to the laches of the Commonwealth Customs officers that those accounts have not been made up. They ought to be made up. Tasmania is not to blame because they have not been made up, and she should not suffer. Another reason given for not paying the money is that the Premier of Victoria has intimated that he desires to test the question as soon as the High Court is established. That is no reason why Tasmania should be made a litigant at the High Court. The fault lies with Federal officers, and the Federal Government should see Tasmania righted. The simple way out of the difficulty is for the Federal Government to pay the money which is due. I understand that Sir George Turner is of opinion that the Tasmanian estimate of about £11,000 is likely to turn out to be correct. I trust that if the money cannot be paid, over at once, as it ought to be, to the Treasurer of Tasmania, who expects it, it will at least be ear-marked in order that it may carry interest from the time it was due.

Senator PEARCE (Western Australia).—There are one or two questions to which I should like to refer. I understand that the salaries set down in the Estimates to be paid to messengers and attendants connected with the Senate were reduced by a vote in another place. I should like to ask the Minister for Defence whether the Supply Bill now before us covers those salaries on the scale of the original Estimates or as reduced in an another place. There is

another matter which, in my opinion, requires early and urgent attention. I refer to the methods to be adopted in the forthcoming elections to secure as large a vote as possible. Honorable senators will remember that when we were discussing the Electoral Bill we carried an amendment, the effect of which was to give power to the Government to draw up regulations to enable voters to vote at any polling place in a State when voting for senators. A number of divisions took place on the question, because it was first of all proposed to embody the provision in the Bill, and a compromise was arrived at by which it was agreed that regulations should be drawn up to safeguard the carrying out of the suggestion. So far no regulations on the subject have been submitted to us. Whilst there are honorable senators who desire that there should be the greatest latitude consistent with safety allowed in this respect, there are others who believe that the operation of the provision should be most carefully safeguarded. I am sure that both sections in the Senate consider that it is essential that we should have these regulations submitted to us before we disperse, and before we allow a general election to be conducted under them. The question is one which specially affects the Senate, because the method of election of members of the House of Representatives is laid down in the Bill, and electors are enabled to vote at any polling place in a division for members of that House. It was practically promised by the Vice-President of the Executive Council that the regulations to which I refer would be submitted to the Senate. I consider that he should endeavour to get the Minister for Home Affairs to press this matter forward, so that the Senate may have an opportunity of discussing those regulations and of making suggestions upon them in order to bring about the result that we wish to achieve. I have heard that the Government are drawing up regulations, and that they are going to impose certain limitations as to the places at which electors may vote both for the House of Representatives and for the Senate. I hear that the electors will only be allowed to vote for senators at the chief polling places. I admit that that is only hearsay, but if it is correct, I do not think it will be carrying out the will of the Senate. If I rightly interpret the desire of the Senate, it was that we were

*Senator Pearce.*

perfectly willing to allow voting at all polling places, providing the regulations were such that the voting could be properly safeguarded. But it will not meet the case to say that at the chief polling places—which means at certain towns in each of the divisions—voters shall be allowed to vote. The same safeguards which would apply in the towns would also apply to all polling places. I hope that the Minister will urge this point upon his colleagues in order that we may have an opportunity of discussing the question, as it is only a question of a week or two when the general elections will take place. Another matter which I wish to bring under the attention of the Minister concerns the action the Government are taking with respect to the retirement of the Deputy Postmaster-General of Western Australia. The representatives of that State have a right to know whether any communications are in progress between the State Government and the Federal Government with regard to the retirement of that officer. On a previous occasion, when we had a Supply Bill before us, I pointed out that he had earned his pension. He has had nearly half a century of State service, and I believe that the State Government would place no obstacles in the way of his retirement. He is within three years of the retiring age, and wishes to retire. In view of the fact that that officer, on account of his age and long service, is somewhat out of touch with the Federal administration, I urge the Government to meet his wishes, and give him every facility to retire on his well-earned rights. I wish also to say a few words on the question of preferential trade which has been mentioned by Senator Pulsford. It seems to me that with regard to this question the Prime Minister is going to try to adopt the same attitude that was so successfully adopted on the Naval Agreement. He has practically committed the Commonwealth Parliament and his supporters, and he hopes also that he has committed the people of the Commonwealth, by his pronouncement upon the preferential trade question. By-and-by we shall be told that Australia is committed to this policy, and that we shall look small in the eyes of the English people if we go back on it. If the Government wished to express any view upon preferential trade they had ample opportunities for eliciting an expression of opinion from the Senate or from the House of Representatives.

Before the Premier of New Zealand sent a cable message to England in the name of his colony he consulted the representatives of the people in Parliament. If the Commonwealth Government are so confident that they are able to speak in the name of the people of Australia, I do not see why they should hesitate to consult the representatives of the people in this Parliament.

Senator KEATING.—What was the result of Mr. Seddon's action? The defeated party repudiated what he had done.

Senator PEARCE.—But seeing that he had a majority of the Parliament with him, I hold that Mr. Seddon is perfectly right in assuming that he has the people of New Zealand behind him. It was no assumption on his part to send that message to England. He had a complete warranty for sending it. But what warranty has the Prime Minister of Australia for sending a message to Mr. Chamberlain? Has Parliament ever pronounced any view on the subject? It seems to me that not only the members of this Parliament, but also the people of Australia, have been very cautious in expressing an opinion. The only people who seem to be enthusiastic for preferential trade are the members of a little association that meets at a small hatter's shop in Bourke-street. It is somewhat amusing to notice the attempts of the supporters of this policy to make as much as possible of the powers which they have. For instance, we find the Prime Minister cabling in the name of the Commonwealth Government. Then the Minister for Home Affairs cables in the name of the Protectionist Association. Then there is a Protectionist Conference, and the same Minister cables to England as the representative of that body.

Senator DRAKE.—Does the honorable senator object to the sentiments expressed in those messages?

Senator PEARCE.—No; but I object to the way in which public opinion is attempted to be manufactured. I also draw attention to the rather peculiar fact that when, on 19th September, Sir William Lyne sent his cable message to Mr. Chamberlain in the name of the Protectionist Conference, on the same evening an interview with the secretary of the Protectionist Association, Mr. Samuel Mauger, appeared in the Melbourne *Herald*. In that interview Mr. Mauger says—

The council of my association will meet on Monday week, and I will communicate with the

leading members immediately with the view of sending a cable message to Mr. Chamberlain.

Mark, that Sir William Lyne had already sent a cable message to Mr. Chamberlain in the name of this association; but here is the secretary saying that he will call the members together, with a view of sending a message, assuring the right honorable gentleman in England of the support of the people of Australia. This reminds one of the three tailors of Tooley-street, only in this case I understand that it is the three hatters of Bourke-street who speak for the people of Australia. Mr. Mauger says—

I will also call together the representatives of the protectionist associations of the different States.

So that Mr. Mauger, in speaking for the protectionist association, is rather unkind to his chief, because he practically says that Sir William Lyne sent a cable message without the authority of the association which he represents. Practically what we have to face is this:—That we have the Prime Minister of the Commonwealth and the Minister for Home Affairs sending home to the people of England messages in the name of the people of Australia. I contend that unless the Government take the proper course of consulting the representatives of the people we shall be perfectly justified as a Senate in sending a message repudiating the action of the Prime Minister in this connexion. I wish to add that I thoroughly agree with the remarks of Senator Keating with regard to the appointment of the Judges of the High Court. We may perhaps in this matter be doing an injustice to the Ministry, but, as a student of Federal affairs and of the history of federation, I say that, if Sir Samuel Griffith gets the appointment of Chief Justice of the High Court, the Ministry of the day will have been traitors to federation. At the time that the delegates who represented Australia were working in England with a view to limiting the right of appeal to the Privy Council, what position did Sir Samuel Griffith take up?

Senator DOBSON.—The right one.

Senator PEARCE.—Whether it was right or wrong, it was not so much the position he took up as the manner in which he took it up—in secretly, in conjunction with another Chief Justice, endeavouring to sap the position taken up by the rightly appointed delegates in England.

Senator DE LARGIE.—The most disgraceful thing in Australian history.

Senator PEARCE.—If Sir Samuel Griffith thought that the position which he then took up was the right one his duty was clear. He should have gone to the Parliament of his country, or on to the platform; he should have placed his views before the country, and should have been asked to be sent to England as an exponent of those views. But at that time the delegates of Australia were in England fighting for certain conditions.

Senator Lt.-Col. GOULD.—Which Sir Samuel Griffith thought undesirable.

Senator PEARCE.—But he was then occupying an official position. He was a public servant. He was not a politician. We have heard the claim that the members of the Bench of Australia are paid big salaries in order to remove them from politics. When a man goes on to the Bench he is expected to keep himself aloof from politics. Did this man do so? Is it not a well-known fact in the history of federation that, in conjunction with another Chief Justice, he did all he could to work against what the people of Australia believed, and showed by the action of their appointed delegates that they believed, to be in the interests of Australia?

Senator WALKER.—Queensland was not then represented in the Convention; the honorable senator seems to forget that.

Senator PEARCE.—Queensland by her subsequent action became a member of the Federation. The principle has at all times been laid down unmistakably in connexion with the practice of the Australian Courts that the Judges on the Bench are removed from all political associations. Will honorable senators, even if they defend the attitude which Sir Samuel Griffith took up on that occasion, defend the manner in which he made that attitude known—secretly, and by intrigue?

Senator WALKER.—How does the honorable senator know that?

Senator PEARCE.—It is known throughout Australia. If the honorable senator will read the columns of the Adelaide newspapers of that time, he will find the whole correspondence in which the attitude of Sir Samuel Griffith was exposed by a legal member of the Senate. I contend that had it not been for the action of those legal gentlemen, the powers of the High Court would have been infinitely greater than they

are, and infinitely more in touch with Australian sentiment. It was the traitors to Australian sentiment who plotted and schemed in order to defeat the will of the Parliaments of the States. What is the reward which the Government in the first national Parliament propose to give to Sir Samuel Griffith—the highest judicial position in the Commonwealth? It will be a shameful appointment if it is made, because, undoubtedly, he was opposed to the whole spirit of the Australian Judiciary. But I sincerely trust that the statement in the press is not accurate. I firmly believe that if Sir Samuel Griffith were made Chief Justice, the Parliament would resent his appointment, and so would the people of the Commonwealth when they were reminded of the part which he had played. I indorse the remarks of Senator Matheson respecting the report which the Senate ordered to be furnished on the armament required for Australia. The Government have no right to ask the Senate to vote any money for that purpose until it has been furnished. The General Officer Commanding has formulated a scheme for reorganization of the Defence Forces, and why should we be asked to vote any money in the dark?

Senator Lt.-Col. NEILD.—It is in force by virtue of a regulation.

Senator PEARCE.—The Senate called for a report from the military expert to whom we pay a high salary. It desired to know how much money is wanted, for what purpose it is required, and what sum it is imperative to spend at once. We have a perfect right to be supplied with the information, and should decline to vote any money in a blindfold way until it is forthcoming. I trust that Senator Drake will see that the order of the Senate is complied with before the Appropriation Bill is sent up.

Senator Lt.-Col. GOULD (New South Wales).—Senator Pearce has devoted considerable attention to the question of the undesirability of the Government making a certain appointment to the Bench of the High Court which the press has stated it is their intention to make. I do not hold a brief for the Government with regard to the judicial appointments which it is stated in the press they contemplate making shortly. I believe that the people of Australia generally regard Sir Samuel Griffith as a man of great ability and high attainments in his profession, and recognise that he took a

very prominent part in the Federal movement in its earlier stages.

Senator DE LARGIE.—He drafted the most conservative Constitution which it was possible to produce.

Senator Lt.-Col. GOULD.—It was not adopted by the people of Australia.

Senator De LARGIE.—Thank goodness it was not!

Senator Lt.-Col. GOULD.—I agree with the honorable senator, that it is a very good thing that the Convention Bill of 1891 was not adopted; but I would remind him that it formed the foundation of the present Constitution, and that we are under a debt of gratitude to the Convention, of which Sir Samuel Griffith was a prominent member, for the work which it did. So far as I can gather from their remarks, honorable senators seem to object to the selection of Sir Samuel Griffith, as Chief Justice, because he took certain steps with regard to the right of appeal to the Privy Council. I am told by an honorable senator, that in that respect he took a disgraceful line of action, and that, in his opinion, he is unfit to occupy a leading position on the Bench of the High Court, because he may be called upon to deal with many cases involving the extent of the powers which have been conferred upon that tribunal, or the powers which it may exercise. The right of appeal to the Privy Council is a question which, is fairly and legitimately open to argument. Senator Symon took a very strong view on this question. He considered it a mistake to retain the right of appeal to the Privy Council, but that the High Court of Australia ought to deal with every appeal. It is open to argument whether we should give up the right of appeal to the highest Court in the Empire, composed as it is of highly cultured and trained men. When this question was being discussed in 1900, Sir Samuel Griffith was Chief Justice of the Supreme Court of Queensland. With the Chief Justice of another Supreme Court, he made certain representations as to the undesirability of taking away the right of appeal to the Privy Council. It appears to me that whatever our individual opinions may be on that question, he was perfectly within his rights in making those representations, so long as they were honestly and fairly made, and did not misrepresent the position of affairs in Australia.

Senator DAWSON.—Does not the honorable and learned senator realize that he became a

politician when he made those representations?

Senator Lt.-Col. GOULD.—No. I deny that politicians are the only persons who are entitled to make any representations to the Imperial authorities in regard to any matters affecting the vital interests of Australia, because I hold that every person in the community possesses that right. I do not consider that on that occasion Sir Samuel Griffith was interfering in political matters. It is not fair to attack him as he has been attacked, and to say that it would be a disgrace to the Commonwealth if he were appointed to the Bench of the High Court. If it could be shown that he had been corrupt, or had shown himself incompetent, the position would be different.

Senator KEATING.—Why did he attack the proposed Constitution in an underhand manner, as he did?

Senator Lt.-Col. GOULD.—Was it not within the right of Sir Samuel Griffith as a citizen to point out the views which he held on the question of the right of appeal to the Privy Council?

Senator KEATING.—Yes; if it were done in a proper manner, but he tried to belittle the High Court.

Senator Lt.-Col. GOULD.—Suppose he had said that the High Court would be composed of Australian lawyers, that the Privy Council would be composed of lawyers of far wider experience, and that therefore it would be better to allow an appeal to that body if desired.

Senator KEATING.—Evidently the honorable and learned senator does not know anything about the matter, or he would not put that case.

Senator Lt.-Col. GOULD.—It is a great pity that the honorable and learned senator did not express his meaning more clearly than he did. It is most undesirable to make an attack on any man unless it is well founded. I hold no brief for Sir Samuel Griffith, and I should have taken up exactly the same position if a Judge in any other State had been attacked. The Government will have to take the responsibility for the appointments, and if either House should think that a mistake has been made, it will be in a position to express its opinion. The newspapers seem to be quite satisfied with the appointments which are said to be contemplated. I desire to refer to the cablegram which was sent by the Prime Minister to Mr. Chamberlain on the

subject of preferential trade. It may be that Sir Edmund Barton as Prime Minister claims the right to cable to the old country on any matter, of course taking the responsibility for his action. When he attended the Premiers' Conference the question of preferential trade was mentioned, and he promised that this Parliament should be consulted. Although it has been in session for a period of nearly six months, still not one opportunity has been afforded by the Ministry to either House to discuss the question. In these circumstances I contend that no such cablegram should have been sent to Mr. Chamberlain. As a representative of the mother State, I entirely repudiate the message. There is no evidence to show that the people of Australia are in favour of Mr. Chamberlain's scheme, for they have been singularly careful not to express an opinion. Some newspapers have expressed their views, but has a vote of the people on the question been taken at a single public meeting? Or has a vote of the representatives of the people been taken in a single House of Parliament? While I would give the Prime Minister the greatest possible latitude to speak on behalf of the people of Australia, I contend that when the Parliament is in session, he ought to consult their accredited representatives before he takes a line of action which may be regarded by persons in the old country as to a certain extent committing Australia to a particular policy.

Senator DAWSON.—The case is even worse when we contemplate the possibility of the Prime Minister not facing the electors again.

Senator Lt.-Col. GOULD.—At the present moment we do not know whether he will appeal to the electors or not. Why was not a cablegram sent to Mr. Chamberlain to say that, while the protectionist party in this country were willing to treat Great Britain differently from other countries in the matter of preferential trade, they were not willing to lower a single duty on any imports from Great Britain, although they were willing to increase the duties on imports from foreign countries. In these circumstances, would not preferential trade with the Commonwealth be an utter farce and delusion from the stand-point of Mr. Chamberlain? It is no use saying we will give something with one hand and then proposing to take it away with the other. In any case Parliament ought to have been consulted

before any cablegram was sent. I hope that when the Estimates in chief are before us steps will be taken by this Chamber to insist on its equal rights in regard to its own officers. I can see no reason why the salaries of officers of the Senate should be less than those of the officers of the other House. The work of the officers of the Senate is quite as important and responsible as the work of the officers of the House of Representatives, and where we have two co-ordinate branches of the Legislature we ought to take care, in our own interests and for our own protection, that our officers are quite as well paid. We should not place ourselves in a position where it would be promotion for our own men to go to another Chamber; we want the best men we can get to assist us in discharging our duties. It appears from the extracts read by Senator Macfarlane that there is some difference of opinion as to whether Tasmania was entitled, from a legal stand-point, to the amount of the duties she claimed. From an equitable stand-point, I think that State was absolutely entitled to the money. I understand that, instead of the goods being bonded in Tasmania, where the duties would have been paid, they were introduced in Victoria, and after the duty had been paid on them, transferred to Tasmania for consumption. Whatever may be the strict technical meaning of the wording, it is patent that the law was never intended to have such an effect as that indicated by Senator Macfarlane. I notice that there is no opinion from the Attorney-General, though there is one from the Solicitor-General of Tasmania, who argues that, under the Constitution, Tasmania is entitled to the money as a matter of right. I understand that the Treasurer has virtually admitted that position; and, if that be the case, or even if there be only an equitable claim, would it not be reasonable to pay the amount on condition that if on further investigation, or on inquiry before the High Court, it be found that Tasmania is not entitled to the money it may be deducted from sums due in the future, unless Parliament is prepared to pass a special Act?

Senator DRAKE.—If the money is credited to Tasmania it will have to be debited mostly to Victoria.

Senator MACFARLANE.—Hear, hear. Victoria has had the money.

Senator Lt.-Col. GOULD.—I am satisfied as to the equitable right of Tasmania, though I offer no opinion as to the legal right. It would satisfy Tasmania if it were shown that the Commonwealth Government desire to treat her as fairly as possible.

Senator DRAKE.—Tasmania knows that.

Senator Lt.-Col. GOULD.—I do not at this late hour propose to say anything on the equipment of the Defence Forces, because I shall have an opportunity when the Estimates in chief are considered. It is a matter of serious importance that the equipment of the Defence Forces should be completed at the earliest possible moment.

Senator Lt.-Col. NEILD (New South Wales).—I want particularly to draw the attention of the Minister for Defence to a matter of grave importance in connexion with the Defence Forces, namely, the inadequate arrangements that have been recently promulgated by regulations for the partially paid or militia forces. As explained to me by officers of the mounted service, the sum total that a mounted man can earn under the new regulations during six months is about £1 8s., and he is supposed to keep a horse.

Senator DRAKE.—What?

Senator Lt.-Col. NEILD.—That is all that is paid to the man; anything more he earns is stowed away in some suspense account, to be handed over to him under certain conditions at some remote date. I assure the Minister that, while I am not in a position to give the exact details, I am speaking on statements made to me by permanent officers in the mounted service in New South Wales. I admit that I have no personal knowledge of the matter; but the dissatisfaction is so serious that the men are simply declining to attend drill—the members of the militia force, particularly the mounted men, are refraining from attending parades. I believe that the Minister for Defence called for a report as to whether the military arrangements made under the recently promulgated regulations were satisfactory to the forces, and that in a general way he has been informed that they are satisfactory. That may be so in four States of the Commonwealth, but the Minister ought to be informed if he does not know that satisfaction does not exist everywhere. We all know from what we have heard here that the Tasmanian forces are not satisfied. I can assure the Minister that in New South

Wales there is much more than dissatisfaction. There is a degree of chronic discouragement that augurs the break up of the force. Persons in high authority, seeking to achieve out-of-the-way results, may consider everything happy and satisfactory, but from my knowledge of officers and men I can say positively that the partially-paid forces are in an eminently discontented condition. Amongst the volunteers, of which I have the most personal knowledge, the same dissatisfaction does not exist. There are grounds of dissatisfaction amongst the volunteers, but I am not referring to them just now. I hope the Minister will be as willing to accept the utterly disinterested opinions which I convey to him as he is, or may have been, to accept the statements of those who either do not know as much as I do or have reasons for crying "peace when there is no peace." No matter how highly placed those may be who greet the Minister with the cry of peace, they are either deluded themselves or are deluding the honorable gentleman. My own opinion is that they are deluded themselves. Persons in very high positions do not always grasp the true facts which form the basis of dissatisfaction of the kind I have indicated. I am in a position to know the details, because the man in the ranks just as much as the commanding officer is entitled to come to me as a representative of the people. That is not the case with officers in high positions, whom the opinions of the rank and file do not reach. Unless the recent regulations undergo some alteration, the Minister may have the distinguished honour, so far as New South Wales is concerned, of being head of a phantom army. The Minister knows that I am speaking with no sense of heat or animosity towards either himself or the Department. I am speaking with personal knowledge, and with the full assurance that what I have stated can be abundantly proved if the Minister cares to make inquiries in other directions than amongst officers of the highest ranks. I make these remarks because I feel it my duty to do so.

Senator WALKER (New South Wales).—I desire to join Senators Gould and Pulsford in regretting that cable messages should have been sent to Mr. Chamberlain in connexion with preferential trade. At the same time I admire the stand taken by Mr. Chamberlain. It is not to be supposed

that because we do not approve of preferential trade we do not admire the independence of the man. I was absolutely pained to hear the remarks of Senator Keating and others in regard to Sir Samuel Griffith. I do not wish to refer to the High Court appointments particularly, but in my opinion it would be a great thing for Australia if that worthy and brilliant man had a seat on the Bench. Some honorable senators are not perhaps aware of how Sir Samuel Griffith for many years identified himself with the Federal movement. When he accepted the position of Chief Justice of Queensland he reserved the right, if the question of Federation arose, to express his views openly. If Sir Samuel Griffith did desire, as many did, to maintain the right of appeal to either the Privy Council or the High Court, he cannot be considered as having acted as a traitor. I desire to express very warmly the respect I entertain for Sir Samuel Griffith, and I shall be glad if the Government have seen their way to offer him a seat on the High Court Bench.

Debate (on motion by Senator DAWSON) adjourned.

### ADJOURNMENT.

#### POST AND TELEGRAPH ACT AMENDMENT BILL.

Motion (by Senator DRAKE) proposed—  
That the Senate do now adjourn.

Senator Lt.-Col. GOULD (New South Wales).—Senator Dobson this afternoon was interrupted before he had concluded his remarks on the Bill to amend the Post and Telegraph Act, which he had introduced. I understand that Senator Dobson was anxious, after the Government business had been disposed of, to get leave to continue his remarks on the Bill on Wednesday next.

The PRESIDENT.—Senator Dobson was interrupted not by his own act, but in pursuance of a sessional order, and, under these circumstances, I think the most convenient course would be to place the Bill as the first order of the day on Wednesday next.

Senator Lt.-Col. GOULD.—Will Senator Dobson be entitled to continue his speech?

The PRESIDENT.—Yes.

Senate adjourned at 10.30 p.m.

## House of Representatives.

Wednesday, 23 September, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### PETITIONS.

Mr. CHANTER presented a petition from certain residents of New South Wales, praying the House to pass into law the Bonuses for Manufactures Bill.

Petition received.

Mr. SYDNEY SMITH presented a petition from the Western Federal Capital League of New South Wales, praying the House to establish a ratio of values as a means of distinguishing the relative importance of the factors of suitability in connexion with the determination of the Federal Capital site.

Petition received and read.

### FEDERAL CAPITAL SITES.

Mr. BROWN.—I wish to know from the Prime Minister if he has obtained the exhibits and minutes of the Capital Sites Commission, and, if so, whether he will make them available to honorable members. Will he also consider the advisability of incorporating any information in the exhibits in the document which he proposes to publish?

Sir EDMUND BARTON.—I cannot speak as to the exhibits, though I hope to be in a position to attach those of them which can be conveniently printed to the printed copies of the evidence taken before the Commission. It will be within the recollection of honorable members that yesterday I stated that I had given orders for the evidence to be printed, notwithstanding the decision of the Printing Committee. As to the minutes, I am told that an answer was given in another place, which was strictly in accordance with the law, to the effect that they are the property of the Chairman of the Commission. I took an early opportunity to have a conversation with him on the subject, and he at once and spontaneously informed me that he had not the slightest desire to adhere to the legal position, but would be very glad if the minutes could be published. Now that the honorable member has asked for their publication, I shall, with the consent of the



Chairman, take steps to have them published.

Mr. A. McLEAN.—Will the minutes supply the necessary information as to cost?

Sir EDMUND BARTON.—They will not supply any information as to cost. They contain information only as to the meetings and actual decisions of the Commissioners. I may add that I have been assured by the Chairman that there was not one occasion upon which he was called to exercise his casting vote.

Mr. O'MALLEY.—In view of the rejection by the Senate of the proposed resolutions for the choosing of the capital site, is it worth while to proceed with similar resolutions here?

Sir EDMUND BARTON.—I am confident that it is quite worth while to do so. As I indicated last night, I propose that this House shall agree to the motion which I have moved, with such amendments as may be considered, not merely desirable in accordance with the predilections of any honorable member, but necessary, and that the motion, as amended, shall be sent to the Senate with a message asking for the concurrence of that Chamber. I shall ask the representative of the Government there to take such steps as will bring the question before the members of the Senate for their consideration, and I am not without hope that that procedure will bring about the necessary agreement between the two Houses.

#### HIGH COURT APPOINTMENTS.

Mr. GLYNN.—Section 8 of the Judiciary Act provides that—

A Justice of the High Court shall not be capable of accepting or holding any other office or any other place of profit within the Commonwealth, except any such judicial office as may be conferred upon him by or under any law of the Commonwealth.

Does the Prime Minister consider that the appointment of a Judge who would be entitled to a pension, either during his term of office on the Commonwealth Bench or after its expiry, under some State Act, would be consistent with that provision?

Sir EDMUND BARTON.—I shall take the question which the honorable and learned member has asked as an invitation to the Government to consider the constitutional position which he has raised, and I promise to give it consideration.

Mr. GLYNN.—Before any final determination is come to in regard to the appointments?

Sir EDMUND BARTON.—I would rather not answer that question at present.

#### GOVERNMENT GAZETTE.

Mr. WILKINSON.—I have just received the complaint that the *Commonwealth Government Gazette* is not obtainable in Brisbane. Will the Prime Minister see that arrangements are made whereby the *Gazette* may be procurable in limited numbers there?

Sir EDMUND BARTON.—The honorable member has asked me, in view of the statement he has heard, that the *Government Gazette* is not to be purchased in Brisbane, whether I will make arrangements under which it may be obtained in that and the other principal cities of the Commonwealth. I am wholly in favour of that course being adopted, and I thought that such arrangements were in existence. The arrangements for the distribution and publication of the *Government Gazette* are to a certain extent in the hands of the Department of External Affairs, and also to a certain extent in the hands of the Treasurer, under whom the Government printing is done. I shall take occasion to have a conversation with my right honorable friend the Treasurer with a view of bringing about what is desired. It is entirely in line with my own view that this and other Commonwealth publications should be made available as easily as possible in all parts of the Commonwealth.

#### POSITION OF THE MINISTRY.

Mr. CONROY.—I wish to ask the Prime Minister, without notice, whether, in view of the general expressions of want of confidence in the Ministry, he will consider the propriety of not making further appointments of any kind whatever?

Sir EDMUND BARTON.—I do not think that that question deserves an answer.

Mr. CONROY.—May I ask why not? I wish to ask, after the defeats that all the proposals of the Ministry are receiving in this Parliament, whether they think they ought to carry on the business of the Commonwealth?

Sir EDMUND BARTON.—That question meets with a similar fate.

**Mr. SPEAKER.**—I will ask the Prime Minister not to address the Chair whilst sitting down.

**Sir EDMUND BARTON.**—I beg pardon, sir, and will answer the honorable and learned gentleman's question at once. The Government is not of opinion that it has persisted in a course which has evoked a want of confidence on the part of the House or of the country, or which disentitles it to either. Therefore, the ground of the honorable and learned member's question, in my view, disappears.

### CONCILIATION AND ARBITRATION BILL—SHIPPING.

**Mr. KINGSTON** asked the Prime Minister, *upon notice*—

What conclusion have the Government arrived at in relation to the letter of the Western Australian Government on the subject of overseas ships and the Conciliation and Arbitration Bill?

**Sir EDMUND BARTON.**—The answer to the honorable member's question is as follows:—

I have found that, before it is possible to deal fully and justly with the question, it is necessary to institute inquiries into the extent and value of the passenger traffic by mail steamers between Western Australia and the Eastern States. I have directed such inquiries to be made, and have telegraphed to the Premier of Western Australia in the same relation, and asked for his assistance in obtaining full information.

### DEDUCTIONS FOR QUARTERS.

**Mr. CROUCH** asked the Postmaster-General, *upon notice*—

1. Is it true that in several cases postmistresses receiving £110 per annum have had deducted from their salary £20 for rent; whilst postmasters are charged 10 per cent. only?

2. Is this not contrary to Regulation 64, which limits the rent reduction to 10 per cent.?

**Sir PHILIP FYSH.**—The answer to the honorable member's questions is as follows:—

1 and 2. Deductions for rent of quarters as fixed under the State laws will remain in operation until the classification of the Service which is now in progress has been completed, and no distinction in this respect is made as between postmistresses and postmasters. Where vacancies occur, however, and it is necessary to advertise same, the rent deduction is fixed at 10 per cent., as provided by section 64 of the Commonwealth Public Service Act. Upon the completion of the classification the whole question of rent deductions will be adjusted.

### SUPPLY.

Resolutions of the Committee of Supply for the services of the year 1903-4 agreed to.

### WAYS AND MEANS.

*In Committee:*

Motions (by **Sir GEORGE TURNER**) proposed—

That towards making good the Supply granted to His Majesty for the services of the year ending 30th June, 1904, a sum not exceeding £2,648,931 be granted out of the Consolidated Revenue Fund.

That towards making good the Supply granted to His Majesty for additional new works and buildings for the year ending 30th June, 1904, a sum not exceeding £422,283 be granted out of the Consolidated Revenue Fund.

**Mr. JOSEPH COOK** (Parramatta).—I should like to take advantage of this proposal to ask the Government why they allow Order of the Day No. 6—Conciliation and Arbitration Bill—to remain on the business-paper? Do they propose to take any other steps in regard to the Conciliation and Arbitration Bill, or are they allowing an idle order to remain upon the paper? The Prime Minister has already told the House that he does not intend to go on with the measure, and the usual procedure is to move the discharge of such an order from the business-paper. I should like to know whether the Government are relenting over the matter, and whether, after all, they mean to make an effort at the eleventh hour to put that Bill through?

**Sir EDMUND BARTON** (Hunter—Minister for External Affairs).—I question whether my honorable friend is very serious, or as serious as he usually is, in asking this question. His seriousness in ordinary is so great as to be almost jocose, and I am not quite sure whether he has not reached the stage of jocosity on this occasion. However, the honorable member will not object to this patch on the face of that beauty known as the notice-paper; because he will consider that as in the case of the beauties of old days, even the existence of what he may consider to be a patch may bring out the stronger points of adornment. We have nothing to say as to the question asked. The Bill is very well where it is.

Question resolved in the affirmative.

Resolutions reported.

### FEDERAL CAPITAL SITE.

Debate resumed from 22nd September, (*vide* page 5238), on motion by **Sir EDMUND BARTON**—

1. That, with a view of facilitating the performance of the obligations imposed on Parliament by section 125 of the Constitution, it is expedient that a Conference take place between

the two Houses of the Parliament to consider the selection of the Seat of Government of the Commonwealth.

2. That this House approves of such Conference being held on a day to be fixed by Mr. Speaker and Mr. President, and that it consist of all the Members of both Houses.

3. That at such Conference an exhaustive ballot be taken to ascertain which of the Sites reported on by the Royal Commission on Sites for the Seat of Government of the Commonwealth appointed by the Governor-General, on the 14th day of January, 1903, is in the opinion of the members of the Parliament the most suitable for the establishment of such Seat of Government.

4. That Mr. Speaker be empowered, in conjunction with Mr. President, to draw up Regulations for the conduct of such Conference and for the taking of such exhaustive ballot.

5. That the name of the Site which receives an absolute majority of the votes cast at such Conference be reported to the House by Mr. Speaker.

6. That it is expedient that a Bill be introduced after such a report has been made to the House, to determine, as the Seat of Government of the Commonwealth, the Site so reported to the House.

7. That the passage of the last preceding Resolution be an instruction for the preparation and introduction of the necessary measure; and that leave be hereby given for that purpose.

8. That so much of the Standing Orders of this House be suspended as would prevent the adoption or carrying into effect of any of the above Resolutions.

9. That these Resolutions be communicated to the Senate by a Message requesting its concurrence therein.

Upon which Mr. A. McLEAN had moved, by way of amendment—

That after the word "That," line 1, the following words be inserted:—"with a view to the selection of the most suitable site for the Commonwealth seat of Government, and the acquisition of same on the most favorable terms, it is desirable that the Government should ascertain the lowest price at which they can acquire 100 square miles of territory at each of the following proposed sites, viz.:—Albury, Bombala, and Tumut; also the lowest price at which they can secure the necessary area for the protection of the proposed sources of water supply in connexion with each of the foregoing sites. That a copy of this resolution be forwarded to the Senate, with a message requesting concurrence with same."

Mr. AUSTIN CHAPMAN (Eden-Monaro).—This discussion has now reached such a stage that I do not consider it is necessary for me to do more than say that the motion meets with my cordial approbation. It is easy for some honorable members to criticise the action of the Government, but it is remarkable that no one has come forward with any substitute for their proposal.

Sir WILLIAM McMILLAN.—We have all agreed to it.

Mr. AUSTIN CHAPMAN.—The honorable member did not speak as if he altogether agreed with the motion. He referred to the delay that had occurred in submitting it, and also asked for more information. The general tone of the debate, so far as honorable members opposite is concerned, has been one of fault finding.

Mr. JOSEPH COOK.—The Victorian representatives have been the principal objectors.

Mr. AUSTIN CHAPMAN.—It is all very well to blame Victorian representatives. Honorable members opposite are in the habit of imputing all sorts of motives to those who happen to disagree with them. I recognise that the Victorian representatives have as much right as the representatives of New South Wales or other States to express their opinions, and I regret that the cry of State against State should have been raised in connexion with the motion. A very good example was set by the Prime Minister when he stated that every honorable member should have a free hand, and that no attempt would be made to coerce any one into voting for a particular site. As a matter of fact it is well known that Ministers differ as to the best site for the Federal Capital.

Mr. THOMAS.—Is that the reason why the motion has been submitted?

Mr. AUSTIN CHAPMAN.—Surely it is better that the Government should take up their present position than attempt by a party move to force a particular site upon Parliament. We have to consider, in dealing with this question, that when once this question is settled it will be disposed of for ever. Possibly, I have been as impatient as any honorable member to see the site fixed for the capital; but I have recognised the great difficulties that beset the Government. The Prime Minister said that he was quite prepared to consider any amendments that might be proposed, and I hope that some of the amendments foreshadowed during the discussion will prove acceptable to the Government. I am sure that whatever our views may be with regard to the merits of the proposed sites, we are all anxious to arrive at a satisfactory conclusion. We have almost reached the stage at which we may hope to arrive at a solution of the difficulty. Notwithstanding the action of the Senate in regard to a similar motion, the discussion in that branch of the Legislature has disclosed the fact that

a majority of senators have very carefully considered the question, and have made up their minds regarding it. Naturally they are a little bit shy about adopting a course which may result in a choice of which they could not approve, and we can easily understand their hesitation before taking the final plunge, which will commit them to a selection for all time. I am glad that it is not necessary at this stage to say anything regarding the relative merits of the proposed sites. It is better that that aspect of the matter should be dealt with at the Conference of both Houses. Whilst many of us have strong convictions, I do not believe that there is one honorable member who is not prepared to alter his mind if it can be shown that some other site is better than that which he advocates.

Mr. THOMAS.—Even better than Bombala?

Mr. AUSTIN CHAPMAN.—It would be almost impossible to find a site better than Bombala; but one cannot tell what may happen. I hope the Government will agree to accept, in a modified form, the amendment proposed by the honorable member for North Sydney. It might prove very awkward for honorable members representing western districts if they had to make a direct choice between Orange, Bathurst, and Lyndhurst, and the same remark would apply to honorable members representing other divisions of the State. It seems to me reasonable that we should at first reduce the three sites in the western district to one, because there is no reason why an honorable member who is in favour of Orange should not also be well-disposed towards Bathurst. I think that we should make a mistake if we now attempted to select site for the capital. It is not necessary for us to do so at this stage. We are not armed with sufficient information to enable us to fix a site for the capital itself. The Commissioners point out not only that they are not prepared to select a site for the capital, but that much more information is necessary, and that much more consideration should be given to the matter before any determination is arrived at. Some honorable members seem to consider that there is a wide divergence between the reports of the Commission of Experts and the Commissioner appointed by the State of New South Wales, but the summaries of the reports practically agree. We should direct our attention to the selection of a territory

within which the capital may be established. Who will dare to say that we should without the fullest consideration commit ourselves to a site, and to the expenditure of a large sum of money? We should make haste slowly, and if there is any reasonable doubt in the minds of honorable members, and if it is possible to obtain any more and better information, we should not, because of any outside cry, rush in and perhaps make a mistake which we should ever afterwards regret, which would cost the Commonwealth dearly, and which could not be remedied. I hope that honorable members will forget for the time being any differences that may have existed between New South Wales and Victoria. Are the representatives of Queensland, of Western Australia, or of other States any less patriotic than those who represent the more populous States? In considering this matter we must not count the cost that will be incurred to-day, or to-morrow, or next year, but the ultimate outlay. We must bear in mind the ultimate results, and we must remember that it is possible that, perhaps even in our time, some of the smaller States may become more populous than either New South Wales or Victoria. We must keep in view the possible developments of the States, and we must consider that a site which would be convenient only for representatives of Victoria and New South Wales might be extremely inconvenient for those who represent other States. As a representative of New South Wales, I have yet to learn that the people of that State have any divine right to the control and trade of the capital. I have yet to learn that we have any right to select a site that will divert the trade to Sydney.

Mr. JOSEPH COOK.—We have a constitutional right.

Mr. AUSTIN CHAPMAN.—It is high time that honorable members protested against the continuance of this old wrangle between New South Wales and Victoria. The representatives of the latter have been accused of a desire to cast a block vote in favour of a particular site. That such an accusation is ill-founded is proved by the fact that when the representatives of New South Wales held meetings to discuss this question, no taunts of that character were indulged in.

Mr. CONROY.—I have never attended any meeting to discuss the question of the capital site.

Mr. AUSTIN CHAPMAN.—I do not accuse anybody in particular. I believe that there is an honest desire on the part of honorable members to select the best site. For this reason I hold that our first duty is to decide upon the territory within which the site shall be located. Last night some question was raised as to the awkward position in which honorable members might be placed if they were called upon to record a vote upon every site. Now, there are two sites in my electorate, and a third upon its boundary. If it had its deserts it would probably include three or four more. It seems to me that the sites which were reported upon by the recent Commission should be grouped within particular areas. For example, the Southern area should include Albury and Tumut; Armidale would require to stand alone; and Southern Monaro would embrace Dalgety and Bombala, just as Lake George would include Yass. That is a suggestion which, I think, the Prime Minister might well consider. I believe that its adoption would tend towards a solution of this question, especially in view of the discussion which has taken place elsewhere. We now know that the action of the other branch of the Legislature, in declining to meet this House in Conference, was prompted by the fear that the votes of its members would practically be "swamped." But in the light of the debate which has taken place in this Chamber, members of another place now know that a majority of honorable members intend to select the site which they deem to be best. I have no doubt, therefore, that these resolutions, if adopted, will meet with the concurrence of the other House. Certainly, they will receive more consideration than was bestowed upon them last evening. There seems to be a general desire amongst honorable members that further information should be obtained in regard to the value of the land which is embraced within the areas comprised in the different sites. It has been pointed out that whilst the Constitution prescribes that the Commonwealth shall acquire a minimum area of 100 square miles, the report of the last Commission contains no information as to the value of the land in the different eligible localities. Personally, I take it that we should be guided in our conclusions upon the matter by the report of Mr. Oliver, who, in collecting information for the New South Wales Government, was

careful to call expert evidence upon this point. His report gives the value not only of the minimum area of 64,000 acres, but the approximate cost of a much larger area.

Mr. A. McLEAN.—The last Commission did not report upon the same sites.

Mr. AUSTIN CHAPMAN.—No; but if the honorable member will closely examine the summary of that Commission's report, and will allocate the proper number of points to the various headings which are there enumerated, he will find that the Commission should have arrived at an altogether different conclusion. Surely he would not give the same number of points to a site merely because it was picturesque or accessible—

Mr. JOSEPH COOK. — I rise to a point of order. The honorable member is discussing the wisdom or otherwise of deciding the capital site upon the basis of points. He is suggesting that we should not determine the site upon the ground of its beauty, and I submit that in doing so he is entirely out of order.

Mr. SPEAKER.—I heard what the honorable member was saying, and it seemed to me that he was following a line of argument which was quite relevant to the question under consideration.

Mr. AUSTIN CHAPMAN. — I was also pursuing an unselfish line of argument, because if the site were determined from the stand-point of beauty alone, it would be located in my electorate. But even though a particular locality may be beautiful, or may be connected with the State capital by railway, it surely ought not to be given the same number of points as a place which possesses a magnificent climate, a good port, a grand water supply, or a large area of land which can be purchased at a reasonable price. If one carefully examines the report of the last Commission, one will find that very many points which were made by Mr. Oliver have been fully confirmed. At the same time there is a good deal in the contention of the honorable member for Gippsland. We must consider the question of land values before we adopt these resolutions. Some honorable members have contended that so long as the land is worth the money it does not matter what we pay for it. But I would point out that in one locality there may be splendid country which is admirably adapted to closer settlement, but which, owing to the

absence of a railway or a market, is worth practically only its prairie value, whereas another area which comprises land of the same quality may be worth five times as much. We all know that around some of these sites the land is very valuable. In my own district some of the best country in the world can be purchased for £4 or £5 per acre.

Mr. MAUGER.—What sort of land?

Mr. AUSTIN CHAPMAN. — Some honorable members have a very crude idea of the value of land. The land of which I speak is of the best quality, and is altogether unlike that sandy soil blown about the streets of Melbourne, with which the honorable member for Melbourne Ports is familiar. He may make light of this question, but it is one of the utmost importance. We should enter upon the work of selecting a site just as carefully as if we were going to pay for it out of our own pockets. Would it be reasonable for us to select a site comprising land worth about £20 per acre when we might obtain another site comprising land of equally good quality, and worth in its unimproved state only £5 per acre? With the assistance of the money of the people, giving access and markets, we could readily raise the value of that land to £20 per acre. I was pleased to hear the statement made by the Prime Minister that he intended to place before the House an estimate of the value of land in the several sites submitted to us. I have no doubt that it will be complete in every respect, and enable us to come to a proper decision. Such information is absolutely necessary. In selecting a site we are very much in the position of a man who desires to purchase a house. He may see a magnificent structure which he would like to possess, but he would hesitate to pay for it five or ten times more than the price at which he could obtain an equally suitable building. While I recognise that sentiment must creep into the consideration of this question, I feel that we should not overlook the commercial aspect of it. We wish to obtain the best site at the least cost. Reference was made by the Prime Minister to the Crown lands situate within the sites submitted for our consideration, and I am pleased to know that New South Wales, through its Premier, has intimated its willingness to present the Commonwealth with any Crown lands that may be within the territory selected by us. But, after all, it would be unwise to attach

too much importance to that fact. We know that in view of the earth hung which has existed in Australia for some time, it is unlikely that any Crown land value has not been grabbed up.

Mr. HENRY WILLIS.—But some of the sites comprise reserves.

Mr. AUSTIN CHAPMAN.—The fact that a large area of land has been reserved is very often evidence that it is inferior, or possesses some other drawback.

Mr. JOSEPH COOK.—I rise to a point of order. I submit that the honorable member is travelling far beyond the bounds of this motion or any legitimate amendment of it. He is discussing the whole question of the relative values of the various sites. If that is permissible, I regret that we were not made aware of it at an earlier stage in the debate, so that we might have discussed the matter from the same stand-point.

Mr. SPEAKER.—I would call the attention of the honorable member for Parramatta to the amendment moved by the honorable member for Gippsland, which specifically asks that the price of land in different sites therein named shall be ascertained by the Government before this question is finally decided. It seems to me that the remarks made by the honorable member for Eden-Monaro bear directly on that point. So far as I can understand, he is not dealing with the specific values of any one site as compared with another, but with the question of relative values here and there. His remarks might apply not to one or two, but to the several sites. I see no reason whatever to rule the honorable member out of order.

Mr. AUSTIN CHAPMAN.—The honorable member appears to think that I am alluding to his electorate when I speak of the desert land in the west. The Prime Minister, in moving this motion, urged upon the House the desirableness of passing it, but I take it that honorable members would not be prepared to deal with this question in the absence of a thorough knowledge of the values of the various lands. The Prime Minister informed us yesterday that he favoured the resumption of a large area, and we know that on a prior occasion he stated that he was in accord with the proposition submitted in favour of the resumption of a very much larger territory than 100 square miles. He went further and informed us that he was not prepared to allow any territory acquired

by the Commonwealth to pass out of its hands. He says practically to the land speculator—"Hands off; this is the property of the people, and it will remain their property for all time." If we are to spend the money of the people in acquiring a large territory and in building the Federal city, the people are entitled to the unearned increment. I take it that the Prime Minister inferred that at the proper time he would be prepared to show the House how the necessary funds could be provided. We have already heard a statement from the Treasurer showing that he is entirely in accord with the system now in vogue in Canada, where the banks are compelled to invest a certain proportion of their funds in Government bonds and securities. If a similar course were adopted in the Commonwealth we should probably obtain a revenue from that source, sufficient not only to provide for the purchase of a site, but for the erection of the necessary buildings. It would be a handsome source of revenue to the people of the Commonwealth. I am strongly in favour of the contention that we should view this question from a commercial stand-point. We should deal with it just as if we were proposing to spend our own money in this direction, and we should select a site that will give the best return to the people. We can secure that end only by dealing with this issue in the way suggested by the honorable member for Gippsland. Nothing is further from my thoughts than a desire to discuss the relative values of the various sites. I can quite understand points of order being raised by representatives of some of the western districts of New South Wales—

Mr. SPEAKER.—The honorable member is not now discussing the question.

Mr. HENRY WILLIS.—Is land at Bombala worth £5 per acre?

Mr. AUSTIN CHAPMAN.—The honorable member is perhaps not a good judge of the value of land. We must secure good land which can be resumed at a fair price, and that is all that the honorable member for Gippsland contends. It seems to me that if we agree to the amendment proposed by the honorable member for North Sydney the honorable member for Gippsland will probably find little if any necessity for his proposal, because we are told by the Prime Minister that he has all the necessary information as to the value of these lands ready to put before us.

Mr. A. McLEAN.—He has not received offers of the land.

Mr. AUSTIN CHAPMAN.—That cannot affect the question much, because there are always men who will scramble for a good profit. I suppose most honorable members would do so.

Mr. THOMSON.—Many of the land-owners do not wish their land to be resumed. What price would they put upon it?

Sir EDMUND BARTON.—If we pay even the market value for the land, how can we lose by the transaction?

Mr. A. McLEAN.—If the Government pay twice its value they will lose.

Mr. AUSTIN CHAPMAN.—Most of the owners are opposed to the resumption of their land, because they know that the building of a Federal Capital would at once increase its value. I am in accord with the Prime Minister in the stand which he has taken. But much as I want a Federal Capital, and strong as I am in upholding the compact embodied in the Constitution, I would, rather than put this unearned increment into the hands of owners of large estates, wait until we can come to some more patriotic arrangement. Surely it will not be contended that the land should not be resumed. No one will advocate that we should erect a Parliament House and other public buildings, lay out streets, provide a water supply, and go to great expense in other directions, and then allow the owners of property in the district to reap the added value which these improvements would give to it. In my opinion the Federal territory should include, not only 100 square miles, but 1,000, or even 3,000 square miles.

Mr. HENRY WILLIS.—We could not obtain so large an area as that at Tumut.

Mr. AUSTIN CHAPMAN.—It will probably be found, before the debate is finished, that that area can be obtained in the district in which the site which will be selected is situated. The honorable member, from the discussion he has heard in this Chamber, and from what he knows of the feeling in another place, must be able to make a pretty shrewd guess as to which that site will be. I, however, do not propose to give any information on the subject now, because this is not the time to do so. The people of New South Wales are in accord with the proposal of the Prime Minister. They think that the unearned increment created by the building of the Federal city

should go, not to private individuals, but to the Commonwealth. But they are not anxious that there should be undue haste in the settlement of the question. So far, information has been obtained under pressure of time. Commissioners, engineers, and others have been sent from one place to another in the State almost by express, so that Parliament may be furnished with information. The people of New South Wales, however, show no feverish anxiety in respect to the matter. They do not support honorable members who say that the representatives of Victoria wish to do something dishonest.

Mr. THOMSON.—No honorable member has said that.

Mr. AUSTIN CHAPMAN.—It was said repeatedly last night.

Mr. HENRY WILLIS.—What does the honorable member think of the worthless land near Twofold Bay?

Mr. AUSTIN CHAPMAN.—Although honorable members may wish to joke upon this subject, I am in earnest in regard to it. I have not tried to have it settled, and then thrown every obstacle in the way of settlement. I have not raised points of order to prevent information from being obtained. All I ask for is a fair field and no favour. The people of New South Wales, however, know that everything possible has been done. Notwithstanding the hostile criticism which it has evoked, nothing has been suggested in substitution for the motion. Although honorable members pretend to feel alarmed at what has happened in the Senate, I am satisfied that if we carry the motion, with, perhaps, necessary amendments, it will be concurred in by the Senate. I should have no fear of that, even if we tacked to it the name of some site, because I know that the site acceptable to me is acceptable to most honorable members here, and to a majority of the members of the Senate. Right triumphs in the end, and notwithstanding the cry raised by the Sydney newspapers, and their references to a toy State, they must face the inevitable. The people of Australia federated in order that trade should flow, not to Sydney, but to its natural port, and the representatives of every State have as much right to speak upon this subject as have the representatives of New South Wales. When the people of Australia have given their verdict, the people of New South Wales must accept the decision, and

they are content to wait until the matter can be decided properly and for ever. I hope that it will pass without a division, so as to give strength to the attitude of the Government in another place. I feel satisfied that while honorable members may disagree in regard to the details, they are all at one in desiring that the best site shall be selected, and that the business shall be conducted on the most economical lines. I earnestly hope that the best possible site will be chosen, and that we shall have a city, not only beautiful to look upon and delightful to reside in, but which for all things that tend to make life more useful and noble will rival and outstrip all other cities in the world, and thus be a fitting centre for the Government of the Australian Commonwealth.

Mr. JOSEPH COOK.—Which is the best place?

Mr. AUSTIN CHAPMAN.—The best place is, I believe, the one that will be selected by a majority of this House—a place which enjoys a good climate, possesses a magnificent water supply, covers a large area of the best country, embraces one of Australia's finest harbors, and will command the approbation of the members of another place, as well as of this House. If the honorable member who interjects wants to know the name of the place, it is Southern Monaro.

Sir MALCOLM McEACHARN (Melbourne).—It is quite refreshing that instead of witnessing a dispute between the representatives of New South Wales and Victoria, we should see one between two New South Wales members. The spectacle is quite a new one. Hitherto the attacks have been by the New South Wales members upon the Victorians.

Sir WILLIAM LYNE.—Or by the Victorian upon the New South Wales representatives.

Sir MALCOLM McEACHARN.—I think it has been the other way about, and that these attacks have been very unjust. There is not one Victorian who is not desirous of arriving at a decision with regard to the capital site, and there is no desire to delay the choice.

Mr. JOSEPH COOK.—Does the honorable member say that seriously?

Sir MALCOLM McEACHARN.—I do. There is, however, a very serious desire to deal with the matter from a business-like point of view, and not to have it rushed through without the fullest information being brought



before us. The best argument that could be adduced for that point of view has been put forward by the honorable member for Eden-Monaro, who has notified the House that in the report which was made by Mr. Oliver, on behalf of the New South Wales Government, the land valuations of the proposed sites were given. I, however, am not able to find that anything more is given than the value of the land that would be required to make up the 100 square miles limit.

Mr. JOSEPH COOK.—The honorable member's trouble is that the site which he favours is at the bottom of the list.

Sir MALCOLM McEACHARN.—That site is at the top of the list in Mr. Oliver's report. Although, as I have stated, those land values are given, there is no land value given in the report of the Federal Commission.

Mr. JOSEPH COOK.—The honorable member for Eden-Monaro wants to delay in order that the site which he favours may get to the top again.

Sir MALCOLM McEACHARN.—There is nothing before us at present to show the land values for a larger area than 100 square miles. Nor is any information given in the report as to the cost of the resumption of the land required for water supply. I thoroughly agree with the amendment proposed by the honorable member for Gippsland. I agree with it, not from a desire to delay the settlement of the question, but purely from a business point of view.

Mr. POYNTON.—The ascertainment of the land values will delay the settlement, though.

Sir MALCOLM McEACHARN.—I do not know that it will occasion any delay.

Mr. THOMSON.—If we are not going to accept the decision of the Commissioners, are we going to accept the view of those to whom the honorable member would refer the question of land values?

Sir MALCOLM McEACHARN.—There need be no delay in obtaining the information which we require. In a number of instances the land values are given in the report of the New South Wales Commissioner, and it will only be in regard to a few of the sites not quoted in Mr. Oliver's report that valuations would be required. Let honorable members look at the matter purely from a business point of view. If a firm or company were desirous of starting a business anywhere—and I adduce this instance because the selection of a capital

may be regarded as equivalent to a business transaction—would they first of all fix the place where they intended to carry on business, so that the values would be put up on them?

Mr. THOMSON.—There is no necessity to do that; the Bill can prevent that.

Sir MALCOLM McEACHARN.—There is no means by which we can force men to sell at the same price when the capital site is fixed as we should have to pay before the site is fixed.

Sir WILLIAM LYNE.—Yes; we had no difficulty in connexion with the land resumptions in Sydney.

Mr. A. McLEAN.—How can we find out what the value of land was at a particular time?

Sir MALCOLM McEACHARN.—The Minister for Trade and Custom states that he did that in the case of the wharf resumptions in Sydney. Now, I had a little experience of these wharf resumptions.

Sir WILLIAM LYNE.—Not the wharf resumptions, but the Rocks resumptions.

Sir MALCOLM McEACHARN.—The same would apply, I suppose, to the case of the wharf resumptions. At any rate, it would be very much more satisfactory if we had these land valuations before us. As regards the wharf resumptions in Sydney, I am under the impression from my own experience that very considerable sums might have been saved if instead of resuming in the method that was adopted private arrangements had been made for acquiring the land.

Sir WILLIAM LYNE.—We never could have done it.

Sir MALCOLM McEACHARN.—It may have been difficult, but, at any rate, it could have been done. At all events, my view is that the proposal of the honorable member for Gippsland is a sound one—that we ought to have full information before us and that it can be obtained in a very short space of time. It could be obtained within two or three weeks, so that the whole matter could be settled during the present session. There would be no difficulty in getting it settled before Parliament was dissolved. I can assure honorable members that in arguing the matter as I have done, I have no desire to delay the settlement of the site whilst the present Parliament remains in existence.

Mr. POYNTON (South Australia).—Up to the present stage I have refrained from

taking part in the debate in order to facilitate business, and to allow the House to come to a decision with regard to the matter before us. But we have now arrived at that stage when I think it is necessary to explain my own views. Up to the present moment the subject has been discussed as though only two States were interested in this great undertaking. While it may be very edifying to the representatives of those States to be slang-banging each other in connexion with their local rivalries—

Mr. SYDNEY SMITH.—Who is doing that?

Mr. POYNTON.—It has been done all through the debate. The question has been discussed as though Victoria and New South Wales were the only States concerned. We have had an exhibition from the Government whip, who has complained bitterly of the attacks that have been made from this side of the Chamber; but, in my opinion, if the honorable member is in earnest about the matter he should have been more conciliatory than he has shown himself to be. I should have preferred to see the Government taking the responsibility which properly attaches to their position. The resolution is of such importance that they ought to have taken that responsibility by bringing down a Bill in the ordinary form. It has been said that there are hopes of an understanding being arrived at with another place. As far as I can judge from the debate which took place, there is a distinct opposition to anything of the kind; and I am afraid that between the two stiles—the Government failing to take the responsibility for their action, and the unwillingness of the other Chamber to give up certain rights—the session will end without anything whatever being done. Not being a representative of either New South Wales or Victoria, I can speak from a disinterested stand-point. Judging from the statement contained in the newspapers published in Victoria, and even in New South Wales, there is an evident desire—I do not think I should be speaking too strongly if I used the word conspiracy—to prevent the provision in the Constitution relating to the selection of the capital site from being carried into effect. Not one representative of Victoria will have the courage to stand up against the press of that State and advocate the establishment of what is termed the “bush” capital. I hold that this provision is one of the gems

of the Constitution, because I believe that if the Federal territory is wisely selected the revenue derived by the Commonwealth will defray the whole cost of Federation. I believe, further, that if the capital site is not selected by this Parliament, there will be no chance of the selection being made by the next Parliament. What is the meaning of all the agitation against the “bush” capital? Why all this clamour that either Sydney or Melbourne should be the seat of government?

Mr. MAUGER.—There is very little in it.

Mr. POYNTON.—I doubt whether the honorable member will be courageous enough during the next electoral campaign to advocate the establishment of the capital. The honorable member for Gippsland has suggested that some steps should be taken to protect us against paying exorbitant prices for the land which may have to be resumed within the Federal Capital area. I sympathize with his object, but do not think his proposal is practicable. Does he believe that we could obtain valuations from every owner of land within any of the proposed sites, and at the same time select a site before the expiration of this Parliament? I am sure that the honorable member knows that his plans could not be carried out even if we sat here until Christmas. I hope that the Government will stiffen their backs in regard to this question.

Sir WILLIAM LYNE.—Their backs are always stiff.

Mr. POYNTON.—If I were a member of the Government I should insist upon a settlement of this question before the House dissolves. The matter is of sufficient importance to justify the Government in staking their existence upon its satisfactory settlement. They need not fear the result of assuming a firm attitude. They will obtain the support of a number of members of the Opposition. They, however, appear to be afraid of the *Age* and the *Argus*. I wish to know what the Government have done in connexion with the acquirement of private lands within the Federal Capital area. On the 7th June, 1901—that was long enough ago to have given the Government fair warning—I directed the attention of the Prime Minister to section 125 of the Constitution, which provides that the seat of government of the Commonwealth shall be determined by Parliament, and shall

be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth. I went on to point out that a number of sites in various parts of New South Wales had been offered to the Commonwealth, and that probably within each of these sites some land was held in fee simple. I therefore asked the Prime Minister whether anything could be done to get such land placed under offer to the Government prior to the selection of the site, so that we should not be compelled to pay very dearly for the properties which we might desire to resume. The Prime Minister replied that "all considerations of that kind will come under the careful review of the Government, who are giving special attention to the question of the site of the Federal Capital." I presumed from that answer that either the laws of the State would enable the Government to acquire lands for public purposes on reasonable terms, or that it was intended to introduce legislation which would protect us against the payment of exorbitant prices. If we cannot insure that the land shall be sold to us at prices apart from any added value that may result from our action in regard to the capital site, we shall have to pay dearly for any property that we may require. I hope that before this discussion is ended the Government will tell us what they have done in this respect. If no action has been taken, and no inquiry has been made, the answer given by the Prime Minister amounted to nothing. I would urge the Government to stand firm. There is not the slightest chance of any choice being made by the next Parliament. We find that the candidates for the representation of Victoria in the Senate are already denouncing the proposal for the establishment of a "bush" capital. They are afraid of the press and of the electors. It is all very well for some honorable members to say that they are prepared to loyally abide by the terms of the Constitution, but as an old saying has it—"There are more ways of killing a cat than by choking it with butter." I submit that the proposal of the honorable member for Gippsland is intended to defeat the object of the Constitution. It will result in delay and place obstacles in the way of a settlement. It is of the utmost importance that we should take definite action before this Parliament is dissolved. Even if we select

the site before the session closes, it does not follow that we shall not continue to meet in Melbourne for some time. If we allow the matter to stand over until the next Parliament is assembled, proposals will be made for a referendum with a view to secure an amendment of the Constitution by eliminating the provision that the capital shall be not less than 100 miles distant from Sydney. The question will then be raised that the seat of government should be either in Melbourne or Sydney, or alternately in both. The very moment that such a decision is arrived at we shall be called upon, either to pay rent for the buildings which we at present occupy, or to purchase land at a hundred or a thousand times the cost of that which is contained in any of the suggested capital site areas. Cannot honorable members see the conspiracy which is in progress? I feel so strongly upon this matter, that although it is a great inconvenience to many honorable members, including myself, to be compelled to devote so much time to their parliamentary duties, I hold that we should be justified in remaining here till Christmas in order to have the capital selected. We can talk about the expenditure afterwards. If the question be not absolutely determined during the present session, there will be some justification for the complaint that the Government are not in earnest about the matter. Personally, I should have preferred the matter to be dealt with by Bill. However, the Government are still hopeful that the other Chamber will concur in these resolutions if they are adopted, and therefore I shall support them with the amendment submitted by the honorable member for North Sydney.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—I desire to make a few remarks upon this matter, more particularly in reference to the observations of some honorable members upon the question of land values. If honorable members will turn to the first report of Mr. Oliver, they will find that in the case of nearly every site he has given the value of the adjacent land up to 64,000 acres.

Sir MALCOLM McEACHARN.—But all the sites upon which he reported are not identical with those upon which the last Commission reported.

Sir WILLIAM LYNE.—There is very little difference in the sites. For instance, at Bathurst—as will be seen by reference

to page 14 of the summary of Mr. Oliver's report—the total improved value of 64,000 acres outside the municipal boundaries (less 5,530 acres of Crown lands) at £4 per acre, is £233,880, whilst the improved value of the land within the municipal boundaries is £913,184. Similarly in the case of Orange, the improved value of 64,700 acres (less 10,800 acres of Crown lands) outside of the municipal boundaries, is £365,000. If the town of Orange be included, the improved value of lands within the municipal boundaries is 592, 26, making a total of £957,426.

Sir MALCOLM MCEACHARN.—Mr. Oliver's report does not give the cost of providing a water supply.

Sir WILLIAM LYNE.—But the other report sets out the cost of bringing an adequate supply of water to the various sites. In the case of Wellington, the improved value of 91,500 acres which are outside the municipal boundaries (less 15,890 acres of Crown lands) at £3 per acre is £226,830, and the improved value of lands within those boundaries is £167,535. The land values of the site at Carcoar-Garland, as roughly estimated for the whole area, including church and school lands, but excluding the town of Carcoar, total £200,000, or at £3 per acre for 50,000 acres which are outside the municipal boundaries, and £35,000 for lands within those boundaries, £185,000. Therefore it is altogether a mistake for honorable members to suppose that in nearly every instance a fair value has not been placed upon the Crown lands.

Mr. A. McLEAN.—Is the Albury site upon which Mr. Oliver reported the same site as that upon which the last Commission reported?

Sir WILLIAM LYNE.—In value it is. Speaking of the lands adjacent to Bombala, Mr. Oliver says—

The improved value of the area within the municipal boundaries of the town of Bombala is given at £72,665; for the residue, about 74,000 acres, a fair average would be from £3 to £4 per acre, some tracts being worth no more than 30s. per acre, while others are worth £7. This Federal territory site of 125 square miles (80,000 acres) is, in my opinion, altogether inadequate, and an extension of area is suggested which would increase the area up to 1,200 square miles approximately; and the average improved per acre value of the increased area would probably be £3.

I make these quotations in order to dispel the idea that no information is available as to the value of the lands which are in close proximity to the different sites.

Mr. SYDNEY SMITH.—The Minister has had a recent valuation made of a larger area.

Sir WILLIAM LYNE.—I understand that the Prime Minister has obtained a valuation from the secretary of the last Commission. In the case of Tumut there are 41,000 acres of country lands which, in their unimproved state, are worth £104,000; 300 acres of town lands, which are valued at £37,000; and 500 acres of suburban lands, which, in their unimproved condition, are worth £10,000. The improved value of alienated land—that is with existing improvements approximately estimated—is set down at £322,000. Honorable members will, therefore, see that there is really no necessity to go beyond Mr. Oliver's report to obtain an average value of the lands in the vicinity of the various sites. It was stated this afternoon that the Commonwealth would be compelled to acquire the land which it requires at its improved value. I interjected that we need not do so. In this connexion I would point out that the Darling Harbour Wharves Resumption Act of New South Wales contains the following provision:—

The amount of compensation in respect of any land resumed, as mentioned in sections 2 and 3 of this Act, shall be estimated without reference to any alteration in the value of such land arising from any purchase or any appropriation or resumption for any purpose mentioned in this Act, or the establishing of any public works on any land the subject of any such purchase, appropriation, or resumption.

That is the law at the present time, so that, in passing a measure dealing with the acquisition of the capital site, it is quite competent for us to insert a provision that the value of the land acquired shall be its value at the time of its resumption.

Mr. A. McLEAN.—How can we ascertain that value?

Sir WILLIAM LYNE.—There need not be much trouble about that. I do not know what course the Prime Minister proposes to adopt in reference to the amendment which has been outlined by the honorable member for North Sydney, but personally I trust that it will not be agreed to. At this stage I desire to say a word or two in regard to the method of voting which is to be adopted, and which it is proposed to leave in the hands of Mr. President and Mr. Speaker.

Mr. A. McLEAN.—Can we obtain from the New South Wales Government, free of cost, the Crown lands upon the water-shed as well as in the Federal territory?

Sir WILLIAM LYNE.—The water-shed will be within the Federal territory.

Mr. HUME COOK.—Do not the Government of New South Wales propose to grant the Commonwealth a territory of only 100 square miles?

Sir WILLIAM LYNE.—The Constitution prescribes that a minimum of 64,000 acres shall be granted.

Mr. FOWLER.—That is simply the minimum.

Sir WILLIAM LYNE.—Yes. I venture to say that the area which the Commonwealth will acquire will be considerably in excess of that. I am not prepared to say what the New South Wales Government will do in regard to Crown lands which are outside the Federal area. I feel sure, however, that they will meet the Commonwealth Government as liberally as possible in every way. If I were Premier of New South Wales I should certainly grant the Commonwealth Government all the Crown lands, irrespective of what area they might comprise, so as to assist in establishing an extensive site for the Federal Capital.

Sir EDWARD BRADDON.—That is what they are obliged to do. There is no question of the minimum of 64,000 acres.

Sir WILLIAM LYNE.—I think that the right honorable member is correct. I believe that the New South Wales Government will be required to grant all the Crown lands within the area.

Mr. A. McLEAN.—The Constitution does not provide anything of the kind.

Sir WILLIAM LYNE.—I think there is some such provision in the Commonwealth law.

Mr. HUME COOK.—Is it not a fact that the Government of New South Wales have offered to give the Commonwealth only the minimum area provided by the Constitution?

Sir WILLIAM LYNE.—I do not think that they have yet made any definite offer. We shall select a site, and, at the request of the Commonwealth Government, the New South Wales Government reserved the land so that there shall be no further alienation. I believe that the stipulation applies only to the 64,000 acres provided for by the Constitution. They were not requested to go further. I do not think that they have yet made any offer in respect of a gift of Crown lands, but I have no doubt that the whole matter will be settled in

a way most satisfactory to the State Government. Whatever Crown land is contained in any Federal area has to be given without payment. The motion proposes that a site shall be selected by means of an "exhaustive ballot." I do not quite understand what an "exhaustive ballot" means, but I take it that the interpretation placed upon these words will be that the whole of the sites are to be submitted together, and that honorable members will be asked to make a selection by one ballot. It seems to me that that would be a most unwise course to pursue. For example, a large number of members from the north might favour the selection of a site in that part of New South Wales, while another large section from the south might vote for a southern site, with the result that the intermediate sites may be at once rejected.

Mr. WILKS.—The proposal made by the honorable member for North Sydney would overcome that difficulty.

Sir WILLIAM LYNE.—I do not think so. It seems to me that this provision should be amended, and that honorable members should indicate by numbers the relative value in which each site is held by them. In other words, I think honorable members should number the sites in the order of their preference. In that way the site which honorable members placed last on the list would at once fall out, and further ballots would take place until a final selection had been made.

Mr. WILKS.—That would give full play to a block vote.

Sir WILLIAM LYNE.—No; I think that the other system would have that objection. I have directed the attention of honorable members to this matter, because I consider it to be one of the utmost importance. I desire that, in any event, a fair method of arriving at the opinion held by the majority of honorable members shall be adopted. It would be much to be deplored if any course were followed which would have the effect of accidentally destroying the chances of some of the sites which, although at first low down on the list, might, as the ballot proceeded, under the system suggested by me, attain a far more prominent position. I think we should use every endeavour to prevent the rejection of sites in the earlier stages of the voting. The honorable member for South Australia, Mr. Poynton, has condemned the Government for failing to do this, that, and the

other thing, but I would inform him that the Government have taken very little notice of the way in which certain sections of the press have attacked their action in this matter. They are not dominated by either the *Age* or the *Argus*. Their fixed determination from the first has been to bring this question to an issue as soon as public business would permit. That desire has been in our minds from the very outset.

Mr. JOSEPH COOK.—The trouble is that the Government have had too much in their minds.

Sir WILLIAM LYNE.—If we had not held this fixed determination the motion would not now be before the House. We have advanced the consideration of the question to its present stage, and it is the intention of the Government to do all in its power to secure its settlement during the present session. In these circumstances I do not think it is quite right for any one to blame the Government for the action which they have taken. This should not be a party question. I fear that the proposal made by the honorable member for North Sydney would not get over the difficulty to which I have referred. Another suggestion which has been made to me is that a vote should be taken on two sites at a time, and that the one receiving the higher number of votes should be included in the final list submitted to the House. That would be a course very similar to that proposed by the honorable member for North Sydney, but I do not think it would be a proper one to pursue.

Mr. THOMSON.—I did not say that such a thing should be done.

Sir WILLIAM McMILLAN.—The honorable member said that regard should be had to the geographical position of the several sites.

Sir WILLIAM LYNE.—The honorable member's amendment is that the following words be added to paragraph 3 :—

Provided that before such exhaustive ballot be taken the sites in each of the following groups be reduced by ballot to one site in each group . . .

Thus, if there were two sites in one group, the House would be asked to decide between them, and one of them would be at once thrown out. I do not think that would be a proper course to pursue. The honorable member suggests that a site should be selected from each group, and that a final selection should then be made. I believe that if honorable members will give my proposal

careful consideration, they will recognise that it is a good one. I ask the House to consider whether it would not be more equitable for honorable members to number each site submitted to the ballot according to their view of its merits.

Mr. WILKS.—The honorable gentleman suggests something in the nature of a contingent vote.

Sir WILLIAM LYNE.—Yes. There are nine sites, and what I suggest is that the site receiving the largest number of No. 9 votes on the first round should be rejected ; that there should then be another ballot, and that the site receiving the largest number of No. 8 votes should be allowed to fall out. The number of sites would gradually be reduced in that way until a final selection was made.

Mr. JOSEPH COOK.—That is not the principle of the exhaustive ballot.

Sir WILLIAM LYNE.—I know that it can hardly be described as an exhaustive ballot, but I think that it will be found the most equitable plan to adopt. I invite honorable members to work out the problem and see for themselves whether the suggestion I have made would not be attended with better results than would be obtained from any other scheme.

Mr. FOWLER (Perth).—I agree with the honorable member for South Australia, Mr. Poynton, that it is about time that honorable members representing States other than Victoria and New South Wales had something to say on this subject. I did not intend at first to take part in this debate, but while I recognise that Victoria and New South Wales are very keenly interested in this question, I have to deplore the fact that, during the course of the discussion, we have heard so much provincialism. It gives colour to the assertions made in the press in regard to the intriguing and wire pulling said to be going on. Such practices have not come under my notice, but I fear the intriguing and wire pulling that will go on outside of this Parliament if we fail to determine this question before the close of the present session. I feel sure that there are such powerful interests at work that if we cannot come to a definite decision during this session the intention of the Constitution will probably be frustrated for some considerable time. We have an evidence of this in the attitude adopted by some of the candidates for the next Federal Parliament. Amongst their

number is one gentleman who has posed in this State as the champion of land nationalization, and yet we find him indicating to those whose suffrages he is seeking that he is opposed on the plea of expense to one of the grandest manifestations of this principle that the world has ever seen.

Mr. CROUCH.—Is the honorable member referring to Mr. Max Hirsch?

Mr. FOWLER.—I do not mention names; but it is most significant of the power wielded by the press of Victoria that a man holding such definite views on the subject of land nationalization as does the individual to whom I refer should be compelled to resort to so deplorable a subterfuge in relation to a matter of this kind. I am anxious to see the Capital Site question settled, because I believe that the Federal capital will supply an object lesson to Australia, and perhaps to the world. I am very glad that the members of this Parliament as a whole appear to be thoroughly seized of the advantage of the non-alienation of this land, and I take it that it is precisely that principle to which so much objection is being raised. By its adoption a very considerable revenue will, before many years are over, be raised from the land, so large that perhaps the whole expense of the Federal Government may be met by it. The effect of such evidence of the beneficent operation of the principle will be most striking to the people of Melbourne, a city whose land values amount to several millions of pounds, upon which not a penny of taxation is levied for the benefit of the State. No doubt the present condition of things in Melbourne is highly acceptable to the few favoured individuals who enjoy it, and I apprehend that their hostility towards the selection of a capital in the bush is determined to no small extent by the principle that will be adopted in regard to the land and which in its beneficent operation will be an incentive to citizens elsewhere to obtain revenue on similar lines. While I am willing to recognise that we cannot get away from the financial aspect of the question, I am far from agreeing with those who wish to be guided in this matter entirely by business considerations. Business considerations are all very well in their place; but, to look at this matter from a commercial point of view, would be to take a very short-sighted view indeed. Business people do not usually concern themselves very much with posterity. But I take it

that in this matter we have a very important duty to perform as regards the future generations of Australia, a duty some of whose circumstances at least far transcend the mere question of pounds, shillings, and pence. Moreover, I can easily realize a position in which we should be led entirely astray if we determined our actions wholly by the consideration of the probable cost of resuming the land of the Federal territory. What we have to consider is not so much the present cost as the value which the land is likely to obtain in the future. A great many considerations must enter into a determination of this kind, many of them entirely foreign to the business point of view. I hope that honorable members will give them most careful thought. The future prosperity of the Federal Capital will not depend upon its initial cost, but upon its accessibility, its healthfulness, its picturesqueness, and the policy applied to its development. If we keep those aspects of the question carefully in sight, we may be enabled to make a very good bargain indeed for posterity. We may assure Australia of a capital which will be a favoured place of residence, which will develop into an important city, supplying in many respects an object lesson to the whole world. I hope that these aspects of the question will not be lost sight of, and that we shall, in all our deliberations, remember that the future of this territory is entirely in our hands. As regards the method of arriving at a decision, I do not agree with those who wish us to vote for particular districts. If the sites in any district had pretty well the same characteristics there might not be so much wrong with the method to which I take objection. But we know that the sites within some of the districts are entirely dissimilar. The voting therefore should be for particular sites and not for particular districts.

Mr. BROWN.—We must adopt one site in the final selection.

Mr. FOWLER.—Yes; but I hope that we shall arrive at the final selection by gradually eliminating those which are regarded as the least suitable. I should like to see a vote taken upon a method of procedure which would leave us at the last, say, four sites to choose from. We should take what might be called a reversed preferential vote; that is, we should indicate our opposition to certain sites, and those which have no chance whatever would thus be thinned out. There would remain

two or three from which we could make our final selection. If we then had an opportunity to discuss their merits *in extenso*, the chances are that we should be able to arrive at a wise decision. I hope that this matter will be given the most careful consideration, because so much depends upon the methods adopted. I wish to see the motion carried pretty well as it stands on the notice-paper, and I shall give it my support.

Sir WILLIAM McMILLAN (Wentworth).—I hesitate to take up more time upon this subject, especially after the vigorous and straightforward speech which has been delivered by the honorable member for South Australia, Mr. Poynton. I do not think that the honorable member for Gippsland has done himself justice by the amendment which he has moved. Nothing in his speeches has struck me more than the directness of his utterances. There is no doubt as to his intention or meaning. But I feel that on this occasion he has not been quite true to himself. Does he not know that if his amendment is carried it will be impossible for us to decide the Federal Capital question this session?

Mr. A. McLEAN.—Does the honorable member expect that the land will be purchased during the life of the present Parliament?

Sir WILLIAM McMILLAN. — The honorable member wishes to prevent the decision of this question until Parliament has a knowledge of the value of the land in the proposed sites.

Mr. A. McLEAN.—The carrying of my amendment would not delay the commencement of building operations.

Sir WILLIAM McMILLAN.—I do not pretend to quite understand the legal position of the matter, but I take it that the principle underlying the land resumption Acts of the States and of the Commonwealth is that the Crown should be protected against persons who hold land for purposes of speculation, and should be asked to give only that value which the land had before there was a demand for it for public purposes. I take it that we should pay to the private owners of land in the Federal area only what that land was worth before this discussion took place.

Mr. A. McLEAN.—A witness could never be got to say what land was worth at any particular date.

Mr. THOMSON.—In the New South Wales Land Taxation Department there is a record of the value of every acre of land in that State.

Mr. A. McLEAN.—Such records are useless, because the same values are placed upon the land in boom times as during years of depression.

Sir WILLIAM McMILLAN. — New South Wales having received the honour of containing the seat of the Federal Capital, everything that fair play, and even generosity, can suggest will be done by her people to allow a satisfactory settlement of the question. Whatever legal methods are necessary to conserve the interests of the Commonwealth will be taken by the Commonwealth and by the State.

Mr. A. McLEAN.—There is no method provided by the Property for Public Purposes Acquisition Act.

Sir WILLIAM McMILLAN.—We have adopted the principle of resuming private land within the Federal area. I believe that the people of New South Wales will be willing to make us a present of any reasonable area of Crown lands over and above the minimum, but so far as the resumption of private land is concerned, are we going to put aside a good site because there happens to be a large amount of very valuable private land adjacent to it? Are we going to sacrifice an ideal site for the sake of the few thousands which the resumption of private land would cost? This land when resumed will be a great asset to the Commonwealth. The more valuable the land the greater will be the income derived from it. Other things being equal, it is desirable that the site should embrace valuable land so that we may create a great industrial centre, and thus insure that the Federal Capital shall not be a mere town in the bush, but the centre of a teeming population, giving wealth, dignity, and prestige to the political centre of Australia.

Mr. A. McLEAN.—I prefer high-priced land if we can get good value for our money.

Sir WILLIAM McMILLAN. — From his Ministerial experience my honorable friend knows that the Parliaments of Australia are very keen, in connexion with land resumption, to prevent the adventurer and speculator from getting the best of the Government. We can effectually protect ourselves, and I should be very sorry if the mere matter of the price



that would have to be given for the land in a certain area were allowed to enter into the question of the selection of the site. We want a site which will be the best for Australia, and make the best centre of its dignity and prestige. Therefore, although it might have been desirable to obtain the information indicated by the honorable member, the fact that it has not been secured affords no reason for the delay which would be involved by adopting the honorable member's proposal. I agree with the honorable member for South Australia, Mr. Poynton, that it would be most disastrous to allow this matter to stand over until after the next general election. It has been reported that it is proposed to spend millions and millions of pounds upon the Federal Capital within the next few years, and although these reports are absolutely frivolous and unfounded, they have produced an impression upon the minds of the public which will probably operate against an early settlement of this question. A compact was made between New South Wales and the other States, and common sense and reason urge that effect should be given to the terms of the Constitution by this Parliament. If the capital site question be thrown into the arena of general politics during the next election, the most unfriendly feeling may be created between New South Wales and the other States. I do not agree with the honorable member for Perth in his objection to the proposal of the honorable member for North Sydney. I think that it is only reasonable that we should bring the ultimate choice to within as small a compass as possible. We should group the geographical areas as the honorable member for North Sydney proposes, because in some cases there is practically very little difference as regards the character of the country and the general situation between contiguous sites. Therefore, where two or three similar sites are proposed it will be best to reduce the number down to one. We must recollect that honorable members—and much less the people of the Commonwealth—can know but very little of these sites. The holiday touring which took place in connexion with the inspection of the sites could not have added very largely to the information of honorable members, and it is our duty to reduce the selection down to as small a compass as possible. For instance, if there are three sites which, apart from local feeling, do not differ very widely from one another, why should we

not decide which is the best, and thus get rid of the complexity created by having to consider the claims of contiguous sites? I think that the honorable member's proposal has common sense to recommend it, and I hope that it will be accepted. I would urge the honorable member for Gippsland to withdraw his amendment, because it is clear that if we are to make a final selection of the capital site during the present Parliament his proposal cannot be carried out. I am sure that the honorable member desires to act fairly to New South Wales, although naturally he would like the Federal Capital to be situated as close as possible to Victoria.

Mr. A. McLEAN.—I am sure that I have the business people of New South Wales with me in my desire to make a good bargain.

Sir WILLIAM McMILLAN.—I do not think that the information which the honorable member desires is vital to the question at this stage.

Mr. A. McLEAN.—It will probably make a difference of £250,000 in the amount of the purchase-money.

Sir WILLIAM McMILLAN.—I do not think so. As the honorable member for Eden-Monaro has pointed out, we must not consider the immediate necessities of the next few years. We must look forward to the possible developments of hundreds of years. £250,000 would be a very small amount to spend in acquiring an asset which would be at least worth that sum at the outset, and which would increase in value to a much greater extent than land of lower quality.

Mr. A. McLEAN.—But I seek to get as good land £250,000 cheaper than would otherwise be possible.

Sir WILLIAM McMILLAN.—As an agriculturist my honorable friend knows that poor land is dear at any price. You can never make poor land good, and good land in a country like this is an asset that can never lose its value.

Mr. A. McLEAN.—If you get good land at a fair value it is a sound asset.

Sir WILLIAM McMILLAN.—Although, in view of the importance of the question and the great future involved, the information desired by the honorable member should doubtless have been placed before us, I hope that he will not insist upon thwarting the reasonable ambition of honorable members representing New South

Wales and of others that this matter should be forthwith settled under the terms of the Constitution, thus obviating the necessity of making it a complicating issue at the next elections.

Mr. SYDNEY SMITH (Macquarie).—I had not intended to speak, and should not have done so but for the course which events have taken. I regret the delay that has occurred in dealing with this important question. When New South Wales entered the Federation it was understood that the capital site should be selected at the earliest possible moment, and I believe that a majority of honorable members are anxious to carry out that compact. The Government have not exhibited that expedition that the importance of the subject demanded and they have not led the House in the matter. I am very sorry that the motion submitted by their representative in the Senate has been rejected. I admit that the objections raised in that Chamber deserve the consideration of honorable members, but at the same time the importance of having the capital question settled warranted honorable members in agreeing to a departure from the ordinary course of procedure. Therefore I felt it my duty to support the proposal submitted by the Government. I do not agree with those who prefer that this matter should be dealt with in a secret manner. My name has been referred to as the representative of a district in which two of the proposed sites are situated, and I am quite prepared to take the responsibility of making my choice between them. I think that other members who happen to be in a similar position should take the same course. We ought to deal with the matter in an open and straightforward way, and be prepared to defend our actions at the proper time. With regard to the question of land values, I hope that the information in the possession of the Prime Minister will be submitted to honorable members at an early date. The honorable member for Gippsland urged delay because we had not full information at our disposal, and because he feared that if a determination were arrived at at present land values would be raised, and the Commonwealth would be required to pay a much larger sum than if the land within the proposed sites were valued prior to the final selection. There will be no difficulty in safeguarding the Commonwealth against any undue demands by

land-owners. The State laws in New South Wales provide that, in the case of land resumptions, compensation shall be paid upon the basis of the value prior to the date of resumption. The Minister for Trade and Customs has stated the position very clearly, and if the State laws should not prove sufficient to protect the Commonwealth against exorbitant demands, there would be no difficulty in introducing the legislation necessary to achieve that result. I do not intend to speak at any great length, because I feel that a protracted debate will involve further delay in the settlement of this most important question. I am anxious that expedition shall be used, and I regret that the Government are not exhibiting a firmer front, and are not displaying more determination in grappling with the difficulties which present themselves. The honorable member for Eden-Monaro pointed to the delay which had taken place in connexion with the appointment of the Commission of Experts. Authority was given by this House for the reference of the sites question to a Commission in October last, and a promise was made that the Commission should be appointed before the end of last session. They did not, however, commence their work until January last. Although the Minister promised that the report of the Commission would be laid upon the table of the House in April last, it was not forthcoming until the following July. Several weeks ago I preferred a request that the evidence taken before that Commission should be printed.

Sir WILLIAM LYNE.—Surely the honorable member knows that the Printing Committee declined to sanction that proposal.

Mr. SYDNEY SMITH.—I am aware that objection was raised to it upon the ground of expense. At the same time I do not think that that objection was a valid one in view of all the circumstances of the case. Seeing that it was impossible to secure a full report of the evidence which was taken before the Commission, because its printing would involve an expenditure of about £200, I asked that honorable members should be supplied with a précis of it. The Minister promised to comply with my request; but, so far, the summary which I sought is not available.

Sir WILLIAM LYNE.—That summary will comprise about one-third of the entire evidence.

Mr. SYDNEY SMITH.—I know that in some Victorian constituencies opposition is offered to any proposal to expend money upon the Federal Capital site at the present time. In my judgment, however, it is unfair to raise that objection at this late period of the day. As honorable members are aware, the electors of New South Wales refused to agree to the draft Federal Constitution when the first referendum was taken. Subsequently a Conference of Premiers was held at which they approved of an arrangement by which New South Wales was to be granted the capital, and upon that condition she joined the Federation. That arrangement was subsequently indorsed by the people of Australia upon a second referendum. All that I ask is that that compact shall be respected. I cannot understand the reason underlying the agitation which is now in progress throughout Victoria to indefinitely postpone a settlement of this question. Quite recently one of the newspapers in this city pointed out that the Constitution imposed no time limit within which it must be decided. It urged that it did not matter whether the seat of government remained in Melbourne for an indefinite period so long as the Federal compact was ultimately carried out.

Mr. CROUCH.—Will the honorable member say how the Government could raise the £10,000,000 which would be necessary to build a capital at the present time?

Mr. SYDNEY SMITH.—As the Prime Minister has pointed out, there is no necessity to expend more than £500,000 at the present juncture. It is the policy of the honorable member and of other representatives of this State to hoodwink the people of Victoria by raising these fatuous objections. Personally I do not believe that the electors themselves agree with the view which is taken by them. At all events, at a big meeting which was recently held in the Melbourne Town Hall—a meeting which was convened by the supporters of the Maffra movement to protest against the selection of the capital—the great majority of those present carried a resolution in favour of keeping faith with New South Wales. I would further remind the House that not very long since the people of Maffra strongly advocated the construction of a railway to a certain place which found favour in their eyes. Possibly they have arrived at the conclusion that the site

in question will not be acceptable to a majority of this Parliament, and accordingly have changed their attitude. If the records of the State Parliament were consulted, I think it would be found that the people of Maffra had done very well out of the Government of Victoria.

Mr. SPEAKER.—The honorable member must not discuss that matter.

Mr. SYDNEY SMITH.—The object of the movement which was started by the Maffra Shire Council is delay in the settlement of this question.

Mr. CROUCH.—How many millions of pounds does the honorable member think the establishment of a Federal Capital will cost?

Mr. SYDNEY SMITH.—There is no necessity to spend millions of pounds. I agree with the statement of the Prime Minister that an outlay of £500,000 will be ample for some time. We ought to derive sufficient rent from the lands which we resume to pay interest upon the cost of their resumption. I repeat that it is the policy of the honorable and learned member for Corio to make it appear that a large sum will require to be expended to carry out the compact with New South Wales. But I would point out to him that when the people of Australia adopted the Constitution no stipulation was made as to the amount of money which should be expended upon the future Federal Capital. I regret that the late Commission did not furnish us with estimates as to the outlay which would be involved in the acquisition of the various sites. Of course the principal question which we have to consider is the number of points which should be allotted to them on the ground of their distinctive features. I trust that I shall have another opportunity of placing upon record the reasons which actuate me in voting for any particular site. There is no doubt that if the terms of the compact which was entered into with New South Wales are not respected, a good deal of dissatisfaction with Federation will be created—dissatisfaction which will materially interfere with the settlement of other important questions at the approaching elections. In view of the brief period which is at our disposal prior to the prorogation of Parliament, I feel that I shall best be conserving the interests of New South Wales and of the Commonwealth by making my remarks as brief as

possible, and I shall, therefore, not trespass upon the time of the House at any further length.

Mr. WINTER COOKE (Wannon).—I regret that the Government have failed in this instance to pursue the ordinary course, and to take upon themselves the responsibility of asking this House to select a particular site for the Federal capital. That feeling of regret is all the more pronounced because of the decision which has been arrived at by another place. It appears to me, however, that the Government are acting wisely in proceeding with this motion notwithstanding the action taken by the Senate. I have always held that, as the people of Australia, as a whole, have pledged themselves to New South Wales in the matter of the capital, a decision should be arrived at as soon as possible in regard to this question. Although we may select the site, it does not follow that we should incur a large expenditure in erecting buildings or carrying out other works upon it; but, unquestionably, the site of the Federal capital should now be determined. The earnest desire evinced by honorable members representing New South Wales that this question should be at once settled reminds me of the pictorial advertisement showing a baby in a tub straining to reach a cake of Pear's soap, with the statement at the foot of it that "he won't be happy till he gets it." It is evident that they will not be happy until this question is settled, and it is equally clear that the Federal Parliament will not be very happy until it has been dealt with. Honorable members from New South Wales will not give us any peace until a decision has been arrived at, and for that reason also it seems to me that a selection should be made as early as possible. If the amendment moved by the honorable member for Gippsland were carried, it would involve very great delay, and render it impossible for a site to be selected during the present session. In the first place some time would be occupied by the House in determining which of the three sites should be selected; while another place would also be occupied for some days in arriving at a like decision. As to the suggestion that if a selection were made in the terms of the motion we might be called upon to pay more than a reasonable price for the land, it seems to me that the Minister for Trade and Customs and the honorable member for

Wentworth have shown very satisfactorily that we shall be protected by the laws prevailing in New South Wales, as well as by the fact that land in that State is valued from time to time for land taxation purposes. In these circumstances, it is highly improbable that the people of Australia will be called upon to pay for this land a price largely in excess of its true value. While I agree that a site should be selected without delay, I wish it to be clearly understood that I do not advocate any extravagant expenditure. Notwithstanding the sanguine views held by some honorable members, a considerable sum of money must necessarily be expended on the construction, for example, of water-works, and the interest on borrowed money expended in that way will not be met for some time. Then, again, if a site is selected which is not connected with the railway system of the State, a line will have to be constructed, and will not pay for some time to come. It remains to be seen whether any country can successfully manage its lands under a system of land nationalization. I have always advocated the making of the attempt, and it seems to me that although we should probably be unable to obtain from the various works a return sufficient to pay interest on the money borrowed for their construction, yet with good management, in a comparatively few years we should have no cause for regret. If there is a fear on the part of the people that extravagant expenditure will take place in connexion with the construction of the Federal capital, it seems to me that we might wait for a time, and do no more than select the site. I believe I am right in saying that the site on which Washington is erected was originally swamp land, and that at least ten or twelve years elapsed before the Government of the United States took steps to build upon it. Therefore, if the people of Australia declare at the next elections that money shall not be expended by us in erecting the Federal city, we might follow the example of the United States of America and allow the work to stand over for a time. I fail to see why we should not wait. The people of New South Wales would be satisfied that the compact had been observed if we merely selected the site of the capital. They would know that when we were in a better financial position money would be spent in erecting suitable Government buildings and laying out the city.

that would have to be given for the land in a certain area were allowed to enter into the question of the selection of the site. We want a site which will be the best for Australia, and make the best centre of its dignity and prestige. Therefore, although it might have been desirable to obtain the information indicated by the honorable member, the fact that it has not been secured affords no reason for the delay which would be involved by adopting the honorable member's proposal. I agree with the honorable member for South Australia, Mr. Poynton, that it would be most disastrous to allow this matter to stand over until after the next general election. It has been reported that it is proposed to spend millions and millions of pounds upon the Federal Capital within the next few years, and although these reports are absolutely frivolous and unfounded, they have produced an impression upon the minds of the public which will probably operate against an early settlement of this question. A compact was made between New South Wales and the other States, and common sense and reason urge that effect should be given to the terms of the Constitution by this Parliament. If the capital site question be thrown into the arena of general politics during the next election, the most unfriendly feeling may be created between New South Wales and the other States. I do not agree with the honorable member for Perth in his objection to the proposal of the honorable member for North Sydney. I think that it is only reasonable that we should bring the ultimate choice to within as small a compass as possible. We should group the geographical areas as the honorable member for North Sydney proposes, because in some cases there is practically very little difference as regards the character of the country and the general situation between contiguous sites. Therefore, where two or three similar sites are proposed it will be best to reduce the number down to one. We must recollect that honorable members—and much less the people of the Commonwealth—can know but very little of these sites. The holiday touring which took place in connexion with the inspection of the sites could not have added very largely to the information of honorable members, and it is our duty to reduce the selection down to as small a compass as possible. For instance, if there are three sites which, apart from local feeling, do not differ very widely from one another, why should we

not decide which is the best, and thus get rid of the complexity created by having to consider the claims of contiguous sites? I think that the honorable member's proposal has common sense to recommend it, and I hope that it will be accepted. I would urge the honorable member for Gippsland to withdraw his amendment, because it is clear that if we are to make a final selection of the capital site during the present Parliament his proposal cannot be carried out. I am sure that the honorable member desires to act fairly to New South Wales, although naturally he would like the Federal Capital to be situated as close as possible to Victoria.

Mr. A. McLEAN.—I am sure that I have the business people of New South Wales with me in my desire to make a good bargain.

Sir WILLIAM McMILLAN.—I do not think that the information which the honorable member desires is vital to the question at this stage.

Mr. A. McLEAN.—It will probably make a difference of £250,000 in the amount of the purchase-money.

Sir WILLIAM McMILLAN.—I do not think so. As the honorable member for Eden-Monaro has pointed out, we must not consider the immediate necessities of the next few years. We must look forward to the possible developments of hundreds of years. £250,000 would be a very small amount to spend in acquiring an asset which would be at least worth that sum at the outset, and which would increase in value to a much greater extent than land of lower quality.

Mr. A. McLEAN.—But I seek to get as good land £250,000 cheaper than would otherwise be possible.

Sir WILLIAM McMILLAN.—As an agriculturist my honorable friend knows that poor land is dear at any price. You can never make poor land good, and good land in a country like this is an asset that can never lose its value.

Mr. A. McLEAN.—If you get good land at a fair value it is a sound asset.

Sir WILLIAM McMILLAN.—Although, in view of the importance of the question and the great future involved, the information desired by the honorable member should doubtless have been placed before us, I hope that he will not insist upon thwarting the reasonable ambition of honorable members representing New South

instead of regarding it solely as a question of the Federal Capital, some honorable members appear to be endeavouring to make political capital out of it. It is being mixed up with the forthcoming election. If there is one question among many which should not be mixed up with the exigencies of a particular general election, it is a matter such as this. I have also noticed with regret that there appears to have been something in the nature of rivalry among some sections of the House as to who should take the most credit when he goes before the electors, as we all very shortly shall do, for having pushed forward the consideration of this question.

Mr. BROWN.—Does not the honorable member think that the settlement of this question will remove that undesirable element?

Mr. McCAY.—I wish to say distinctly that in voting for a motion which will secure the determination of this question, I am not in any way pledging myself to what I regard as the extravagant demand of some honorable members that we should forthwith commence to spend large sums of money in erecting the capital, and that we should take special train to it as soon as a habitable building can be there erected for us. I intend, if I am a member of the next Parliament, to see that we proceed with deliberation and do not indulge in any extravagance. I venture to believe that the selection of a particular site for the capital in New South Wales will cause a willingness on the part of many people in that State, who are now rushing this question forward, to proceed with more deliberation than has been exhibited up to the present time. That deliberation is necessary.

Mr. WATSON.—Our action in regard to this question could not have been more deliberate. Some honorable members do not wish to see it dealt with.

Mr. McCAY.—I am astonished at the remark made by the honorable member. I am surprised to hear it asserted that we have shown deliberation in dealing with this question, when, during the first Parliament of the Federation, and, despite all the other work we have had to perform, we have proceeded so far towards the determination of where the capital shall be. If the honorable member thinks that we have acted deliberately in this matter, I should like to have eyesight good enough to enable me

to observe what he calls haste. It seems to me that instead of this work being deliberately carried out it is being done with great expedition. I, for one, certainly never anticipated that during the first session of the Parliament we should go so far as to settle the site of the capital.

Mr. THOMSON.—We have not yet done so.

Mr. McCAY.—I did not think that we should go as far as we have. If it had not been for the rivalry to which I have referred we should not have done so. There can be no charge of delay. As the honorable member for Wannon has pointed out, many years elapsed after the selection of the site of Washington before the building of the capital was commenced, and it was half a century or more before Washington really became a city, or in outward appearance worthy of the Federation.

Mr. THOMSON.—They nearly had a civil war in America before they settled upon Washington.

Mr. McCAY.—I hope that we shall not have a civil war here. I have never placed the same importance upon the advantage of having the Federal capital situated in any particular State as others appear to place upon it. I was surprised, indeed, that the electors of New South Wales were so much influenced by the provision in the Constitution which says that the site shall be in that State.

Mr. THOMSON.—The honorable and learned member was no doubt surprised that the people of New South Wales were willing to give so much for so little.

Mr. McCAY.—I have often heard it said that New South Wales gave up so much to join the Federation, but I do not know what she actually gave up. Until the present time she has been getting back all that she has given.

Mr. KINGSTON.—Her people now have access to the markets of the other States.

Mr. WILKINSON.—Other representatives besides those of New South Wales wish to leave Melbourne.

Mr. McCAY.—If the only reason for hurrying on the selection of the capital site is their wish to leave Melbourne, their motive does not do them credit.

Mr. WILKINSON.—The influences here have been to the disadvantage of the Commonwealth.

Mr. McCAY.—I did not know that the honorable member had such an altruistic motive as that.

Mr. WILKINSON.—I refer to influences like the Kyabram movement.

Mr. McCAY.—I think that the people of Victoria are as much entitled to their views as to what should be done as are the people of any other State. Some honorable members show great resentment because the people of Victoria hold opinions which differ from those which they hold. Although there may be faults connected with the Kyabram movement, it is a movement towards economy, in which Victoria is leading the way, and is one of the most wholesome exhibitions of public feeling that Australia has ever seen. It must be followed in its essentials by the people of the other States if this country is to grow and prosper. We have had a saturnalia in many matters, and it is time that we sobered up.

Mr. WILKINSON.—

Mr. SPEAKER.—The honorable member for Moreton must not interject so frequently. It is impossible to conduct the debate with due regard for decorum when honorable members interject so frequently.

Mr. McCAY.—I, at times, have ventured to take my own course regardless of what others may have thought of my actions. It seems to me that we have proceeded without undue delay. In my opinion there has been no delay at all. But, while I am prepared now to support the proposal for the determination of the capital site question, I reserve to myself the right to say later at what rate we should proceed with the building of the Federal capital. I am not prepared to go in for heavy borrowing in order that we may hasten the establishment of the Commonwealth Government and Parliament there. While I am prepared to vote for the settlement of the Federal site question in pursuance of the undertaking which I, with other electors, gave when we voted for the Constitution in its present form, I wish to protect myself from being considered as pledged to proposals for the immediate building of the Federal capital.

Mr. CROUCH.—Can the honorable and learned member explain why the representatives of New South Wales do not wish the question to be settled? Some of them have been living upon it all the session.

Mr. McCAY.—In reference to the method of voting to be adopted, I hope that we

shall adopt the preferential system, giving to each member one ballot-paper only. I need hardly say that in my opinion the ballot should be an open one, and that every honorable member should be responsible for his vote. On the ballot-paper each member should indicate the order of his preference for the sites submitted, and the scrutiny should be followed by a transfer of the votes given in favour of the site supported by the lowest number of voters to the site supported by the next largest number.

Mr. KINGSTON.—The Hare-Spence system?

Mr. McCAY.—Practically the Hare-Spence system as applied to a single choice. I do not believe in it as applied to a multiple choice. The adoption of that system will prevent, not merely caballing or lobbying, but all those combinations which may be imagined if we have a succession of ballots as one site after another is dropped out. Each member will make his selection once and for all, and the ultimate choice will be clear of the suspicion of improper motives. The system, of course, has its disadvantages, as all systems have, but not one disadvantage can be urged against it which could not be urged against the system of taking a fresh ballot whenever a site has been rejected, while there are objections which might be urged to the latter system which do not apply to the former. I do not agree with those who think that the Government should have taken the responsibility of submitting sites from which one could be chosen.

Mr. CONROY.—Not a site, but a district.

Mr. McCAY.—I do not think that the Government was called upon to submit any district. I do not agree with the proposal to deal with the sites in districts. The best and the next best site might both be situated in the one district. Are we going to make them fight one against the other, and probably have an ultimate choice between the best and the third best, or the second best and the third best? I think that all the sites should be submitted together.

Mr. CONROY.—The Commissioners are careful to point out that they did not obtain full information of all the sites in detail.

Mr. McCAY.—No one can have full knowledge of all the sites, because no one can give the time necessary for the exhaustive personal inquiry and observation which that would demand. The Government were not bound to take the

responsibility of submitting either a site or a district.

Mr. CROUCH.—They have taken the responsibility of naming a State.

Mr. McCAY.—The Constitution does that. If the Government had submitted any site or district, a party complexion would have been given to the matter, and they would have been charged with interfering with the free choice of Parliament. We should have heard a great deal about brutal majorities, or whatever is the parliamentary form of that phrase. This is not a matter which should have any party complexion at all, and the Government are acting wisely in preventing it from having that complexion. I think the amendment will have no practical effect but delay. That is not ostensibly its intention, and I do not think it is a subterfuge to cause delay. In my opinion, however, we have already sufficient material to be reasonably sure of getting, on the whole, our money's worth in any site we may select. I shall vote against the amendment, and support the motion in its present form, reserving to myself the right to say later how far and how fast we shall proceed with the building of the Federal Capital.

Mr. SPENCE (Darling).—I think that the Government have proposed the right method of selecting the site that is to be the future capital of Australia, but the adoption of the amendment suggested by the honorable member for North Sydney would be an improvement, because I think it would lead to a better selection. Failing the adoption of that suggestion, to which there does not appear to be much opposition, however, I suggest that the Government should consider the possibility of treating the western district as one site. The actual location of the Federal Capital can be determined afterwards if that site is selected. Those in the western district of New South Wales who took an active interest in this matter came to the agreement that there should be no competition between the various proposed sites in that district; that they would leave it to the Federal Parliament to choose the best site, and the Commissioners were asked to report upon three sites in the district, though practically those three sites may be regarded as one. Some of the representatives of Victoria complain because reference has been made to their action in favouring delay. I

do not think that they have any right to complain, seeing that Victoria is the only State in which there is an organized effort to prevent the selection of a capital, and in which the endeavour to stave off the settlement of the question for an indefinite period is actively supported by the press. Although it is always wrong to attribute improper motives to an honorable member, the fact that several of the representatives of Victoria are in favour of delay justifies us in being very anxious for the settlement of the question this session. If the honorable and learned member for Corinella thinks that a delay of two and a half years is too short to be taken into consideration at all, we must assume that in his opinion it would not matter if the capital site were not chosen for five or ten years. The honorable member for Wannon said that the New South Wales members will not be happy until they get the capital site chosen, and he and the honorable and learned member for Corinella seem to think that the representatives of New South Wales are unreasonable in wishing to have the matter settled so soon. They overlook the fact that the people living in the districts in which these nine sites are situated are waiting for the determination of the question by Parliament. The Crown lands in those sites are locked up from settlement, and it is unfair both to the Government of New South Wales and to those who wish to settle on the land to allow this state of things to continue longer than is necessary. We need, therefore, make no apology for urging the Government to see that the provision of the Constitution is complied with as soon as possible. I think, too, that after the site has been chosen temporary buildings should be erected, so that Parliament can meet there, and be free from local influences, such as the Maffra-Kyabram movement, with its pratings about economy. The honorable member for Gippsland has been lauded in the daily press of Victoria for his statesmanlike proposal in moving the amendment. He appears to assume that the people of New South Wales are desperately anxious to sell their land to the Federal Government, and consequently he proposes a Dutch auction, and wishes us to ask them to say at what price they will sell their land. Where there are towns close to the proposed sites, property owners in the neighbourhood are averse to the selection



of those sites for the Federal Capital. They were very strongly and decidedly opposed to it because they realized that the capital would not be so close to their towns that they would receive any very great benefit from the new settlement. The honorable member for Gippeland seems to think that those who have land within the proposed sites are likely to offer it at low prices, because they are anxious to get rid of it. But that is about the most amusing idea of which I have heard. Although the honorable member claims to know all about land transactions, he shows an utter lack of acquaintance with the conditions which prevail within the areas reported upon by the Commissioners. The honorable member seems to think that in the event of our not having the land properly valued beforehand, the owners will claim boom prices. If that impression be correct, it is not at all probable that they would now offer to sell at low prices. The amendment proposed by the honorable member would involve, in the first instance, the selection of three or four sites. Then it would be necessary to decide the area to be embraced in each case—whether it should be 100, 200, or 1,000 square miles. Having decided that point, we should have to send surveyors to mark out the areas. We should then require to communicate with the land-owners in each area, and ask them to name the lowest price they would be prepared to take for their properties. Upon the receipt of their replies we should have to send round valuers to inspect all the properties, and afterwards the valuers would have to compare their valuations with the offers made by the owners. The honorable member is not prepared to say that we should select the site obtainable at the lowest cost. He realizes that it might not be wise to take the cheapest site; but he indicates that we should be influenced in our selection by the valuations which most nearly approach the assessments of the valuers. The honorable member apparently expects that a certain amount of patriotism will be exhibited; but the land-owners in New South Wales, like those in other States, desire to get as much as possible for their property. We know that the State always has to pay a little more than other people for any land that it may require, but the New South Wales laws provide safeguards against any exorbitant prices being demanded. I am astonished that those

honorable members who profess to be anxious to observe economy should calmly contemplate the expense that would be involved in surveying four sites and having valuations made of the properties within four areas, instead of one. I hope that we shall practise economy by insuring that there shall be no unnecessary expenditure in connexion with the selection of the capital site. The selection should not depend upon the price at which we can obtain the land, but upon the situation and climatic and other considerations. I do not consider that the Government should be called upon to take upon themselves the responsibility of selecting a site. I believe that by the method they have proposed we shall arrive at a satisfactory result in the most direct manner possible. If the Government had introduced a Bill naming any particular site, the whole of the nine sites would have been made the subject of discussion, and honorable members would have been required to come to a decision in respect to each of them. I give the Government every credit for having adopted the course best calculated to arrive at a selection independently of any party considerations. I hope that the Government will succeed in following out to a final conclusion the course which they have marked out in connexion with this question. I shall support the amendment proposed by the honorable member for North Sydney, because I think it will assist us in arriving at a fair conclusion. If that amendment is not carried, I hope that the Government will agree to submit the three western sites together. We cannot say at what point within any of the proposed areas the capital will be situated, and I think that in the first instance it would be preferable to submit the three western sites as one. I am untrammelled so far as my vote is concerned. Those who had the task of suggesting sites did not travel so far west as my electorate. Some of my constituents believe that they could point out very good sites for the Federal capital within the Darling electorate, but I am perfectly free to make my choice between those which have been reported upon by the Commissioners. I hope that we shall be able to make a final selection and dispose of the whole subject, once and for all, before the session closes.

Mr. KINGSTON (South Australia).—The sooner we get rid of this Capital site question the better. I do not think that anything has done more to provoke an anti-Federal spirit

than the struggle for the Capital. I regret this very much. I have always been content to leave the question absolutely to the untrammelled decision of the Federal Parliament; but at the same time I recognised that there were many others who were not prepared to do so. The result was that we had to agree to the stipulation made by New South Wales that the Capital should be located within that State, a certain distance away from Sydney.

MR. SPENCE.—The first Constitution Bill was not rejected on account of the absence of a provision regarding the Capital.

MR. KINGSTON.—I think that the granting of the Capital to New South Wales was the turning point between success and the failure in connexion with the adoption of the Constitution. I know perfectly well that there were other amendments of the Constitution to which I attached more importance, such, for instance, as that relating to the power of the Houses at a joint sitting. I thought it very important that a simple majority should rule instead of a two-thirds majority. I should have preferred to leave the whole matter of the Capital site to the Parliament, and I do not think that any injustice would have been done to New South Wales in the matter. I believe that the struggle which New South Wales made for the Capital, induced something like resentment on the part of others, and so heightened a difficulty which was naturally serious enough.

MR. SPENCE.—We did not make any particular struggle for the Capital.

MR. KINGSTON.—I know who were the representatives of New South Wales, and the strong stand that was made by them and by the New South Wales Parliament on the point, and I believe that if we had not conceded the capital to New South Wales we should not have brought about Federation so early as we did. However, whilst I regret that it was necessary to do this, I recognise that the compact was entered into. I had the honour to represent the State of South Australia at the Conference of Premiers at which the matter was arranged. By the representatives of the other States, outside of Victoria, the question was looked upon as one chiefly between the two most populous States, New South Wales and Victoria, and when we found that Sir George Turner was willing to accept the proposal of the Premier of New

South Wales with reference to the adjustment which now appears within the four corners of the Constitution, we saw clearly enough that the difficulty was capable of being removed in that way, and we assented to it. It would ill become any one of the Premiers who agreed to that arrangement, or, indeed, any one who voted for the acceptance of the Bill with that stipulation on the referendum to do less than carry it out at the earliest reasonable moment. That is the position I intend to take. I hope we shall do all we can to settle this trouble in the way provided by the Constitution, and with the best of grace at the earliest possible and reasonable date grant New South Wales the Capital. I do not say that we should hurry, and thus possibly make a mistake that would be fraught with great trouble to the Commonwealth; but at the same time I do not favour any suggestion as to the expediency of haste for the purposes of justifying delay that ought not to take place. I should be only too glad to see an arrangement arrived at, and to visit New South Wales—if it be the will of the electors that I should do so—as a member of the Federal Parliament. We have been very happy here in Melbourne. Victoria has done everything possible to promote our comfort, and to treat us in the way we ought to be treated, and we should be grateful accordingly. But the people of New South Wales will welcome us quite as heartily, as, indeed, would the people of any other State. There is a sentiment in this matter towards the Commonwealth Parliament that will induce the people to do everything possible to expedite its entry to the Federal Capital, and the sooner the terms of the Constitution are carried out the better. Of course the expense that will have to be incurred in connexion with the establishment of the Capital is an important consideration. I am not making that statement with the slightest intention of justifying delay, which should not take place; but I trust that, before we reach the final stage, we shall at least be able to form a rough estimate as to the difference in cost of the proposed sites. Even without the amendment proposed by the honorable member for Gippsland, which commends itself to my mind, although I am not prepared to vote for it at this moment, because of the fear of unnecessary delay, I trust that the Government will do everything they can,

before the two Houses are asked to vote, to say before honorable members every possible information that could guide them to a right conclusion in this matter. I do not regard the Government as being in the slightest degree to blame for delay. The question is a big one, and we have been very busy. Of course I might be expected to take a biased view with regard to a portion of the time during which the delay is said to have occurred. I believe that the manner in which this question has been pushed and pushed and pushed by some honorable members at different times has not been calculated to assist the movement, but has caused it to be regarded as of a party character. I hope, however, that we shall now sink any party differences and deal with the matter in a businesslike way. What is the best way of doing it? As regards this proposal, I say to the Prime Minister that if he can carry it—and I shall vote for it—it is the best which can be adopted. I shall be delighted to see it carried. As a member of the House of Representatives, I should welcome more frequent applications of the principle of joint sittings to the decision of various questions, though if I were a member of the other Chamber, I do not know that I should view the matter in quite the same light. The closer we can get to the Senate, and the more matters of national importance can be determined by a joint vote of the Houses the better. It is probably patent to members of the other branch of the Legislature that the Senate is not quite so likely to get its way by agreeing to a joint sitting as it is by the adoption of the usual course of procedure. When there are two bodies, one of which is twice as strong numerically as is the other, and when the feeling of each runs in a different direction, what is the result of their meeting together? The probable result is that the view of the more numerous House will prevail. At present the Senate undoubtedly has the right of veto. It is not compelled—unless it consents to a joint sitting—to submit itself to the will and weight of superior numbers.

Mr. SPENCE.—But we are not united upon this question.

Mr. KINGSTON.—Looking at the constitutional position which renders the concurrence of the two Houses desirable, I am inclined to think that if I were a member of the Senate I should be disposed to prefer

a proposal by one House and its submission to the other, or a ballot by each. If, under those circumstances, we arrived at the same conclusion, so much the better. As a matter of common practice, the two Houses do not sit together. In that way the Senate preserves a power which would scarcely exist if it consented in all cases to a joint sitting. However, let us hope for the best. I imagine that this step has not been taken by the Government without some attempt having been made to ascertain the feelings of the other branch of the Legislature, and, consequently, I hope that the best results may accrue from it. If, however, it should so happen that the Senate, in the first instance, cannot be induced to consent to a joint sitting, possibly an agreement may be arrived at in the usual way. If that were proved by actual experience to be impossible, I take it that the other branch of the Legislature would recognise that the solution of our constitutional difficulties is to be found in a joint sitting of the Houses, and would assent to that course with the best result. I merely wish to add that, whatever we may do as regards the selection of a site, I trust that we shall resolve not to part with the fee-simple of the land. The idea underlying the proposal for the establishment of a Federal Capital and for acquiring a country area, which will be our own property, is that it shall be retained so that the increased value which may be given to it by Federal expenditure shall benefit the Commonwealth. When people talk of expenditure and possible loss in this connexion, and when they sneer at a bush capital, I venture to think of a capital which will be erected upon good land—the Crown land being a gift to the Commonwealth and the private land acquired upon reasonable terms—and which, as regards public expenditure, shall increase in value from year to year, such value being retained for the benefit of the Commonwealth—a handsome endowment for all time. In this connexion we have only to look at the experience of other cities. Had an equally well considered policy been adopted in regard to any one of our capital cities, and had the land been retained for the public benefit by being let upon terms at a fair rental, with periodical re-appraisements, I venture to think that instead of private speculators monopolizing the improved value of city lands there

would have been reserved for the good of the public, a value which can hardly be over-estimated, and which certainly would have contributed to the enjoyment by the citizens of Australia of easier times than they experience to-day. When people talk of extravagance, I say that in connexion with Federal management there has been no extravagance which, in the slightest degree, justifies the criticisms to which we have been subjected. Rather, I believe, that we have set an example to the States Parliaments. I know perfectly well the sentiments of the Treasurer in that direction, and I am aware that he has never spared himself, either in the State Legislature or in this Parliament, to give effect to the greatest practicable economy. I believe that both sides of the House have supported that policy, and I am sure that careful as we have been in the past, we are not likely, in connexion with this Federal Capital, to rush headlong into thoughtless expenditure. I shall, indeed, welcome the time when, not only shall we have a Federal Capital which is worthy of the name, and which is free from local colour—Australian in itself—but when we shall have satisfactorily settled a long-vexed question, which, under the terms of the Constitution, it is our duty to settle at the earliest possible moment.

Mr. O'MALLEY (Tasmania).—It seems to me that the representatives of New South Wales should take advantage of the present opportunity to secure a decision upon this question, because after Kyabram has finished with the Victorian representatives there will be very little hope of settling it next session. Personally, I do not care twopence about it. It cannot affect me upon the West Coast of Tasmania. Indeed, 40,000,000 Kyabramites with their tails cut off would not affect my position. At the same time, I desire to see justice done to the people of New South Wales. I would suggest to the Prime Minister that in the Bill dealing with the acquisition of the Federal territory a clause should be inserted providing that the land-owners interested must sell their lands at the price at which they were valued prior to the accomplishment of Federation.

Mr. JOSEPH COOK.—That is already provided for.

Mr. O'MALLEY.—I am very glad to have that assurance. When I was at Tumut one man who drove me out to see

the site declared that it was a crying disgrace that his land was not within the five or ten miles limit. He affirmed that his landlord had given him notice that when Tumut was selected as the capital site his rent would be doubled, and that when his lease expired he would not be able to secure its renewal. It seemed to me that there was a capital confidence game upon the lines of the bunko-steerers of New York. I trust that the democratic members of the House will carefully consider this question before they arrive at a decision. The success of the experiment will be eagerly watched by people in all parts of the world. We desire to get as far away as possible from the settled portions of New South Wales. I do not wish our chances of doing so to be jeopardized by the selection of any particular site, unless we have an absolute guarantee that we can acquire all the land that we desire. Suppose, for example, that we select a site in New South Wales, and the State Government says to us, "We will grant the Commonwealth the minimum area prescribed by the Constitution, namely ten miles square." Naturally the Commonwealth Government offices would be built upon the centre of that area. A private syndicate would then be in a position to construct an electric tramway just outside the Federal territory. The result would be that the city would grow up outside the Federal boundary and the private syndicate would reap all the benefit of the Commonwealth expenditure. That is the trouble against which we have to guard. If we carry these resolutions and the Senate declines to agree to a joint sitting of the Houses, what will be the result? We shall have wasted time in discussing an absolutely negligible quantity. Why should we not get to work at once and select a site? Why should not this House itself come to a decision? If it be the desire of honorable members to proceed to a vote at once I will discontinue my remarks.

Mr. ISAACS (Indi).—I desire to say only a very few words on this subject. In the first place, I consider it our duty, now that the Government have submitted this motion, to observe what I believe is the requirement of the Constitution, and the common understanding in the various States, that we should determine the site of the Federal capital. It is only fair to New South Wales that we should do so. Whatever our decision may be, there is one thing with which we cannot afford to palter, and

that is our honour. I cannot vote for the amendment moved by the honorable member for Gippsland, for the reason that it would commit us, in the first instance, to the rejection of all sites save those specially mentioned in it. It would compel us to take that course before we had given any consideration to the matter. I feel embarrassed by the wording of the motion, because it seems to me that it would commit us beforehand to accept and to vote in all circumstances for the site selected by the joint sitting of both Houses.

Mr. CROUCH.—The honorable and learned member refers to paragraph 6.

Mr. ISAACS.—Quite so. I should like the Government to say whether they cannot see their way to alter the wording of that, and, perhaps, the preceding paragraph, by providing that the names of the three sites which receive the highest number of votes be reported to the House by Mr. Speaker, and that it is expedient that a Bill be introduced after such report has been made to the House, to determine whether the seat of the Government of the Commonwealth shall be the site which receives the majority of votes, or either of the two remaining ones.

Mr. CROUCH.—That would require an amendment of paragraph 3.

Mr. ISAACS.—I am not referring to the verbiage of the paragraphs. I am merely indicating my view of the position.

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Mr. ISAACS.—By the subsequent decision of the two Houses sitting apart. I am not sure that we have sufficient material before us to enable us to finally determine this great question. I feel pressed to a great extent by the view presented by the honorable member for Gippsland, that if we passed the motion in its present form we should bind ourselves when the Enabling Bill is introduced to vote for the particular site selected at the joint sitting, and not to reject it under any circumstances. I feel undoubtedly embarrassed in that if we bind

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Sir WILLIAM McMILLAN.—Would not the honorable and learned member's proposal reopen the danger of having one House proposing one site and the other another?

Mr. ISAACS.—I think we might come to an agreement. I do not anticipate any difficulty in that respect; but I feel strongly that a difficulty will arise, in that we shall have to make a definite selection in the absence of sufficient information to enable us to determine what the cost will be. The Prime Minister may, of course, brush aside that difficulty by showing that the Government is in possession of sufficient information to enable us to arrive at the probable cost of acquiring the land. I do not feel prepared at the present moment, however, to say that I will accept, whatever may be the cost to the country, any site which the joint sitting proposes. That is my position. I do not think we have the means or the materials to enable us to ascertain the probable cost. At all events, I am not in possession of them. If we were to do what is suggested by the amendment—select three sites and eliminate all others—we should act unfairly, but if the Government could see their way to allow three sites to be reported to the House, leaving the Parliament to decide, on satisfactory information as to the probable cost, which of the three should be finally selected, I think we should be relieved of a great deal of difficulty.

Mr. JOSEPH COOK.—That would frustrate the very object of the joint sitting.

Mr. ISAACS.—I do not agree with my honorable friend. I do not hesitate to say that we must not palter with this proposal. It is an undertaking given in very strong words in the Constitution, and we know quite apart from the mere words of the Constitution what the compact really was. However advantageous it may be to Victoria to have the Parliament meeting here, I do not think we should be justified in doing what would amount practically to a breach of that undertaking, and therefore I feel bound to assist in settling this question at the earliest moment. My only

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desire is that it should be determined on the best possible basis from the stand-point of the Commonwealth.

Mr. CROUCH (Corio).—I should like you to state, Mr. Speaker, the procedure to be adopted in putting the motion, so that if we desire to move amendments on the different paragraphs we may not find ourselves in a difficulty.

Mr. SPEAKER.—The present position is that any honorable member who has not spoken may move any amendment that he pleases. I should not put such an amendment until those already notified had been dealt with. Each will be put in its proper order. But any honorable member who has spoken cannot speak again save on some amendment.

Mr. JOSEPH COOK.—May not an honorable member move an amendment without speaking?

Mr. SPEAKER.—No. No honorable member who has spoken to the general question can move an amendment.

Mr. JOSEPH COOK.—I understood you to say last night, Mr. Speaker, that an honorable member could do so.

Mr. SPEAKER.—I distinctly stated the position. I said in answer to a question that any honorable member who in the course of his speech expressed a desire to move an amendment must at that stage intimate the terms of the amendment to the House, and that when the proper time came I should put the amendment so notified and handed in to me from the Chamber. Four amendments have already been notified and submitted to me. The first is that moved by the honorable member for Gippsland, the second that indicated by the honorable member for Bland, the third that foreshadowed by the honorable member for Werriwa, and the fourth that proposed by the honorable member for North Sydney. Those amendments will be put in their order.

Sir LANGDON BONYTHON.—Why do they not appear on the notice-paper?

Mr. SPEAKER.—Order! I cannot allow questions to be put to me in this way. I shall answer the question which has been put by the honorable and learned member for Corio, so that the House may fully understand the position, and if honorable members desire to put any other questions to me they must ask them later on. At present I have been notified of the four amendments to which I have referred.

If honorable members consider this a complex question, and ask me to put the paragraphs of the motion separately I shall be bound to do so, but I can do so only when that desire is expressed.

Mr. JOSEPH COOK.—On the point of order, Mr. Speaker, you will probably recollect that last night I asked this very question, and also indicated whilst on my feet an amendment which I intended to move. I think that amendment should be included in the list to which you have referred.

Mr. SPEAKER.—If the honorable member had handed me a copy of the amendment I should have placed it in its proper order. If he will do so now I will take that course. He has not yet done so, but the honorable members to whom I have referred have submitted copies of their amendments to me.

Sir LANGDON BONYTHON (South Australia).—Before the question is put I desire to say that it is my intention to support the motion, but that I think there is much weight in the suggestion which has just been made by the honorable and learned member for Indi. I was not in my place in the House yesterday, but when I read the speech delivered by the honorable member for Gippsland I felt disposed to support his amendment. In view of what I have heard this afternoon in the House, I feel constrained, however, to withhold that support. I think that the amendment is unnecessary. Although its object is entirely right, its effect would be only to cause delay. I believe I am justified in saying, as a representative of South Australia, that there is no disposition on the part of the people of that State to fail in any way to do justice to New South Wales in the matter of the compact entered into in regard to the Federal capital. South Australia is content that a site should be selected. That having been done, the expenditure of money may be left for future consideration; there is not the least occasion for hurry, and I may say that I shall strenuously oppose anything in the way of extravagant outlay.

Mr. CONROY (Werriwa).—I should like to ask that each paragraph in the motion be submitted separately.

Sir EDMUND BARTON.—I have no objection to the adoption of that course.

Mr. SPEAKER.—It being the desire of the House, I shall put each paragraph separately.



Question—That after the word "That," line 1, the following words be inserted—  
 "with a view to the selection of the most suitable site for the Commonwealth seat of Government, and the acquisition of same, on the most favorable terms, it is desirable that the Government should ascertain the lowest price at which they can acquire one hundred square miles of territory at each of the following proposed sites, viz:—Albury, Bombala, and Tumut; also the lowest price at which they can secure the necessary area for the protection of the proposed sources of water supply in connexion with each of the foregoing sites. That a copy of this resolution be forwarded to the Senate with a Message requesting concurrence with same."  
 —put. The House divided.

Ayes ... .. 10

Noes ... .. 47

Majority ... .. 37

#### AYES.

Cameron, N.  
 Kennedy, T.  
 Knox, W.  
 McEacharn, Sir M.  
 McLean, A.  
 Phillips, P.

Ronald, J. B.  
 Salmon, C. C.

#### Tellers.

Cook, J. H.  
 Crouch, R. A.

#### NOES.

Bamford, F. W.  
 Barton, Sir E.  
 Bonnython, Sir J. L.  
 Brown, T.  
 Clanter, J. M.  
 Carsey, A. H.  
 Cook, J.  
 Cooke, S. W.  
 Edwards, G. B.  
 Edwards, R.  
 Ewing, T. T.  
 Fisher, A.  
 Forrest, Sir J.  
 Fowler, J. M.  
 Fuller, G. W.  
 Fysh, Sir P. O.  
 Glynn, P. McM.  
 Groom, A. C.  
 Groom, L. E.  
 Hartnoll, W.  
 Higgins, H. B.  
 Isaacs, L. A.  
 Kirwan, J. W.  
 Lyne, Sir W. J.

Mahon, H.  
 Manifold, J. C.  
 McCay, J. W.  
 McDonald, C.  
 McMillan, Sir W.  
 O'Malley, K.  
 Page, J.  
 Paterson, A.  
 Poynton, A.  
 Skene, T.  
 Solomon, E.  
 Spence, W. G.  
 Thomas, J.  
 Thomson, D.  
 Tudor, F.  
 Turner, Sir G.  
 Watkins, D.  
 Watson, J. C.  
 Wilks, W. H.  
 Willis, H.  
 Wilkinson, J.

#### Tellers.

Chapman, A.  
 Smith, S.

#### PAIRS.

##### For.

McColl, J. H.  
 Quick, Sir J.  
 Mauger, S.

##### Against.

Clarke, F.  
 Cruickshank, G. A.  
 Sawks, W. B. S. C.

Question so resolved in the negative.

Amendment negatived.

Mr. SPEAKER.—I will now put the paragraphs of the motion *seriatim*—

#### Resolved—

1. That, with a view of facilitating the performance of the obligations imposed on Parliament by section 125 of the Constitution, it is expedient that a Conference take place between the two Houses of the Parliament to consider the selection of the seat of Government of the Commonwealth.

2. That this House approves of such Conference being held on a day to be fixed by Mr. Speaker and Mr. President, and that it consist of all the members of both Houses.

#### Question proposed—

3. That at such Conference an exhaustive ballot be taken to ascertain which of the sites reported on by the Royal Commission on Sites for the seat of Government of the Commonwealth appointed by the Governor-General on the 14th day of January, 1903, is in the opinion of the Members of the Parliament the most suitable for the establishment of such Seat of Government.

#### Amendment (by Mr. Watson) proposed—

That after the word "exhaustive" the word "open" be inserted.

#### Mr. McCAY (Corinella).—I move—

That the amendment be amended by the insertion, after the word "open" of the words "preference transfer."

I do not know if honorable members fear that the adoption of my amendment will impose upon them a task beyond their powers, but I can assure them that it will make things much easier for them, although the scrutineers will have a little more work to do.

Mr. WILKS.—Is the honorable member in order, he having already spoken to the motion?

Mr. SPEAKER.—The honorable member is now speaking, not to the motion, but to the amendment of the honorable member for Bland, to which he has moved an amendment.

Mr. JOSEPH COOK.—Are we all entitled to speak to the amendment of the honorable member for Bland?

Mr. SPEAKER.—Every honorable member, with the exception of the honorable member for Bland, is entitled to speak to the amendment.

Mr. McCAY.—The method of balloting provided for in the motion is in effect this: Honorable members must first vote each for a single site. The site which obtains the lowest number of votes is then struck out, and a fresh ballot is taken, honorable members voting again each for one of the remaining sites. Those who voted for the site eliminated after the

first ballot—let me call it site X—will, on a second ballot, vote for the site which is their second preference. The site for which the lowest number of votes is cast on the second ballot is eliminated, and a third ballot is taken, and the voting continues in that way until one site alone remains. When a member loses his first choice, he transfers his vote to his second; when he loses his second choice, he transfers his vote to his third; and so on. The system proposed is similar to that adopted in the United States in their Conventions, when they ballot until an absolute majority is obtained by one candidate. But the system allows arrangements to be made and possible bargaining to take place between the ballots. What I suggest is that each member should give a preference vote for each of the sites, but that he should do it once and for all in the first ballot. If the system which I propose is adopted, one ballot-paper will be given to each member, and opposite his first preference he will place the figure 1; after his second preference—the site he would choose in the event of his first preference being rejected—the figure 2; after his third preference—the site for which he would vote in the event of his first and second preferences being rejected—he would place the figure 3.

Mr. WILKS.—That is the contingent vote.

Mr. McCAY.—That is practically what it is. Instead of having seven or eight ballots before a final decision is reached, there would be one ballot, but the same result would be obtained. The system has the advantage that it makes the balloting free from any possible imputation of interference between the ballots.

Mr. CROUCH.—Is there anything wrong in arranging combinations or making bargains during the balloting?

Mr. McCAY.—I think that every honorable member should vote for the sites in the order of his preference, and that no bargaining should be possible. I desire to prevent a man saying—"If you will vote against site X, I will vote against site Y," or, "Let us combine to vote for site X, in order to secure the rejection of site A." It is desirable that we should avoid even the suspicion of bargaining while the ballot is in progress.

Mr. FISHER (Wide Bay).—I see nothing in the amendment which will assist us in coming to a reasonable and clear decision

upon the question. If the amendment were carried, we should have to declare at the first ballot the opinions we hold regarding every one of the sites submitted. The amendment means that honorable members cannot be trusted after the first ballot to give a second preference according to their second choice. It seems to be assumed that we do not recognise the responsibility attaching to our office, and therefore cannot be trusted to do what is right. The inherent weakness of the proposal lies in the assumption that we can learn nothing to-morrow that we do not know to-day. Why should any honorable member be debarred from altering his mind between the first and the second ballots? Why should he not learn something after the taking of the first ballot which would cause him to alter his opinion in regard to the remaining ballots? The honorable and learned member proposes that if I vote for site X as my first choice, and that happens to be the last on the list when the primary votes are counted, that site will be defeated and my second choice will become my first choice in the second count, and so on right down the list. Does the honorable member seriously argue that in an ordinary exhaustive ballot I should depart from my second choice on my second count?

Mr. McCAY.—I do not argue anything of the kind. I said that the system of voting I proposed would prevent any imputations being made.

Mr. FISHER.—We need not trouble ourselves about imputations. We are about to go before the electors, and we may take the consequences of any vote we may give. If we vote openly we shall act with a dignity more becoming this Parliament than if we proceed by secret methods.

Mr. McCAY.—I do not propose that the voting shall be other than open.

Mr. FISHER.—The honorable member's imputation is a serious one, because he suggests that we cannot be trusted to act honestly with regard to our second, third, fourth, and fifth votes. He says that we must declare our preference, in case we may be inveigled into voting in a way which would be inconsistent with our real choice.

Mr. JOSEPH COOK (Parramatta).—I understand that the honorable member's proposal embodies the principle of the contingent vote exercised in an open manner. But many honorable members could not indicate their second preference until their

first preference had been thrown aside. The second preference might be determined by the way in which the first was treated. That is the great difficulty in the way of adopting the proposal of the honorable member.

Mr. McCAY (Corinella).—I am quite satisfied that I shall have no chance of carrying my amendment—although I think it ought to be carried—and therefore, with a view to save time, I beg leave to withdraw it.

Amendment of the amendment, by leave, withdrawn.

Amendment agreed to.

Mr. CROUCH (Corio).—The honorable and learned member for Indi has asked me to move the following amendment:—

That the word "three" be inserted after the word "which."

The object of the honorable and learned member is that the Conference shall select three sites, so that we may have an opportunity of obtaining fuller information before being called upon to make a final choice.

Mr. ISAACS (Indi).—I feel very much obliged to my honorable friend for having acted for me during my absence, and I should just like to say very briefly why I think the amendment should be agreed to. I explained on a former occasion that as the motion stands it would absolutely commit honorable members to vote for the site reported to the House as agreed to by the Conference. My difficulty is that I am not personally in possession of sufficient information to guide me as to the probable cost involved in the selection of any particular site. I feel that we ought to proceed in any event to the selection of a site now. Since we have been invited to do so, it would be a contravention of our duty to refuse. I desire, however, to proceed as economically as possible, and to feel sure that we shall not embark upon any unnecessary expenditure. I think that the capital should be established upon the most economical basis consistent with the object we have in view, and, therefore, carrying out the idea suggested by the honorable member for Gippsland, I think that it would be advisable to ask that three sites should be submitted so that the Houses may make a final choice in the face of fair competition between the sites as to the cost. If the Prime Minister can afford the House the necessary

information earlier so that we may judge for ourselves as to the advisability of selecting any one or other of the sites, that would probably be sufficient; but I do not like to vote blindfolded or to commit myself to support whatever site may be determined upon by an absolute majority of the Conference.

Sir EDMUND BARTON.—I am quite conscious of the excellence of the motives of my honorable and learned friend, but I cannot quite bring myself to believe that the amendment has as much practicality as generally marks his proposals. I think, on the whole, that the project would plunge us into difficulties greater than those we must necessarily encounter. If we were to determine upon three sites at the Conference, those three sites would have to be dealt with in a Bill, and it would be very difficult to bring forward any Bill without either leaving a blank to be filled up by selecting one of the three sites by each House in turn, or by including the whole of the three sites in the Bill in the first instance, and leaving the final choice to be made by an exhaustive ballot or preferential vote. One of these consequences must ensue, and in case of either of them we should be involved in difficulty. We should have to overcome the difficulty as to voting if we nominated three sites to be determined by the Houses either separately or together. If we left a blank to be filled in by the House of first instance, so to speak, that House would insert the name of a site or district, and if the other House differed—and, of course, we know that it is within the bounds of possibility that it would—that name would be removed and another would be substituted. Then we should have the whole trouble over again, and we should have to proceed by the usual parliamentary method of amendment, objection to amendment, and insistence upon the amendment of the amending House. After that we should have a Conference, and after that what?—

Mr. WILKS.—Chaos.

Sir EDMUND BARTON.—There would be great difficulties at any rate, because if the Conference of the two Houses disclosed an adherence on the part of each House to the site that it had named, it would not be able to report any agreement. The difficulty of coming to an agreement would be largely enhanced by the degree of pardonable and proper pride which members of each House would have in the decision of their own Chamber.

That would constitute a very great difficulty. Probably it could be removed—as I pointed out yesterday—only by a dead-lock, which would result in the loss of the Bill, or by the selection of some site which each House might accept for the sake of peace, although each might think it inferior to that which it originally supported. Therefore, it would probably be a site which was not so good as either of the sites which had been named in their respective proceedings. That would be a very serious difficulty, and in view of the obstacles to which I have directed attention, I would recommend the honorable and learned member for Indi to withdraw his proposal.

Mr. ISAACS.—If the right honorable gentleman can give me an approximate estimate of the cost, I shall be satisfied.

Sir EDMUND BARTON.—We have been told by Mr. Speaker—and it quite accords with my own view in framing these resolutions—that a discussion of the merits of the several sites—which, of course, would include the question of the cost of resuming them—does not come within the scope of the resolutions. As soon as they have been passed, however, I shall lay certain papers upon the table of the House, and I shall ask my honorable colleague the Minister for Defence to lay a copy of them upon the table in the other Chamber. Honorable members will then see what would be the approximate cost of resuming 100 square miles of territory around each site named in the report. I am also in possession of figures which I have obtained by telegraph from the Lands Department in Sydney, and which I hope will be supplemented by a fuller statement shortly, which give the cost of resuming an area of twenty miles by twenty, of twenty-five miles by twenty-five, and of thirty miles by thirty, or, in other words, of 400, 600, and 900 square miles respectively. The relative positions of the various sites will also be clearly shown in those papers. In the meantime, however, it seems to me that we should adhere to the one straight line which we have to observe in regard to these resolutions. Our duty is to adopt a course of procedure irrespective of what our opinions may be upon the merits of the different sites.

Sir WILLIAM McMILLAN (Wentworth).—I wish to support the contention of the Prime Minister. It seems to me that if we depart from the course which he has

suggested we shall land ourselves in a serious difficulty. Even as matters stand trouble may be experienced in constitutionally preventing honorable members from endeavouring to include in the Bill dealing with the selection of the site some town other than those which have been reported upon by the Commission. If we are required to deal with three sites we shall only add to the labours of the Conference, and in view of the short period at our disposal prior to the close of the session, anything which requires that work shall be done two or three times over, should be discountenanced.

Mr. ISAACS.—Upon the whole, I think that the suggestion of the Prime Minister is the most practical one.

Amendment, by leave, withdrawn.

Amendment (by Mr. CONROY) proposed—

That the words "of the sites reported on by the Royal Commission on Sites for the Seat of Government of the Commonwealth, appointed by the Governor-General on the fourteenth day of January, 1903," be omitted, with a view to insert the word "district."

Sir EDMUND BARTON.—Speaking without having given this matter as close consideration as I might have done, I have no desire to throw any serious obstacle in the way of the honorable and learned member for Werriwa. If we were not hampered by any regard for the provisions of the Constitution, the difficulty with which we are confronted might be much more easy of solution. At the same time it is incumbent upon me to do what I can to inform honorable members upon this matter. In this connexion I would draw attention to section 125 of the Constitution, which says—

The seat of government of the Commonwealth shall be determined by the Parliament, &c.

Although in another part of the Constitution there is a provision from which it might possibly be inferred that the seat of government means the Federal area, I do not think it can be contended that it has that meaning in a section which draws so sharp a distinction between the seat of government and the territory in which it is situated. The seat of government is one place, and the territory is another. Consequently, if we are not very careful, we may find ourselves dealing with the question of the whole territory instead of exercising our first function, which is to determine where the seat of government shall be. If, therefore, the House does not desire to hamper itself by paying too much regard to the 4,000 acres,

which is the area mentioned in the Commissioners' report, it will be necessary to go further than this amendment contemplates, in order to clearly define its intention. To use the word "district" without any explanation would probably cause the motion to be construed as referring to the selection of the Federal territory. That is not our first purpose. We wish to proceed step by step according to the provisions laid down in section 125 of the Constitution. Our first duty is to determine the seat of Government. Possibly we might add to the amendment words which would remove portion of the objection which applies to it. For instance, I take it that the power which the Parliament possesses, within the limits assigned to it, is a plenary one, and is therefore capable of being delegated. I might refer to the *Apollo Candle* case as an illustration of what I mean. Just as in that case power was given to the Collector of Customs to declare that certain articles were dutiable, so power might be conferred upon a Commission to select the place upon which the capital should be built after we had determined its locality. If that is the object of the amendment, no doubt the honorable and learned member for Werriwa will co-operate with his friends with the view to getting us out of the difficulty in which its adoption would land us. I am not so strongly wedded to the use of the word "site" as to make a long fight in its favour. At the same time I hold that we are taking only the preparatory step towards determining the seat of Government, which is quite distinct from the territory within which it is to be located.

Mr. ISAACS.—The last words of the section show that.

Sir EDMUND BARTON.—Yes. They show very plainly that for the time being Melbourne has been accepted as an alternative to the seat of government. I feel myself altogether in the hands of the House, and not at all adverse to the spirit of the amendment. Nevertheless, if any words are inserted we should make it perfectly clear that the place mentioned is not the seat of government, but a place within which we, afterwards, intend to give some statutory direction as to things to be done towards making the seat of government. If the House uses the word "districts," instead of itself specifically selecting the seat of government, it will have to constitute some delegated authority, which, within a certain

area, will be empowered to select the seat of government for it. I do not think that any difficulty would be experienced in that respect. If the House selected the district in which the capital is to be located, it might be quite content to allow experts to determine the site of the city. Personally, I think that such a tribunal could select it better than we could. Upon that aspect of the question I should like to hear the views of honorable members. Probably the honorable and learned member for Werriwa will co-operate with his friends with a view to safeguarding us in the matter, otherwise I think we should adhere to the terms of the resolution.

Sir WILLIAM McMILLAN (Wentworth).—The intention of the amendment is no doubt good. When once we have decided upon the territory, no doubt an exhaustive consideration of the whole area, with a view to throwing further light upon it, would be a very good thing. But in view of the saving of time which will thereby be effected, I think it is better to adopt the resolution in its present form, and to allow the Conference to consider the question which has been raised, especially as it involves a constitutional point. As the Government is at one with the honorable and learned member for Werriwa in his desire that the best site shall be selected within the area, it might be possible—before the Conference meets—to frame a resolution which would be in the nature of an instruction to the Government, in the drafting of the Bill. I suggest that we should pass the resolution in its present form, and allow the matter to stand over for further consideration.

Mr. ISAACS (Indi).—I agree with the remarks of the honorable member for Wentworth. We are not passing an Act of Parliament, and, consequently, we are not bound by the verbiage of this resolution. So long as we understand its meaning, the Bill, which will be introduced at a later stage, can provide for all the technical differences which will arise by reason of the wording of the Constitution. I do not anticipate that any difficulty will be experienced if we pass the motion in the form in which it now stands.

Mr. WATSON (Bland).—I think that the suggestion made by the honorable and learned member for Werriwa is in its essence an excellent one, although it might perhaps be practicable to allow the phraseology of

the motion to stand, and to make the desired provision in the Bill itself. I trust that Parliament will be seized of the unwisdom of finally fixing upon any site that may be suggested as the actual location of the capital. The Commissioners themselves have already recommended that a proper contour survey should be carried out before any final selection of the site of the city is made. We are quite competent, no doubt, to fix the location of the capital in a general way; but I, for one, am convinced that in two instances a hurried selection, made primarily on the part of local residents, and an equally hurried inspection by the Commissioners, has led to an error in regard to the best position in which to build the city itself. In view of that fact I think that, in the absence of further expert advice, it would be highly unwise to come to a final determination in this respect. We should have a detailed survey to assist us, and I think that the necessary provision could be made in the Bill, founded on the resolution arrived at by the Conference, or by the Houses sitting separately.

Mr. HIGGINS (Northern Melbourne).—I cannot help inferring from the speeches which have been made that we are disposed somewhat to depart from the right track in dealing with the motion as it stands. The resolution that has been carried relates to a determination, not as to the Federal territory to be acquired, but as to the seat of government. The first paragraph in the motion is, that a conference be held "to consider the selection of the seat of government." The Constitution places no obstacle in the way of the extension of the Federal Territory right up to Sydney, as long as the seat of government itself be distant 100 miles from that city. The proposal to fix a district is a very vague one. What we shall have to do, if the motion stands, is to consider the seat of government, or, in other words, the particular place at which the Federal Capital shall be erected. If honorable members look at section 125 of the Constitution they will see that it provides that the seat of government shall be determined by the Parliament; that if New South Wales be an original State it shall be within that State, and be distant not less than 100 miles from Sydney. There is no restriction, so far as the territory itself is concerned.

Mr. CONROY.—I think that the honorable and learned member will find that,

practically, there is a limit, because we have to deal with the State Parliament of New South Wales.

Mr. HIGGINS.—No doubt the practical limit will come into play. But so far as Crown lands are concerned, they must be handed over to the Commonwealth without any payment. The difficulty occurs solely in regard to private lands.

Mr. CONROY.—A territory of 100 square miles would run only 10 miles in any one direction.

Mr. HIGGINS.—We are not limited to an area of 100 square miles. As the Prime Minister has indicated, an area of 400, or even 1,000 square miles, may be acquired. But I think it is clear that it is a mistake to suggest that we are simply proposing to fix the district within which the seat of government is to be. As the motion stands we shall have to fix the seat of government. We shall subsequently have to declare in the Bill what area of land adjoining the city itself shall be acquired, and in what direction it shall be taken up. We have now, as it were, to fix the centre and then to describe the circumference.

Mr. CROUCH.—Could we not have Federal territory outside New South Wales?

Mr. HIGGINS.—I shall not venture to express an opinion on that point. I do not think that such a thing is likely. My desire is that the House shall not vote under a misapprehension. The motion as it stands is to determine the place where the seat of government is to be—where Ministers are to have their offices.

Mr. CONROY.—They have not yet been able to survey the sites.

Mr. HIGGINS.—After we have fixed the site of the seat of government the surveyors and experts will have to submit to Parliament a scheme showing the best territory to work in with that seat of government. They will also have to submit estimates as to the cost of the lands. I simply wish to make it clear that we are to fix the seat of government, and that we shall subsequently have to determine what extent of territory shall be acquired.

Mr. L. E. GROOM (Darling Downs).—The amendment moved by the honorable and learned member for Werriwa certainly requires some explanation. Under the third paragraph of the motion the intention appears to be that an exhaustive ballot shall be taken as to the sites which have been

reported upon by the Commissioners as suitable for the seat of government. We have already obtained evidence, and the House, by resolution, has already determined upon a certain number of districts as being best adapted for the purposes of a Federal capital. This motion simply follows upon the determination already arrived at by the House, and declares that there shall be an exhaustive ballot in relation to the sites which have been reported upon. The proposal made by the honorable and learned member for Werriwa is that the paragraph shall read—

That at such Conference an exhaustive ballot be taken to ascertain which district is in the opinion of the members of the Parliament the most suitable for the establishment of such seat of government.

Thus at this ballot it would be absolutely open to honorable members to select any site within New South Wales.

Mr. CONROY.—No; the various sites reported upon are already grouped into districts.

Mr. L. E. GROOM.—It would be absolutely necessary to insert some term defining the meaning of the word "district." If we were to provide that an exhaustive ballot be taken to ascertain which of the districts "which have already been reported upon" is the most suitable, we might get over the difficulty.

Mr. WILKS.—We shall otherwise reopen the whole question by adopting the amendment.

Mr. L. E. GROOM.—Quite so. If we accepted the amendment, we should revert to the position which we occupied before passing the resolution for the appointment of a Commission to report on these several sites. My object is to ascertain what are the intentions of the honorable and learned member. No doubt they are honorable, and therefore he should take care to see that his amendment will give absolute effect to them.

Mr. BROWN (Canobolas).—I agree with the honorable and learned member for Darling Downs that this amendment would practically re-open the whole question, and leave us as we were when the work of inspecting the various proposed sites was first entered upon. When this matter was remitted by the State Government of New South Wales to Mr. Oliver, a large number of presumably suitable sites were put before him for consideration. After a very

exhaustive inquiry, he reduced the number to three—Orange, Yass, and Bombala. Subsequently, in appointing expert Commissioners to submit a report to the House, we decided to widen the scope of the inquiry by submitting to their consideration the nine-sites which had been reported upon by Mr. Oliver. The motion proposes that a Conference shall take place between the two Houses to deal with the sites reported upon by the Commission, and if we turn to the report of that Commission we shall find that it deals practically with the site of the proposed city rather than with the broad question of the territory to be acquired. As a matter of fact, it does not touch upon the territory to be acquired. All the information that we have as to the question of territory is that which has been compiled by Mr. Oliver, and thus, if we adopt this amendment we shall practically set aside as useless the report presented by the Commission which we appointed. I think that that Commission would have been well advised if it had dealt with the broader question, and its failure to do so has to some extent placed us at a disadvantage. If we wish to arrive at a satisfactory decision we can do so only by carrying the motion as submitted by the Government, with the modification suggested by the honorable member for North Sydney. We should deal with the question as the Commission appointed by us has dealt with it. Once having selected the site of the city itself we should decide upon the territory to be acquired. I feel that if we adopted this amendment we should re-open the whole question and be led into an almost interminable discussion that would practically defeat the object which we have in view.

Mr. THOMSON (North Sydney).—Whilst I quite agree with the object which the honorable and learned member for Werriwa has in view in submitting this amendment, I recognise with other honorable members that his proposal would leave the question to be determined so open that it would give rise to considerable difficulty. The resolution by which we referred the selection of suitable sites to the Commission set forth—

That with a view to obtain necessary information that will enable the Parliament of the Commonwealth to select a site for the seat of government, a Committee of experts should be appointed to examine and report upon sites in the following localities. . . .

In view of the language used in that resolution, would not the object which the honorable and learned member has in view be attained by substituting the word "localities" for the word "site" in paragraph 3? The word "localities" is used in the resolution under which the Commissioners were appointed. Then in the last line of the paragraph, after the word "establish," the word "therein" might be inserted. The paragraph would then read—

That at such Conference an exhaustive open ballot be taken to ascertain which of the localities reported on by the Royal Commission on sites for the seat of government . . . . . is in the opinion of the members of the Parliament the most suitable for the establishment therein of such seat of government.

Sir EDMUND BARTON.—How would the honorable member avoid the difficulty of having localities without any possible definition or limit put to them?

Mr. THOMSON.—I presume that if a locality were determined upon by the two Houses, what would follow is what is suggested by the Commission.

Mr. CONROY.—If the locality comprised an area of 400 square miles, it would not be wise to fix upon one particular site in it when, by travelling twenty miles one way or another, a much better site might be obtained. The general features of many parts of the country remain about the same over a large area. The first point to be considered is accessibility, and the next climate, neither of which might be affected by such a change.

Mr. THOMSON.—I can quite understand that. But if we adopted the honorable and learned member's proposal we might be met with this difficulty, that we should have the whole of New South Wales before us, and would be able to select a site quite apart from the localities reported upon by the Commissioners.

Mr. CONROY.—Suppose the word "territories" were used.

Sir EDMUND BARTON.—I have already pointed out the objection to the use of the word "territories."

Mr. THOMSON.—I suggest the use of the word "localities" for the reason I have given, that it is the word used in the resolution under which the Royal Commission was issued. The Commissioners reported upon certain localities, and indicated what they considered the best sites in those localities for the seat of government. The adoption of my suggestion would not prevent

the extension of the Federal area to any distance that Parliament might see fit to adopt upon the advice of those who may afterwards be appointed to choose the exact site for the Federal city. If we agree to the paragraph, amended as I suggest, we shall provide for the decision that a certain locality—one of those reported upon by the Commissioners—is the best for establishing therein the seat of government.

Mr. JOSEPH COOK (Parramatta).—I strongly urge the honorable and learned member for Werriwa to withdraw his amendment. It takes us back to the stage at which we were when we provided for the appointment of Commissioners to make an inquiry respecting certain sites. The Commissioners were appointed to find out which of certain localities would be the most suitable within which to locate the seat of government. I submit that we ought not now to be asked to take a course which would mean a fresh inquiry, and prevent the selection of the site by this Parliament. With the expert evidence at our disposal, we should now be in a position to make a final selection, and the object of the motion is to enable us to do so. Having come to that point, the honorable and learned member seeks to take us back to the position at which we were twelve months ago.

Mr. CONROY.—Does the honorable member suggest the use of the word "localities"?

Mr. JOSEPH COOK.—I am satisfied with the paragraph as it stands. Even if it were advisable to discuss the question raised by the honorable and learned member, the time to do so is during the holding of the Conference. I urge the honorable and learned member to withdraw his amendment, so that we may come to a vote.

Mr. AUSTIN CHAPMAN (Eden-Monaro).—In my opinion, the question raised by the amendment is of the utmost importance. It raises the inquiry—Are we going to decide the exact site of the capital, or the territory within which it is to be built? The Capital Sites Commission was authorized—

To inquire into and examine the sites proposed for the seat of the Government of the Commonwealth in the following localities.

Those localities were specified. In my opinion the Commissioners went beyond their commission in reporting upon alternate sites in three or four instances, and their action in doing so has been criticised by Mr. Oliver



in his later report. Some honorable members might be disposed to vote for the Tumut site reported upon by Mr. Oliver, but the Commission reported upon quite a different site. Mr. Oliver, on page 24 of his report, states that in his opinion the area suggested—80,000 acres—is altogether inadequate, and asks whether we should not consider the advisability of providing for a very much larger area. After the speeches which I have heard in this Chamber, and especially that of the Prime Minister upon the motion of the honorable member for Tasmania, Mr. O'Malley, some time ago, I feel certain that honorable members are of opinion that 80,000 acres is an inadequate area. Later on I shall have an opportunity to express my opinion on the action of the Commissioners in selecting alternate sites in some localities and refusing to do so in others. I should like to know why they reported upon an area of 4,000 acres. What do we wish to know about an area like that?

Mr. O'MALLEY.—It looks like an inspiration.

Mr. AUSTIN CHAPMAN.—I do not agree with the honorable member there. But after reporting upon an area of 4,000 acres, the Commissioners, on page 3 of their report, say—

Your Commissioners have made what they believe to be the best suggestions for sites which were possible under the circumstances; but they wish to record an emphatic opinion, that, when the locality in which the Federal Capital is to be placed shall have been selected by the Parliament, extensive contour surveys, covering the suggested site in that locality and the neighbourhood around such site, should be made before the exact city site is determined.

The Prime Minister has pointed out a difficulty. We cannot get away from the fact that we shall be practically hand cuffed if we attempt to say that any one of the sites recommended by the Commissioners is the very place that we intend to build upon. Our trouble is to define the area approximately. We should first choose a territory and afterwards fix the capital site within that territory. We should engage surveyors and engineers, the very best in the world, to fix upon the place that would be most suitable for the capital. I realize the difficulties which have been indicated by the Prime Minister, and therefore I shall not support the amendment, but I should prefer to define the territory within which the capital is to be fixed, and stop there.

Mr. HUGHES.—The honorable member wants to get rid of all other sites except Bombala.

Mr. AUSTIN CHAPMAN.—I do not wish to do anything of the kind, but I am entitled to ask honorable members to express their opinion with regard to the area they require for the Federal territory.

Mr. SPENCE (Darling).—I cannot understand why all this warmth should be exhibited. The honorable member for Eden-Monaro appears to be attempting to create difficulties beyond those which are inevitable. I hope that the honorable and learned member for Werriwa will withdraw his amendment. The word "district" is too comprehensive, and the word "locality" would be preferable. They talk of the western "district" of New South Wales, which includes an area of 87,000,000 acres. Honorable members seem to forget that we are dealing with a series of resolutions and not with an Act of Parliament, and that close definitions may be embodied in the Bill which will have to be brought before us. Honorable members fully understand that we shall only select the Federal territory, and that the Capital site will have to be fixed within that territory at a later stage. I do not suppose that even the Commissioner who reported upon the sites could fix upon the exact spots suitable for a Capital. We all understand what the word "site" means, and as the motion has been very carefully framed, we should allow it to stand.

Mr. SKENE (Grampians).—I am very glad that the amendment has been moved, because it affords me an opportunity of making certain remarks which I was not able to address to the House last evening. When the question of the Capital sites was under consideration last session, the Minister for Trade and Customs made a promise that an inspection should be made of a site which was not included among those referred to the Commissioners, and I think that this locality might be included within one of the districts contemplated by the honorable and learned member for Werriwa. The Minister said—

It will be noticed that there is no proposal in regard to the Upper Murray, though, in my opinion, the finest and most beautiful valley in Australia is to be there found—it is Tumut on a triple scale—and I hope that later on honorable members will take the opportunity of visiting the district.

Later on, in reply to my interjection—

Will the inspection of the Albury site include an inspection of the Upper Murray site?—  
the Minister said—

No, there is no need for that, because the water supply of Albury is an assured one.

I then asked—

Might not the Commissioners be allowed to report upon the whole locality within a certain distance of any one site?

The Minister replied—

I hope that I shall not be called upon to give an opinion upon the Upper Murray site, but I intend to ask a few members of the House to visit it during the summer months, and I shall be guided by what they think of it, and of the probability of any site so far south being selected.

The Minister did nothing with regard to that site. Honorable members were not invited to inspect it, and the site was not referred to the Commissioners for report. The Minister said—

I now come to the Bombala site, and have to say that Dalgety is not amongst the places which it is proposed to refer to experts.

That site was referred to the experts, but the Upper Murray site has not been dealt with. I understand that the Upper Murray site is only forty-six miles from Tumut, and I consider, therefore, that it might be included either within the Albury or the Tumut district. I do not know why the Minister did not carry out his promise. It was because of his failure in that respect that I took exception to the report of the Commissioners and to the manner in which it was presented to this House. The difference in the distance of Tumut from Sydney and from Melbourne is only seventy-one miles—

Mr. SPEAKER.—I must ask the honorable member not to discuss any special sites.

Mr. SKENE.—I understood that the question of inserting the word "districts" was before the House, and that it was suggested that the word "locality" might be employed with greater advantage. I quite agree that to use the word "districts" would re-open the whole question as to the area from which the sites should be selected, but I think that the word "locality" might be adopted as a limitation of town district, and that it might be made to include the Upper Murray site, which is certainly a very promising one.

Mr. GLYNN (South Australia).—I have not yet spoken upon the motion, but my silence must not, however, be taken to convey complete acquiescence. The discussion which has taken place has confirmed the opinion I have entertained from the outset that the motion was hastily submitted to the House. The Constitution prescribes that we shall first acquire a territory. That territory might be secured by the Government even without consulting Parliament, although it would no doubt be inexpedient for them to do so without submitting a series of resolutions or a Bill. The motion would have been more appropriate if we had already acquired the Federal territory. The sixth paragraph says—

That it is expedient that a Bill be introduced after such report has been made to the House, to determine, as the seat of government of the Commonwealth, the site so reported to the House.

The "seat of government" is the place where the parliamentary buildings are to be actually erected. The Canadian Constitution provides that, until the Queen otherwise determines, the seat of Government shall be "at" Ottawa.

Sir EDMUND BARTON.—They only chose the town, without any surrounding territory.

Mr. GLYNN.—No doubt, but the Constitution provided, not that the town should be the seat of government, but that the seat of government should be at Ottawa.

Sir EDMUND BARTON.—But there is no place other than the town of Ottawa known by that name.

Mr. GLYNN.—The word "seat" is used to indicate the place where the Parliament actually sits, and, as a matter of fact, we cannot constitutionally fix the seat of government until the territory has been selected. We may direct the Government as to the territory to be acquired, and afterwards a Bill should be introduced fixing the site of the Federal capital, or the seat of government, within that territory. The motion puts the cart before the horse. The Constitution provides—

The seat of government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth.

In other words, the territory is to be first acquired, and we have then to determine where within that territory the seat of government shall be. The motion has been drafted.

without the necessary care, and the discussion which has taken place shows that we should not be in too great a hurry to determine this matter.

Mr. EWING (Richmond).—I think that the Prime Minister might very well consider the point raised by the honorable and learned member for South Australia, Mr. Glynn. He has pointed out that no reference is made in the Constitution to the Federal capital site. The only thing mentioned is the seat of government and the Federal territory, and the site of the Federal capital will have to be fixed within that territory. I suggest that the word "territory" should be substituted for "site" in the paragraph now under consideration.

Sir EDMUND BARTON.—I am afraid that would launch us into still greater difficulties, because the territory will have to be dealt with subsequently.

Mr. EWING.—If the Prime Minister adopted the word "locality" it would overcome the difficulty.

Sir EDMUND BARTON.—This is the position: Section 125 of the Constitution provides that the Parliament shall determine the seat of government. The view of the Government upon this matter was explained by me last night. First, we must determine the seat of government by Act of Parliament. When that determination has been arrived at, it will be for the New South Wales Parliament to pass a law—after such negotiation as is necessary—surrendering to the Commonwealth the territory which is comprised within the site selected. The Parliament of the Commonwealth will then pass a law accepting it as Federal territory. That step will bring the area surrendered under the exclusive jurisdiction of the Commonwealth. At that process I stop. There are several other processes to be undergone, but that is as far as we need contemplate going at the present time. If at this stage we complicate the question under consideration by deciding as to the Federal territory, we shall be leaping before we come to the stile. Our first object should be to determine the seat of government. To fix the Federal territory before we have absolutely defined its extent and boundaries—even if we had the power to acquire it in that way—would be premature, because our first business is to determine the seat of government.

Mr. GLYNN.—Not by Act of Parliament?

Sir EDMUND BARTON.—Undoubtedly. The honorable and learned member will see that, if he refers to section 125 of the Constitution.

Mr. GLYNN.—That provision says that the seat of government shall be within territory which "shall have been acquired."

Sir EDMUND BARTON.—I do not attribute too much importance to the words "shall have been acquired." In considering the whole of the ramifications of that section, I do not think they will bear the interpretation which the honorable and learned member would place upon them. If we deal with the question of the Federal territory we shall be anticipating what ought to be done after the seat of the government has been selected. I am merely stating the view at which I have arrived after long consideration. But, apart from all other objections, if we use the word "district," or "locality," or "territory," even if we do not encounter some such obstacle as I have mentioned, we shall be confronted with another difficulty. We shall be using an expression which requires some sort of definition without assigning any limits within which it shall apply. Therefore, quite contrary to our wish, the Federal territory might be almost co-extensive with the whole of the State in which the capital is to be located. That is a difficulty which might be insuperable. If the word "district" is employed we shall have to use it in juxtaposition with other words, which will show the kind of district we mean. If we used the word "locality," which has been suggested because it coincides with the expression which is employed in the Commission, and therefore has some sort of signification in that connexion, we might guard it by omitting the word "sites" in the resolution, and insert in lieu thereof the words—"The following localities, namely Albury, Armidale, Bathurst, Bombala, Dalgely, Lake George, Lyndhurst, Orange, and Tumut." We might use some expression which would convey a definite meaning as applied to the localities which were reported upon by the Commission. Unless some such suggestion is adopted, I think that the words contained in the resolution are susceptible of less danger than are those of the amendment.

Mr. JOSEPH COOK.—That would not put us any forwarder.

Sir EDMUND BARTON.—Except that it would give us a choice of sites in any particular locality.

Amendment, by leave, withdrawn.

Amendment (by Sir WILLIAM LYNE) proposed—

That the word “sites” be omitted, with a view to insert in lieu thereof the words, “following localities, namely, Albury, Armidale, Bathurst, Bombala, Dalgety, Lake George, Lyndhurst, Orange, and Tumut.”

Mr. JOSEPH COOK (Parramatta).—I desire to point out finally that this amendment constitutes an invitation to the joint sitting to make another investigation of these localities.

Sir EDMUND BARTON.—It actually prevents that. It provides for a ballot upon the different localities, and leaves the determination of the site to a Commission which will afterwards be appointed by Bill.

Mr. JOSEPH COOK.—It means a further delay in the final determination of this question.

Mr. THOMSON.—There must be a survey made.

Mr. JOSEPH COOK.—Yes; but not a further investigation of a particular locality. There is all the difference in the world between the two things. The one means that a survey shall be made preparatory to the erection of buildings upon the exact site, and the other, that a further investigation shall be made into the merits of a particular locality. I understand that the site which is specially favoured by the honorable and learned member for Werriwa has been omitted, and that he now desires its claims to be considered. If he achieves his purpose it will be quite open to the Conference to reconsider the merits of any other sites. The honorable member for Grampians will be entitled to have his proposal reconsidered.

Mr. CONROY.—My amendment would have permitted that, but this proposal does not.

Mr. JOSEPH COOK.—Will this amendment admit of the claims of Yass being considered?

Mr. CONROY.—I am sorry to say that it will not.

Mr. JOSEPH COOK.—Then what is the object of the honorable and learned member?

Mr. CONROY.—I merely wish to prevent a particular area, which perhaps measures only  $2\frac{1}{2}$  miles by  $2\frac{1}{2}$  miles from being selected as the final site.

Mr. CROUCH (Corio).—As I understand the position, the Minister for Trade and Customs proposes to omit the word “sites.” If his amendment be carried, the honorable member for Grampians will have a perfect right to demand that the site which he favours shall be reported upon. For that reason I intend to support it.

Amendment agreed to.

Amendment (by Sir WILLIAM LYNE) agreed to—

That after the word “establishment” the words “within such locality” be inserted.

Amendment (by Mr. THOMSON) proposed—

That the following words be added:—“Provided that before such exhaustive ballot be taken the sites in each of the following groups be reduced by ballot to one site in each group:—

Western Group—Bathurst, Lyndhurst, Orange.

South-Western Group—Albury, Tumut.

Southern Group—Bombala, Dalgety.”

Sir EDMUND BARTON.—I have been thinking over this proposal. I have discussed it in a friendly way with the honorable member for North Sydney, and I must say that I am not at all sure that it would be wise to adopt it.

Mr. G. B. EDWARDS.—We want the best horse in each stable to run.

Sir EDMUND BARTON.—The proposal is to look at the stables from which the horses run, instead of viewing the horses as a whole.

Mr. WILKS.—The right honorable gentleman prefers to win with one.

Sir EDMUND BARTON.—If we were pursuing the methods practised on the turf, we might possibly let the “other one” win as is sometimes done there.

Mr. WILKS.—That is the right honorable gentleman's simile.

Sir EDMUND BARTON.—I am aware of that; but my similes, and those put forward by the honorable member, do not always apply to the same facts. I would put this consideration before honorable members: Is it not possible that by grouping the districts we might eliminate from one or other of them a site which, when subsequently compared with the site selected from another group, would be considered, in our judgment, the better of the two? Let us say, for example, that there are two sites in one district. Only one can be the better of those two. We take that one. Then we deal with another district. Only one can be the better of

the two in that district. We take that one. Then supposing that the ballot results in the rejection of the other sites—it is not necessary to suppose that it would, but we are simply considering this case by way of illustration—we should have to choose between those two. It is quite on the cards, however, that in the district dealt with in the first place, there might be two sites better than the one in another group selected to compete with only one chosen from the first-named locality. To that extent we should be fettering our choice. It may be that, in the opinion of the House, district A contains three sites which have claims for consideration, but if this amendment were adopted we should be bound to select only one of those three sites, and to compare it with one in district B, which might be worse than either of the two rejected in district A. The more the honorable member examines his proposal the more will he be convinced that my suggestion is correct. There is another point which I would submit to his consideration. Expedients of this kind, as compared with the straight-out method of the exhaustive ballot, are to some extent novel, and if, by so much novelty as we introduce into our proposal we increase the risk of disagreement with another place when the two Houses exercise their votes together—if another place agrees to meet us in conference—we shall be in a worse position. We shall be in a worse position if we increase the difficulty of inducing them to agree to meet us in conference, by laying down at the threshold a method of discussion which, being novel, may not appeal to the members of another place as being equal to an actual straight-out exhaustive ballot. I am not bigoted in regard to this matter, and I am not putting forward what is merely an imaginary difficulty. I see in this amendment a danger which may appeal very strongly to us when we come to the point of whether the Senate will agree to accept this process. If we lay down this procedure we may expect more difficulty than if we refrain from doing so. The proposal for an exhaustive ballot does not suggest the danger that the two Houses will not by that method arrive at a selection which represents the majority of the voting power of the Parliament. If we have a process which will lead to that conclusion, is it not better that we should cleave to it rather than set

up another process which, even if it would guide us to an equally safe conclusion—and I do not for one moment admit that it would—would nevertheless possess an element that would be much less likely to tend to the two Houses arriving at an agreement of that kind which is absolutely necessary before we can vote at all.

Mr. THOMSON.—Is the right honorable gentleman aware that a member of his Government preferred that three of the sites should be dealt with as one?

Sir EDMUND BARTON.—I know that in the resolution referring to the Commission the work of inspecting and reporting upon certain sites, certain words are used in regard to Orange, Lyndhurst, and Bathurst; but I do not think that my honorable friend can be serious in saying that the fact that they occur in that motion is a good ground for the application of this process to all the sites. If there is anything in his argument, it is that the occurrence of these words in the resolution, in reference to one group of sites, is a sufficient ground for their application to every other group.

Mr. THOMSON.—It is only out of fairness to the others.

Sir EDMUND BARTON.—I am rather of the opinion that if in ordinary circumstances safety can be found in an exhaustive ballot such as is proposed, none of the elements of that safety will be increased by the adoption of the amendment moved by the honorable member. The difficulty is that the honorable member seeks to apply to several groups an argument which is founded upon the occurrence of certain words in the Commission which apply to only one group.

Mr. THOMSON.—Out of fairness to the others.

Sir EDMUND BARTON.—The honorable member repeats his assertion, but I fail to see where the argument of fairness comes in. No doubt he will be able to convince me.

Mr. THOMSON.—I cannot speak at this stage.

Sir EDMUND BARTON.—Then no doubt some honorable member who is equally conversant with the facts will be able to do so. The suggestion that because three sites have been bracketed together in a passage in the Commission a greater measure of fairness would be extended to the others by applying the system of grouping to them carries no conviction.

one's mind. I shall ask the House to say that the absence of the application of the expression in question to other groups of sites referred to in the resolution for the appointment of the Commission is some evidence that the use of it in one particular case is exceptional, and covers no governing implication that should cause it to be applied to all the sites named in the report. Without wishing to adopt any strained view of this proposal, I really think that if the honorable member reconsiders the matter he will see the advisableness of withdrawing his amendment as being calculated in itself to prevent the Senate from coming to a oneness of purpose with us by agreeing that a vote shall be taken at a joint sitting of both Houses. In my opinion, anything which would lead to that result has, as I pointed out last night, some element of danger in it.

Mr. JOSEPH COOK (Parramatta).—I should like to point out to the Prime Minister that the grouping of Orange, Bathurst, and Lyndhurst, in the resolution referring to the Commission the work of inspecting and reporting on these sites, was due to no mere error in drafting. It was deliberately done. Here is what the Minister in charge of the resolution said at the time—

Now I come to Orange. I have always recognised that the neighbourhood of Orange and the sites proposed at Bathurst and Lyndhurst are really part and parcel of the same area, and would have to be included in the Federal territory if any site near the Canobolas were selected, otherwise the territory which is available at the latter place would be insufficient.

I submit, therefore, that it would be unfair to deal with these three sites separately, and to put them individually against others when in reality they have been considered as only one.

Mr. CROUCH.—Is that the reason for this amendment—that it is desired that they shall not be pitted against each other?

Mr. JOSEPH COOK.—The object of the amendment is that the votes of honorable members representing the western districts of New South Wales may be consolidated.

Mr. CROUCH.—That is a nice admission to make.

Mr. JOSEPH COOK.—It will extend the fairest of fair play to those honorable members just as it will extend fair play to honorable members who favour other sites.

Mr. CROUCH.—Yet the honorable member has been talking about gerrymandering.

Mr. SYDNEY SMITH.—The honorable and learned member is a good authority on gerrymandering.

Mr. SPEAKER.—Order.

Mr. JOSEPH COOK.—Is it not strange that all these suggestions come from the representatives of one State which has always been protesting its *bona fides* in this matter? I am simply quoting *Hansard* to show that it has always been the Ministerial intention that these three sites—Orange, Lyndhurst, and Bathurst—should be treated as one. Inasmuch as some honorable members hold different views as to the relative value of these various sites, we think it is fair that they should be able to consolidate their votes when we are asked to come to a final determination. That is the main reason for this amendment, and if honorable members are prepared to determine this question upon lines of fair play they will not raise the faintest objection to it. The motion means that these three sites have been reported upon separately, and are to be dealt with separately by us, in spite of the intention that they should be regarded as one. The amendment, however, proposes that we shall revert to what was the original intention of the Minister, and so enable the vote for the western sites to be consolidated when the final determination has to be arrived at.

Mr. BROWN (Canobolas).—I find myself unable to consider this question from the point of view taken up by the Prime Minister, and I feel that he has overlooked certain facts in arriving at the conclusion which he put before the House. We are endeavouring to arrive at a position in which we shall be called upon to select one site. It is a question of the selection of one and only one site. It is proposed, however, that more than one site in a certain district shall be submitted to the Conference, notwithstanding that they are in certain respects similar. The amendment moved by the honorable member for North Sydney, instead of seeking to limit the Conference's choice, would give it a greater opportunity to make a satisfactory selection, inasmuch as it would enable it to make a selection first of all of the best site in each district. Three districts are named—that embracing Orange, Lyndhurst, and

Bathurst, that embracing Albury and Tumut, and the district embracing Bombala and Dalgety. The report of the Commission shows that the sites in each of these districts possess many features in common, and if the amendment be carried the Conference will be asked to select that which it considers to be the best in each group. The whole of the sites will be submitted to the Conference, and it will be in a position to make first of all a special selection, with the result possibly that, at the outset, sites, which otherwise would receive special consideration later on, are balloted out. The amendment introduces no difficulty, no complication, and no injustice, but will secure a greater degree of justice and of special consideration.

Mr. THOMSON.—It gives a choice between five separate geographical districts.

Mr. BROWN.—Yes. The proposal meets the wishes of honorable members supporting the sites in the Western District, because they feel that a greater degree of justice will be done to each site than if the motion is carried as it stands. If the adoption of the amendment would inflict injustice upon any of the other proposed sites, it is open to honorable gentlemen who are interested in those sites to make that apparent. I feel sure that, if they do so, the honorable member for North Sydney will be perfectly prepared to meet them. The contention of the Prime Minister, that we should not agree to any amendment lest we widen the difference between this House and the other Chamber, might have been a pertinent one early last evening, but it does not apply now, inasmuch as the Senate have rejected the motion as originally presented by the Government. It is as reasonable, if not more reasonable, to suppose that, by agreeing to the amendment, we should get rid of possible difficulties which may have presented themselves to members of the Senate, and led them to vote against the motion. I believe that the amendment provides a fair and reasonable way of arriving at a decision, and will insure the merits of each site being dealt with with more special consideration than is possible under the proposals of the Government.

Mr. A. McLEAN (Gippsland).—When the honorable member for North Sydney suggested this amendment last night, it rather commended itself to my judgment, but, having considered it seriously since then, I see an element of danger in it. The

position is put in a nutshell by an interjection of an honorable member, who said that the object of the amendment is to make the best horse in each stable start for the race. The unfortunate feature of the proposal is, to continue the simile, that there may be three high-class blood horses in one stable and three wretched weeds in another, and it will be necessary to exclude two of the blood horses in order to admit one of the weeds. The three best sites might all be in the one locality.

Mr. THOMSON.—Then that locality would be selected.

Mr. A. McLEAN.—In my opinion, the system would provide a way for log-rolling. I think it is necessary that we should deal with each site upon its merits. Of the two methods I prefer that proposed by the Government.

Mr. WILKS (Dalley).—The honorable member for Gippsland has used a sporting simile, and says that he is afraid of a weed beating a blood horse. We are trying to weed out the weeds. Surely, he does not think that this is an alphabetical arrangement, such as he tried to provide for last evening. We hope that the best horse will win, whatever stable it may come from. Nine sites were reported upon by the Commissioners, and the adoption of the amendment will reduce them to five. Surely that is in the direction of simplification, and in the interests of both this House and the Conference. The Prime Minister contended that the motion should be allowed to remain as it stands, because if it were amended some difficulty with the Senate might be created. I cannot understand that argument, because the amendment leads to simplification, and does not create difficulties. The honorable member for North Sydney has made an admirable classification of sites. He makes Armidale to stand by itself as the northern site, Lake George to stand by itself as the central site; while Orange, Lyndhurst, and Bathurst are grouped together as the western sites; Bombala and Dalgety, which are only about thirty-five miles apart, and are therefore for all practical purposes one site, are grouped as the southern site; and Tumut and Albury as the south-western site. Surely it is in the interests of simplification to, in the first instance, deal with Dalgety and Bombala as one site.

Mr. THOMSON.—Otherwise there may be a split in the voting.

Mr. WILKS.—Yes, and thus each site may lose some of its support. What the honorable member proposes is that the best site should be chosen from each district. In the long run only one site can be chosen. The honorable and learned member for Corio is very much afraid of combinations, but it is very much better for him to have the sites in which he is interested—Albury and Tumut—dealt with in the first instance as a group. The adoption of the amendment would not prevent the selection of either Albury or Tumut, but, to continue the sporting simile, it would give those who support them a preliminary canter, and might enable them to decide which was the better horse to enter for the final. The reputation of the honorable member for North Sydney is a sufficient guarantee that the object of the amendment is to secure simplification and fair treatment.

Mr. KINGSTON (South Australia).—I do not know that I quite understand the amendment, but I do not like what I do understand about it. The wish of the House is to obtain the very best site possible; it is not a question of districts at all. The proposal of the honorable member for North Sydney is, I understand, not to invite a vote in the first instance upon the sites, but upon certain districts. From that this may follow: One district may contain three proposed sites, one of them far and away the best under consideration, and two inferior. If the voting were upon the sites themselves, no doubt the first site in that district would be chosen; but the proposal is to lump the best site with the two inferior sites which may be contiguous to it, and to oppose the district containing them to another district in which there are, perhaps, three second class sites. The result would no doubt be that, instead of the best site being chosen, the district in which the three second class sites were situated would be selected, to the exclusion of the district in which the best site was situated. That seems to me absurd. The proposal seems to me to provide for a gigantic system of log-rolling in the interests of the various sites in a district. In this way a district may be selected which does not contain the best site, and the best site may be rejected. We require one site, and one site only. Are we going to take a fair, straight-out vote upon the question which is the best site available, or are we to first select some

particular district? It is not a question of districts, but of sites.

Mr. THOMSON. — Parliament referred several sites to the Commissioners as one district.

Mr. KINGSTON.—In doing that we made a mistake, and it is not too late to discover and remedy it. I shall be delighted to hear that I have misunderstood the honorable member, but if I have not done so, I shall feel it my duty to record a vote against the amendment. We have to decide which is, in the interests of the Commonwealth, the best site to select; we have nothing to do with the districts in which the sites are situated.

Sir WILLIAM McMILLAN (Wentworth).—I think that the right honorable member for South Australia quite misunderstands the proposal. I am sorry that he used the word "log-rolling," because whatever view may be taken as to the wisdom of agreeing to the amendment, the proposal is honorably made. I am surprised that the Government have not fallen in with the proposal. In view of the many claims advanced on behalf of different parts of New South Wales, it was agreed to allow a wide range for the selection of the capital site, and we now have nine sites submitted to us. Do honorable members mean to say that if these nine sites are placed before them they will not be puzzled to make a selection? As some of these sites group themselves together naturally into geographical areas, it is proposed that we should first select one site in each group. If there are three sites within a certain area, the attention of honorable members should be concentrated upon that geographical district in the first instance. If it be agreed that one of the three sites is decidedly the best, how can any injustice be done to the other two? We should absolutely eliminate from our consideration the sites least suitable, and thus minimize the confusion. I do not understand how the choice of honorable members could be in any way limited, or how the effect of the ballot could be neutralized by adopting that course. The proposal of the honorable member is to reduce the selection to three, four, or five sites by eliminating those in the geographical groups which are least worthy of consideration.

Mr. KINGSTON.—If there are two good sites in one group, why should one be rejected at the outset?

Sir WILLIAM McMILLAN.—We could only select one in the long run.



Mr. KINGSTON.—No doubt; but why should we reject one or two good sites before it becomes necessary to do so?

Sir WILLIAM McMILLAN.—We should take a vote with regard to three sites within one area.

Mr. KINGSTON.—The plan proposed would result in a competition between districts instead of between sites.

Sir WILLIAM McMILLAN.—No; we are only proposing to do in a business way what will ultimately result when the final ballot is taken. We are proposing to adopt a process of elimination which will insure simplicity in connexion with the final selection.

Mr. KINGSTON.—Does the honorable member say that there would be no alteration in the result, apart from the provision suggested by the honorable member for North Sydney?

Sir WILLIAM McMILLAN.—Not if the ballot were properly taken.

Mr. KINGSTON.—Has the honorable member any reason to suspect that it will not be properly taken?

Sir WILLIAM McMILLAN.—I do not suppose that it will be improperly taken in one sense; but if nine sites are submitted to an exhaustive ballot, absolutely ridiculous results may be brought about.

Mr. KINGSTON.—Why should the five best sites be in five separate districts?

Sir WILLIAM McMILLAN.—The proposed plan would not necessarily exclude the selection of the other sites. There are nine sites, but there are three cases in which the sites may be grouped together.

Mr. KINGSTON.—Under the plan proposed, Tumut and Albury could not both be in the final selection.

Sir WILLIAM McMILLAN.—We should have nine sites to submit to the ballot, and of these seven can be grouped into three geographical areas. We should in the first place decide as to the best of the sites in these three groups, and thus leave five sites upon which to exercise our final choice. I do not understand how we could stultify ourselves by adopting that business-like expedient. It is a procedure which is intended to simplify matters and to concentrate the attention of honorable members upon the sites with which they are called upon to deal in turn. As honorable members have not had an

opportunity to thoroughly inspect the proposed sites, or to exhaustively consider the reports which have been presented, it is desirable that we should simplify the process of selection as far as possible.

Mr. KINGSTON.—Would Tumut and Albury be in the same group?

Sir WILLIAM LYNE.—Yes.

Mr. KINGSTON.—Then the final choice could not rest between Tumut and Albury, although they are the most highly recommended by the Commissioners.

Sir WILLIAM McMILLAN.—That is true, but if the geographical areas proposed are considered to be too wide, they can be altered.

Mr. KINGSTON.—If the powers of the Commission had been limited in the way the honorable member now proposes to limit our power, they could not have recommended Tumut and Albury in the order in which they appear upon their list.

Sir WILLIAM McMILLAN.—No; but if it is considered that Tumut and Albury cannot reasonably be included in one geographical area, the sites need not necessarily be grouped in the manner proposed. I am surprised that the Government are not willing to adopt the amendment, because I believe that it would expedite matters, and that it is most reasonable.

Mr. KINGSTON.—The difficulty is that under the plan proposed we might be called upon to make a distinction against a site in favour of one which could not be compared with it.

Mr. THOMSON.—If Albury and Tumut were left in the final selection, would not one or the other have to be rejected?

Mr. KINGSTON.—Yes; but it would at least have a second chance of selection.

Sir WILLIAM McMILLAN.—The amendment would offer a reasonable and simple means of solving the conundrum with which we now have to deal.

Mr. KINGSTON.—We should have a fight between districts instead of between sites.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—The right honorable and learned member for South Australia touched the vital point just now. If the amendment were adopted we should, in the first instance, have to strike out one place, say Albury or Tumut, before it had been pitted against sites in other localities. Their claims would not be considered as against those of sites in other localities, and

we should be robbing some of the best sites of a fair chance of selection.

Mr. THOMSON.—Would not the Minister regard the three western sites as one?

Sir WILLIAM LYNE.—I do not care what is done regarding the three western sites, because they are so close together that all of them can be seen from the one point. They differ entirely from any other three sites that could be named, and, as a matter of fact, I believe that the three sites would be embraced within the Federal territory if one of them were chosen.

Mr. SPENCE.—And yet the Minister submitted them as separate sites.

Sir WILLIAM LYNE.—That is because I was asked to do so at the time. I should not object to submit those three sites as one, but if the same principle were applied to any of the other sites, it might have the effect of throwing out of the running one or two of the best that could be selected.

Mr. KINGSTON.—We should have to eliminate at the first vote either the first or the second choice of the Commission.

Sir WILLIAM LYNE.—That is so. The fairer way to deal with the sites which stand first among those reported upon by the Commission is to allow them to be pitted not only against others in the same locality, but against those situated elsewhere.

Mr. EWING.—But supposing that one site does not win at first, what is the use of its being rejected at the end?

Sir WILLIAM LYNE.—It does not follow that that will happen. It is just possible that a site rejected at the first vote might win when a final choice had to be made. We could not expect to arrive at a true choice in the first instance, and if we adopted the plan proposed we might do a grave injustice to some of the sites which are most highly recommended by the Commissioners.

Mr. FOWLER (Perth).—Like the honorable member for Gippsland, I was at first rather enamoured of the amendment submitted by the honorable member for North Sydney. Upon further consideration, however, I find myself unable to support it. Reverting to the Australian simile which was imported into this matter at an earlier stage in the discussion, it appears to me that, whilst we are all agreed that the first horse must of necessity be in one or other of the various stables, the amendment would compel us to assume that the second horse

cannot by any possibility be in the same stable as the first. It is said that the process of elimination must necessarily reduce the number of sites to one. But I would point out that a great deal will depend upon the particular stage in the voting at which our preference is expressed. It is quite possible that the final preference of this House may lie say, between Orange and Lyndhurst, or between Bombala and Dalgety. But the amendment of the honorable member for North Sydney precludes any such assumption. It assumes that there can only be one eligible site in each group. I hold that as the amendment interferes with the free action of honorable members in voting upon the question of the final selection of the capital, it is objectionable upon that ground. It seems to me that the simple and effective means of deciding the matter is the exhaustive ballot which is proposed by the Government and I shall support it.

Mr. O'MALLEY (Tasmania).—There is no doubt that the reference of the honorable member for Gippsland to a horse race was fairly illustrative of our present position in regard to this question. This is a great race—a bigger event than is the Melbourne Cup—for which all the horses, all the mules, all the donkeys, all the billy-goats, and all the "scrubs" should be allowed to enter. Only the other day, in Sydney, the owner of Marvel Loch intended to "scratch" him, but that a friend who had backed him for £1,000 persuaded him to start the horse. As a result he won the Metropolitan. The amendment of the honorable member for North Sydney would wipe out all the "scrubs," abolish all the pacemakers, and might result in the "scratching" of the wrong horse. Might I suggest to honorable members that the whip has a good deal to do with the result of this great race. In this event the racehorse Bombala possesses a good jockey who is an excellent whip. The full-blooded horse, Bombala, with distended nostrils, high withers, and long neck, drinking in the sweetness of his own breath as he flies along, cares nothing for the billy-goats behind him. I trust that the amendment will not be accepted. Upon most matters I think that the honorable member for North Sydney makes very wise suggestions, but upon the present occasion I cannot agree with him, because he wishes to unduly limit our choice.

Mr. SPENCE (Darling).—I am surprised at the attitude which is assumed by some honorable members who urge that they should be given an opportunity to exercise a final choice upon various sites, when the very object of the ballot proposed is that the number of sites should be gradually reduced. The amendment of the honorable member for North Sydney is one of the very best means to insure that a fair selection shall be made. To my mind, the geographical situation of any site will be a very important factor in the determination of this question. When we meet the other Chamber in conference upon the relative merits of the different sites, we shall discover that means of communication, accessibility, &c., will very largely influence the votes of honorable members. For that reason, I think that the number of sites which have been reported upon in particular localities should be narrowed down. Then, when we come to make a final selection, we shall be afforded an opportunity to make a fair choice. The right honorable member for South Australia, Mr. Kingston, spoke about selecting the best and the worst sites. But the difficulty is that, in the Monaro district, the two sites of Bombala and Dalgety rank about equal, and the same remark is applicable to the three sites in the western portion of New South Wales. If a great difference existed between the relative merits of the different sites, there would be no need for the amendment which has been submitted. It is because the sites are so equal, and because it is desirable that honorable members in voting upon this question should be largely guided by geographical considerations, that the proposal of the honorable member for North Sydney is necessary. Possibly something may be said in favour of the objection which has been raised by the Minister for Trade and Customs. What is applicable to Dalgety and Bombala does not apply to the same extent to Albury and Tumut. Although Dalgety and Bombala are situated in the same district, they are not so close together as are Albury and Tumut. On the other hand, the three sites in the Western District of New South Wales are practically one. Therefore, it cannot be reasonably urged that they should not be narrowed down to one before the final selection takes place. Throughout the whole of the discussion upon these resolutions we have fought for the system of open

voting. But the proposal of the Government would induce honorable members who favour a particular site to arrange to vote together. I support the amendment, because it provides a better way of arriving at the desired result than does the resolution.

Mr. SYDNEY SMITH (Macquarie).—When this matter was under consideration upon a previous occasion, I suggested to the Minister for Trade and Customs that in order to give a fair chance to the eligible sites in the Western District of New South Wales, the Orange site should be taken to include those at Bathurst and Lyndhurst. At that time the honorable gentleman thought that my suggestion should be adopted. He said—

I have always recognised that the neighbourhood of Orange, and the sites proposed at Bathurst and Lyndhurst, are really part and parcel of the same area, and would have to be included in the Federal territory if any site near the Canobolas were selected, otherwise the territory which is available at the latter place would be insufficient.

Subsequently, when moving an amendment to carry out what really was the proposal made by the Minister, I clearly indicated my position by stating that—

I am only asking the House to carry out a suggestion approved by the Minister for Home Affairs to consider Orange, Bathurst, and Lyndhurst as one site.

I then moved an amendment which was subsequently adopted providing for the inspection of—

Orange (and, in consequence of their proximity, Bathurst and Lyndhurst).

That clearly shows that Orange, Bathurst, and Lyndhurst, were referred to the Commission as comprising practically one site. If honorable members will turn to the map submitted by the Commissioners, they will see that a distance of only some twenty-five miles separates the three sites. Lyndhurst is midway between Bathurst and Canobolas, and all that I desire is that the three shall be considered as one. We know that they are equally good sites. I have no desire to shirk my responsibility by declining to vote on this question. I intend to support an open ballot, and, at the proper time, I shall be prepared to openly indicate my choice. I think that the amendment moved by the honorable member for North Sydney would satisfactorily meet the position. I cannot understand the remark made by

the right honorable member for South Australia, Mr. Kingston, that it would give a chance for log-rolling. I fail to see that it would be possible for such a thing to occur. If the amendment be carried honorable members will be called upon to give a straight-out vote. Unlike the Government, we say that there should be no secrecy, but that every honorable member should be called upon to accept the full responsibility of casting his vote in the broad light of day. The honorable member for Corio referred a few minutes ago to some system of gerrymandering. He should be a good authority on the subject, because he has been employed in that kind of work for some time.

Mr. SPEAKER.—I must call the honorable member to order.

Mr. SYDNEY SMITH.—I am merely replying to a remark which was made by the honorable and learned member.

Mr. SPEAKER.—The honorable member is out of order in referring to that matter.

Mr. SYDNEY SMITH.—We have now discussed this question at considerable length and I think that every honorable member is prepared to vote upon it. I rose merely to express my view of the merits of the western sites, with which I am familiar. I wished also to show that when the Commission was appointed, it was the intention of the Government that they should be taken as one. I trust that the amendment will be carried.

Mr. FULLER (Illawarra).—As the Minister for Trade and Customs appears to consider that if the amendment were carried Albury and Tumut, by reason of the fact that they are not in the same geographical area, would be placed at some disadvantage, and as he has also intimated that he has no objection to the western sites being dealt with as one, I move—

That the amendment be amended by the omission of the words "South-western group—Albury, Tumut. Southern group—Bombala, Dalgety."

Mr. THOMSON (North Sydney).—What has taken place during the debate shows that the request made by the honorable member for Wentworth that this question should be considered in Committee was one to which the Government ought to have acceded. I have heard some honorable members discussing propositions which are not really contained in the amendment which I have submitted, and I have heard

others intimating that they have arrived at conclusions which are altogether foreign to my proposal. The honorable and learned member for Illawarra has been led to move an amendment of my amendment because of the declaration made by the Minister of Trade and Customs that he is prepared to fulfil the agreement that was arrived at by him and by this House when the Commission was appointed. The right honorable member for South Australia, Mr. Kingston, has made some reference to log-rolling; I shall accept him as an authority on that subject.

Mr. KINGSTON.—It was a very mild suggestion.

Mr. THOMSON.—I contend that the Government will be guilty of a breach of faith if they do not accept the amendment as proposed to be amended by the honorable and learned member for Illawarra. The words used by the Minister for Trade and Customs when dealing with the motion for the appointment of the Commission have already been quoted. He said then that he considered that the Orange, Bathurst, and Lyndhurst sites should be taken as one, and that they would be referred to the Commission as one site. As a matter of fact, they were so referred.

Mr. SPENCE.—The honorable gentleman said the same thing to-night.

Mr. THOMSON.—Quite so, but the motion would place these sites on a different footing. The reference to the Commission was as follows:—

Orange (and in consequence of their proximity, Lyndhurst and Bathurst).

Could anything be plainer? The names of Lyndhurst and Bathurst were placed in brackets, and were not treated as separate sites. The Commissioners were merely directed to report upon Lyndhurst and Bathurst in connexion with Orange because of their proximity to that site. We find however, that the Government now propose to deal with these as three separate sites, and that honorable members, like the right honorable member for South Australia, Mr. Kingston, defend that procedure. I am astonished at the attitude taken up by him.

Mr. KINGSTON.—Did not the honorable member get a report on his site? What more does he want?

Mr. THOMSON.—I do not know to what the right honorable member is alluding.

Mr. KINGSTON.—I have made my question clear, and I am sorry if the honorable member cannot understand it.

Mr. THOMSON.—If the right honorable gentleman puts it more clearly, I shall understand what he means. What harm would result from treating the three sites which I have named as one, or in doing what would be preferable—selecting from each of these closely allied localities as one site to be submitted to exhaustive ballot? What objection can there be? My proposal is in accordance with the desire expressed by the Minister on a previous occasion. Indeed, it is in accordance with the view expressed to-night by him, although he seeks to induce this House to deal with the proposal in a different way. Is a straightforward course to be pursued, or are we to hear suggestions made which mean one thing, and acts advocated which mean entirely another? If we group the three sites I have named other districts will be entitled to similar consideration.

Mr. KINGSTON.—But should we extend consideration to one district by taking Tumut to the exclusion of Albury, or Albury to the exclusion of Tumut, at the same moment?

Mr. THOMSON.—We should extend consideration to the better site.

Mr. KINGSTON.—How? By putting them out of their misery!

Mr. THOMSON.—Should we not have to decide between those sites if at the last they went to a ballot?

Mr. KINGSTON.—But why should we, make Tumut fight Albury at the outset when they might otherwise be the last two left for selection?

Mr. THOMSON.—The proposal made by the honorable and learned member for Illawarra would get rid of that objection.

Mr. AUSTIN CHAPMAN.—Does the honorable member approve of that proposal?

Mr. THOMSON.—I do not think it would be the best way to deal with the difficulty.

Mr. AUSTIN CHAPMAN.—Will the honorable member vote for that amendment of his amendment?

Mr. THOMSON.—I shall not; but the Minister for Trade and Customs and his predecessor in office will have an opportunity to do so. The Minister for Trade and Customs will have an opportunity to substantiate the promise made by him to-night. Is he going to desert it when called upon to

take action? I have no desire to speak of this matter in sporting parlance such as has been adopted by some honorable members, but if at the outset we select the best site in a district, no injustice will be done. The site of the capital will be determined largely by its geographical position, and by first selecting one site in each district, we shall be free to decide by exhaustive ballot which is the best site in the five separate geographical areas. There is nothing in my proposition which would have an injurious effect upon the chances of any one of these sites, and no honorable member has succeeded in showing that there is. Now that the Minister for Trade and Customs is in the Chamber, I should like to point out to him that the honorable and learned member for Illawarra has moved an amendment of my amendment, which would limit it to the western group. The Minister stated that he believed that the sites in that district should be treated as one site. Is he then prepared to support my amendment as limited by the honorable and learned member for Illawarra?

Sir EDMUND BARTON.—The Government will oppose the amendment as a whole.

Mr. THOMSON.—I am not in favour of the limitation, but if the Minister does not support my amendment as limited by the amendment of the honorable and learned member for Illawarra, he will depart from the statement he made when he moved the reference of the various sites to the Commission, and will treat the district in which the three sites are situated with absolute unfairness.

Sir WILLIAM LYNE.—I do not think the honorable member is right in saying that.

Mr. THOMSON.—I think I am. The Minister referred the sites in that district to the Commission as one site. Lyndhurst and Bathurst were mentioned in parentheses as attached to the Orange site. The Commission, however, reported upon them as three separate sites. I wish to provide for fair play to all the sites, but I think that fair play will not be given to the sites, in the western district at any rate, if the amendment is not agreed to; and that it will be found that there will be a splitting of votes in regard to other sites of which there are two in one district.

Amendment of the amendment negatived.

Question.—That the following words be added: Provided that before such exhaus

ballot be taken, the sites in each of the following groups be reduced by ballot to one site in each group:—Western group—Bathurst, Lyndhurst, Orange; South-western group—Albury, Tumut; Southern group—Bombala, Dalgety—put. The House divided—

Ayes	...	...	18
Noes	...	...	30
Majority	...	...	12

## AYES.

Brown, T.  
Cameron, N.  
Conroy, A. H.  
Cook, J.  
Edwards, G. B.  
Edwards, R.  
Fuller, G. W.  
Hartnoll, W.  
McDonald, C.  
Page, J.

Paterson, A.  
Poynton, A.  
Spence, W. G.  
Thomson, D.  
Watson, J. C.  
Willis, H.

## Tellers.

Smith, S.  
Wilks, W. H.

## NOES.

Barton, Sir E.  
Bonython, Sir J. L.  
Chanter, J. M.  
Cook, J. H.  
Cooke, S. W.  
Crouch, R. A.  
Fisher, A.  
Forrest, Sir J.  
Fowler, J. M.  
Glynn, P. McM.  
Isaacs, I. A.  
Kennedy, T.  
Kingston, C. C.  
Knox, W.  
Lyne, Sir W. J.  
Mahon, H.

Mauger, S.  
McKay, J. W.  
McEacharn, Sir M.  
Phillips, P.  
Ronald, J. B.  
Salmon, C. C.  
Skene, T.  
Solomon, E.  
Thomas, J.  
Tudor, F.  
Turner, Sir G.  
Wilkinson, J.

## Tellers.

Chapman, A.  
Groom, L. E.

## PAIRS.

*For.*  
Hughes, W. M.  
Ewing, T. T.  
McMillan, Sir W.  
Batchelor, E. L.

*Against.*  
Higgins, H. B.  
McLean, A.  
Fysh, Sir P. O.  
McColl, J. H.

Question so resolved in the negative.  
Amendment negatived.

*Resolved*—(3) That at such Conference an exhaustive open ballot be taken to ascertain which of the following localities, namely—Albury, Armidale, Bathurst, Bombala, Dalgety, Lake George, Lyndhurst, Orange, and Tumut, reported on by the Royal Commission on Sites for the seat of Government of the Commonwealth, appointed by the Governor-General, on the 14th day of January, 1903, is in the opinion of the Members of the Parliament the most suitable for the establishment within such locality of such seat of Government.

(4) That Mr. Speaker be empowered in conjunction with Mr. President to draw up regulations for the conduct of such Conference and for the taking of such exhaustive ballot.

## Question proposed—

(5) That the name of the Site which receives an absolute majority of the votes cast at such Conference be reported to the House by Mr. Speaker.

Mr. THOMSON (North Sydney).—The word "locality" will have to be substituted for the word "site."

Mr. SPEAKER.—That will be made as a consequential amendment.

Mr. THOMSON.—Is it meant that the name of the site receiving an absolute majority of the votes cast at any stage of the balloting shall be reported?

Sir EDMUND BARTON.—The "absolute majority" can be obtained only at the final determination.

Mr. THOMSON.—Not necessarily. An absolute majority may be recorded for a site during the progress of the voting. If what is meant is that the absolute majority recorded at the final vote shall be reported, we should insert after the word "cast," the words "in the final vote."

Sir EDMUND BARTON.—I do not think that that is necessary.

Mr. THOMSON.—It is necessary if it is meant, because an absolute majority might be cast during the process of the balloting, and then there would be a very serious position.

Sir EDMUND BARTON.—I think that any doubts which my honorable friend has as to the meaning of the paragraph might be removed by the substitution of the word "a" for the words "an absolute." If we are by the process of an exhaustive ballot to eliminate time after time the site for which the fewest votes are cast, we shall at last reach the stage at which there are only two sites left to vote upon, and one of them must receive a majority.

Mr. THOMSON.—Yes, but we shall have a record of the votes cast during the previous ballots, and some other site might have received a majority at an earlier stage.

Sir EDMUND BARTON.—I take it that the object of an exhaustive ballot is to discover which site receives the absolute majority. Directly we arrive at the stage when there is an absolute majority in favour of a site, that is, when more votes have been cast for it than for the other sites together have received, the ballot will be finished.

Mr. THOMSON.—I did not know that that was meant.

Sir EDMUND BARTON.—If, when there are four sites left, one site receives more votes than the other three together, it will be the site chosen. The word "absolute" does no harm. It is not applied here as it is applied in the Constitution to the absolute majority of the members of the House. This is merely a provision for an actual majority of the votes cast, and when that point is reached the exhaustive ballot must be regarded as concluded. When we reach a point at which say four sites are left for selection, and one site obtains more votes than all those recorded for the other sites put together, surely that must be regarded as the termination of the matter.

Mr. THOMSON.—Is that what is meant?

Sir EDMUND BARTON.—Yes. I see no magic in the word "absolute," and if the honorable member prefers the word "actual," I do not know that I should offer any serious objection, because to my mind it is quite immaterial. The moment we reach a point at which one site obtains more votes than the added votes of all the other sites then in the running, the choice of the Conference must be clear.

Mr. CROUCH (Corio).—Should I be in order in moving to add to the paragraph "the cost of the buildings upon such site shall not exceed £10,000,000"?

Mr. SPEAKER.—The honorable and learned member would not be in order.

*Resolved*—(5) That the name of the locality which receives an absolute majority of the votes cast at such Conference be reported to the House by Mr. Speaker.

Question proposed—

(6) That it is expedient that a Bill be introduced after such report has been made to the House, to determine, as the seat of government of the Commonwealth, the site so reported to the House.

Sir EDMUND BARTON (Hunter—Minister for External Affairs).—It will be evident to honorable members that if we confine ourselves in the first instance to a choice of locality, a site for the capital within the locality chosen will afterwards have to be determined by Parliament, or by an agency under the control of Parliament. Therefore it will be necessary to provide in a Bill for determining the site within the locality chosen. It is not necessary that Parliament itself should choose the particular 2,000, 3,000, or 4,000 acres which shall form the city area, but we should probably

provide some agency for determining the question. Once we have chosen the locality our common sense will suggest that experts could best locate the site of the city within the locality, and it will be my design to provide in the Bill for the means of determining the capital site in that way. The matter is one so much within the judgment of experts that we may safely leave it to their determination. I do not propose to prejudice the matter at this moment, but to make an amendment that will leave it open for our judgment. Therefore, I move—

Mr. SPEAKER.—The Minister cannot move an amendment upon his own motion.

Sir EDMUND BARTON.—I shall ask my honorable colleague the Minister for Trade and Customs to move the amendment.

Amendments (by Sir WILLIAM LYNE) agreed to—

That the word "determine" be omitted with a view to insert in lieu thereof the words "to provide for determining"; that the word "the" before the word "site" be omitted with a view to insert the word "a," and that the words "within the locality" be inserted after the word "site."

Mr. CONROY (Werriwa).—I should like to know how far these resolutions will really bind us when the Bill is before us?

Sir EDMUND BARTON.—The resolutions are only an instruction, and the House can vote as it likes upon the Bill.

*Resolved*—(6) That it is expedient that a Bill be introduced, after such report has been made to the House, to provide for determining, as the seat of government of the Commonwealth, a site within the locality so reported to the House.

Question proposed—

(7) That the passage of the last preceding resolution be an instruction for the preparation and introduction of the necessary measure; and that leave be hereby given for that purpose.

Amendment (by Mr. JOSEPH COOK) proposed—

That the words "and to provide funds for the commencement of the necessary buildings thereon" be added.

Amendment, by leave, withdrawn.

Question resolved in the affirmative.

*Resolved*—(8) That so much of the Standing Orders of this House be suspended as would prevent the adoption or carrying into effect of any of the above resolutions.

(9) That these resolutions be communicated to the Senate by a message requesting its concurrence therein.

Question, as amended, resolved as follows:—

*Resolved*—(1) That, with a view of facilitating the performance of the obligations imposed

Parliament by section 125 of the Constitution, it is expedient that a conference take place between the two Houses of the Parliament to consider the selection of the seat of government of the Commonwealth.

(2) That this House approves of such conference being held on a day to be fixed by Mr. Speaker and Mr. President, and that it consist of all the members of both Houses.

(3) That at such conference an exhaustive open ballot be taken to ascertain which of the following localities, namely:—Albury, Armidale, Bathurst, Bombala, Dalgety, Lake George, Lyndhurst, Orange, and Tumut, reported on by the Royal Commission on Sites for the Seat of Government of the Commonwealth appointed by the Governor-General, on the 14th day of January, 1903, is, in the opinion of the Members of the Parliament, the most suitable for the establishment within such locality of such seat of government.

(4) That Mr. Speaker be empowered, in conjunction with Mr. President, to draw up regulations for the conduct of such conference and for the taking of such exhaustive ballot.

(5) That the name of the locality which receives an absolute majority of the votes cast at such Conference be reported to the House by Mr. Speaker.

(6) That it is expedient that a Bill be introduced after such report has been made to the House, to provide for determining, as the seat of government of the Commonwealth a site within the locality so reported to the House.

(7) That the passage of the last preceding resolution be an instruction for the preparation and introduction of the necessary measure, and that leave be hereby given for that purpose.

(8) That so much of the Standing Orders of this House be suspended as would prevent the adoption or carrying into effect of any of the above resolutions.

(9) That these resolutions be communicated to the Senate by a message requesting its concurrence therein.

## SUPPLEMENTARY ESTIMATES.

Mr. SPEAKER reported the receipt of messages from His Excellency the Governor-General, transmitting Supplementary Estimates 1901-2, Supplementary Estimates (Works and Buildings) 1901-2, Supplementary Estimates 1902-3, Supplementary Estimates (Works and Buildings) 1902-3.

## PUBLIC SERVICE REGULATIONS.

Mr. SPEAKER reported the receipt of a message from the Senate, transmitting amendments in the Public Service Regulations, and requesting concurrence therein.

## ADJOURNMENT.

### ORDER OF BUSINESS.

Sir EDMUND BARTON (Hunter—Minister for External Affairs).—I move—

That the House do now adjourn.

Perhaps the House will allow me to say a word or two upon the subject of the resolutions which have just been agreed to. I feel grateful to honorable members on all sides of the House for the public and Federal spirit which has actuated them in the whole of their consideration of the resolutions passed to-night. I feel so strongly upon this subject that I think it is as well that I should be allowed to congratulate the House upon an attitude which has vindicated honorable members against many comments which are now shown to have been undeserved.

Sir WILLIAM McMILLAN (Wentworth).—In view of certain changes in our programme the Prime Minister might inform honorable members as to the business likely to be taken to-morrow, and whether we may look for an earlier adjournment than usual.

Mr. GLYNN (South Australia).—I should like to know if the Prime Minister can indicate whether the Patents Bill will be taken to-morrow. If it is intended to adjourn to-morrow, perhaps we might meet in the morning in order to enable us to pass the Bill through the Committee stage, and get away in the afternoon.

Sir EDMUND BARTON.—I would ask the honorable and learned member not to press his request that we should sit to-morrow morning, because there are certain matters which require to be dealt with by Ministers—such matters as generally arise at this stage of a session—and I have arranged for a Cabinet meeting to-morrow morning which would have to be abandoned if the honorable member's desire were complied with. As to other matters I may mention that the Supplementary Estimates have yet to be considered. The Patents Bill is now in the hands of my honorable colleague, the Attorney-General, whose place I filled only for a time in moving the second reading of the Bill. That measure will have to be gone on with, and in view of its importance and of the fact that it has already been passed by the Senate, honorable members will, I am sure, be very anxious to see it disposed of. We are awaiting the receipt of the Defence Bill from the Senate, and that Chamber will have to consider the resolutions which we are now sending up to them, together with the motion relating to the Eastern Extension agreement. Taking all these matters into consideration, I cannot very well fix any



time for the adjournment. I do not see that there is any probability of our adjourning over Friday. It is more than probable that we shall ask the co-operation of honorable members in transacting as much business as possible this week. The more honorable members give us their co-operation in that direction, the more nearly will they approach the consummation of their desire to leave these precincts.

Question resolved in the affirmative.

House adjourned at 10.40 p.m.

## Senate.

Thursday, 24 September, 1903.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### FEDERAL CAPITAL SITE.

The PRESIDENT reported the receipt of the following message :—

MR. PRESIDENT, *Message No. 21.*

The House of Representatives requests the concurrence of the Senate in the accompanying resolutions in regard to the procedure for the election of a Federal Capital Site, which were agreed to by the House of Representatives on the 23rd instant.

F. W. HOLDER,  
Speaker.

House of Representatives,  
Melbourne, 24th September, 1903.

- (1) That, with a view of facilitating the performance of the obligations imposed on Parliament by section 125 of the Constitution, it is expedient that a Conference take place between the two Houses of the Parliament to consider the selection of the seat of government of the Commonwealth.
- (2) That this House approves of such Conference being held on a day to be fixed by Mr. Speaker and Mr. President, and that it consist of all the Members of both Houses.
- (3) That at such Conference an exhaustive open ballot be taken to ascertain which of the following localities, viz., Albury, Armidale, Bathurst, Bombala, Dalgety, Lake George, Lyndhurst, Orange, and Tumut, reported on by the Royal Commission on Sites for the Seat of Government of the Commonwealth, appointed by the Governor-General, on the 14th day of January, 1903, is in the opinion of the Members of the Parliament the most suitable for the establishment within such locality of such seat of government.

- (4) That Mr. Speaker be empowered, in conjunction with Mr. President, to draw up regulations for the conduct of such Conference and for the taking of such exhaustive ballot.
- (5) That the name of the locality which receives an absolute majority of the votes cast at such Conference be reported to the House by Mr. Speaker.
- (6) That it is expedient that a Bill be introduced after such report has been made to the House, to provide for determining, as the seat of government of the Commonwealth, a site within the locality so reported to the House.
- (7) That the passage of the last preceding resolution be an instruction for the preparation and introduction of the necessary measure; and that leave be hereby given for that purpose.
- (8) That so much of the Standing Orders of this House be suspended as would prevent the adoption or carrying into effect of any of the above resolutions.
- (9) That these resolutions be communicated to the Senate by a message requesting its concurrence therein.

### RESIGNATION OF PRIME MINISTER: NEW ADMINISTRATION.

#### APPOINTMENTS TO THE HIGH COURT BENCH.

Senator DRAKE (Queensland—Attorney-General).—I desire, as the representative of the Government in the Senate, to announce that Sir Edmund Barton, the Prime Minister, has tendered to the Governor-General his resignation, which has been accepted, that Mr. Alfred Deakin was commissioned by His Excellency to form an Administration, and that it has been constituted as follows :—

Minister of State for External Affairs—The Honorable Alfred Deakin.

Minister of State for Trade and Customs—The Honorable Sir William John Lyne, K.C.M.G.

Treasurer—The Right Honorable Sir George Turner, P.C., K.C.M.G.

Minister of State for Home Affairs—The Right Honorable Sir John Forrest, P.C., G.C.M.G.

Attorney-General—The Honorable James George Drake.

Postmaster-General—The Honorable Sir Philip Oakley Fysh, K.C.M.G.

Minister of State for Defence—The Honorable Austin Chapman.

Vice-President of the Executive Council—The Honorable Thomas Playford.

These gentlemen will attend to be sworn in this afternoon. I have also to announce that, in reply to a telegram from the late Prime Minister, a letter has been received from His Honour Sir S. W. Griffith accepting the position of Chief Justice of the High Court, and that since the resignation of the late Prime Minister, Sir Edmund Barton and Mr. R. E. O'Connor have agreed to accept positions on the High Court Bench. I think it may suit the convenience of honorable senators if I move that the Senate adjourn until Tuesday next.

HONORABLE SENATORS.—No; until Wednesday.

Senator DRAKE.—There are special reasons for asking the Senate to sit on Tuesday.

Senator O'KEEFE.—What are those reasons?

Senator DRAKE.—The principal reason is that we want to pass the Supply Bill.

Senator Lt.-Col. NEILD.—The Supply Bill can be put through on Wednesday.

Senator Sir JOSIAH SYMON.—An adjournment until Wednesday will be much more convenient to honorable senators.

Senator DRAKE.—As that appears to be the feeling of honorable senators I move—

That the Senate at its rising adjourn until Wednesday next.

Senator Sir JOSIAH SYMON (South Australia).—I rise to say a few words with reference to the announcement which my honorable friend has just made. I think I am expressing not only my own opinion but also the view of every senator when I state that we shall all regret the absence of our friend Mr. O'Connor from his place in the Chamber. His services to the country and to the Senate have been great, and although it has been my fortune, as it has been the fortune of other honorable senators, to be occasionally engaged in very active controversy on many matters which have arisen for consideration, I believe that no sting has been left behind, and that as between our friend who has vacated his place in the Senate and his office in the Ministry and each individual member of the Senate there will be the best of feeling and the best of good wishes for his future. We all rejoice to know that he retires to occupy an office in which I believe his great abilities, his integrity, his broad-mindedness, will enable him to render even greater service to the Commonwealth than he has been

privileged to do hitherto. I wish him long life and great success in that position, for which he is admirably fitted and which, in my belief, he will adorn. I congratulate Senator Playford, and the Ministry of rehabilitated fragments, on his accession to the position of Vice-President of the Executive Council. He knows that I do so with the utmost sincerity.

Senator PLAYFORD.—Hear, hear.

Senator Sir JOSIAH SYMON.—It is no mere lip service, as my honorable friend is aware. We have been delighted to see him in that corner, both in his sitting down and in his up-rising; we have really an affection for him, and those feelings will not be lessened when he takes his place at the table. Apart from the controversies of political life, in which we are all engaged, and which are necessary in order to the proper conduct of the business of the country and of its government—apart from those things which are essential, I believe that my honorable friend, wherever it is possible, will have the assistance of honorable senators on both sides of the Chamber. That is all I need say of that appointment. I congratulate Senator Drake on being promoted—I think it is promotion—to the position of official leader of the Commonwealth Bar. I am sure, if he will allow me to say so, that he will show he is well fitted to occupy the position. I am glad that no mistaken notion as to the necessity of having the chief legal adviser of the Government in another place has intervened to prevent him from filling the office. I do not think that there is any such rule written or unwritten. I am very glad indeed to congratulate my honorable friend on his taking the position. Of the other arrangements I prefer to say nothing. The less said the better. I say no more.

Senator MCGREGOR (South Australia).—In offering my congratulations to those who have been promoted from the Parliament to fill more honorable and responsible positions I shall have very little to say. As regards those senators who have changed their relation to their fellow members every member of the party to which I belong is gratified by the promotion which has been accorded to Mr. O'Connor. We know that he will do his duty in the position to which he has been translated, as he did on the floor of the Senate. We have always esteemed and admired our good old friend, Senator Playford. We expect that, when he is at the table and subject to criticism

and responsible for the answers to the questions which may be hurled at him, he will give the same satisfaction as he has given from the place which he now occupies. As regards the direct representative of the Government here, no one who has watched Senator Drake's conduct of business has a right to doubt his sincerity, or to complain of any want of energy and industry on his part in endeavouring to carry out his duties. We hope that he will receive the same support from honorable senators in the future as in the past. I trust that our relations for the rest of this session will be mutually pleasant. As one of those who have to appeal to the electors at the end of the year, I trust also that we may all meet again and renew our friendship in the first session of the next Parliament.

Senator STEWART (Queensland).—Mr. President—

The PRESIDENT.—I shall not say that it is out of order, but I do not think it is in accordance with custom for any one except leaders to speak on an occasion of this kind.

Senator HIGGS.—But this is a motion for a special adjournment.

The PRESIDENT.—I do not know whether that is the feeling of the Senate or not. Of course, if Senator Stewart wishes to speak I shall allow him.

Senator HIGGS.—The honorable senator could speak on the next motion, "That the House do now adjourn."

The PRESIDENT.—He could only speak to the question of adjournment, I think.

Senator Lt.-Col. GOULD.—Had Senator Drake simply made a Ministerial statement to the Senate, it would have been most unusual for any one but the leader of the Opposition, and, possibly, the leader of the Labour Party, to speak, but since he concluded his remarks with a motion that the Senate, at its rising, should adjourn until Wednesday, it is quite open to honorable senators, I submit, to speak to that question. I recognise that under the new standing order honorable senators will have an opportunity of addressing the Senate on the ordinary motion to close the sitting, and it might be more convenient if they reserved their remarks until it was moved.

The PRESIDENT.—It is a question as to what the effect of the new standing order is.

Senator DRAKE.—The discussion has to be relevant to the question.

Senator Lt.-Col. GOULD.—I submit that on a motion for adjournment to discuss a specific question the debate has to be relevant, but that on a motion to close the sitting honorable senators are entitled to discuss any subject they may deem fit.

Senator Lt.-Col. NEILD.—That point was made very clear when we were debating the standing order.

The PRESIDENT.—Perhaps the point had better be discussed on the motion that the Senate do now adjourn.

Senator Lt.-Col. GOULD.—But some honorable senators who desire to speak now might be precluded from speaking then.

The PRESIDENT.—If Senator Stewart desires to speak now he can do so.

Senator STEWART.—When I came here to-day, I was not prepared to hear the announcement which has been made by the representative of the Government. I expected to have an opportunity of making a few remarks on some subjects which I believe to be of importance, not only to the State which I represent, but also to the Commonwealth. I do not know whether Senator Drake knew last night what was going to happen to-day, but if he did he ought to have allowed the debate on the first reading of the Supply Bill to proceed instead of being adjourned, and honorable senators being deprived to a certain extent of the opportunity to say what they had intended to say.

Senator DRAKE.—Last night we sat later than usual.

Senator STEWART.—We might have continued the sitting longer than we did. In any case, I desire to say now, with regard to one matter, what I would have said then, under ordinary circumstances. I regret very much that I cannot join in the chorus of contratulation which we have heard this afternoon from all sides of the Chamber. I cannot contratulate the Commonwealth on at least one of the appointments to the Bench of the High Court. Holding the opinions I do, I think I should be wanting in my duty as a representative of the people if I did not give utterance to them on this occasion.

Senator DONSON.—No.

Senator STEWART.—I am not in the habit of taking Senator Dobson's advice; if I did, Heaven knows where it would land me. I think that the occupant of the exalted position of Chief Justice ought to be a man of stainless public record; he ought not

to be a self-seeker, and, above all, he ought to be an Australian in sentiment. Does the proposed Chief Justice comply with those requirements is the question which I have been compelled to ask myself, and I regret very much to say that I have to answer in the negative. With regard to the first of those requirements—that he should have a stainless public record—I do not know whether honorable senators know anything whatever about the record of Sir Samuel Griffith. But I can assure them that it is a matter of public notoriety in Queensland; and it will be interesting, as well as informing, at this juncture to look back some years, and ascertain what this gentleman's conduct has been in the positions of Premier and leader of the Opposition in Queensland.

Senator Lt.-Col. GOULD.—Is the honorable senator in order in discussing the past conduct of any of the Judges of the High Court?

Senator KEATING.—They are not Judges yet.

Senator DOBSON.—We ought to treat them as Judges.

Senator Lt.-Col. GOULD.—An announcement has been made that certain gentlemen have accepted positions on the High Court Bench. I submit that unless there is a substantive motion dealing with the fitness of those gentlemen for the positions to which they have been appointed it is not in order for an honorable senator to discuss the past conduct of one of them. The rule laid down in *May* is perfectly clear with regard to parliamentary criticism of Judges of the superior courts in Great Britain. I will admit that the Justices of the High Court of Australia have not yet been sworn in, but still I think that the rule laid down in *May* will apply. That rule is that—

Unless the discussion is based upon a substantive motion, drawn in proper terms, reflections must not be cast in debate upon the conduct of the Sovereign, the heir to the Throne, and members of the Royal Family, the Viceroy and Governor-General of India, the Lord Lieutenant of Ireland, the Speaker, the Chairman of Ways and Means, members of either House of Parliament, and Judges of the superior Courts of the United Kingdom.

I am aware that in our new Standing Orders we have not provided that we shall be guided by the authority of *May*, or by the rules of the House of Commons. But still *May's* work on *Parliamentary Practice*

must be regarded as having very great authority as a guide to the President in deciding matters of this kind, and I submit that the determination of the point rests entirely with the President. Let us examine the reasons for the point of order. It has always been considered undesirable that a man occupying the position of a Judge of the Supreme Court should be liable to have his conduct criticised in any House of Parliament unless upon specific and substantial grounds. The motion now before the Senate is an ordinary one: That the Senate, at its rising, adjourn to a certain day. I submit that it is not competent upon that motion to discuss a matter of such grave importance as the fitness of any gentleman for the position of a Judge of the High Court. It is most undesirable that there should be a possibility of the character of one of our Judges being besmirched and dragged in the mire in any way whatever. We must regard these gentlemen as being above reproach.

Senator HIGGS.—By-and-by.

Senator Lt.-Col. GOULD.—I do not care whether it is by-and-by or not. Whether they have been sworn in or not, if they have accepted positions on the High Court Bench they are Judges *de jure*, although they may not be Judges *de facto*. It may be necessary for them to be sworn in before all the formalities connected with their appointment are completed, but good sense and decency alike should preclude honorable senators from discussing any one of them at the present time. Of course if Senator Stewart considers that the conduct of one of the Judges has been such that he should not have been appointed to the Bench, it is open to him to move a substantive motion, but I contend that except upon a substantive motion the honorable senator should not be permitted to proceed with his criticism of the gentleman in question.

The PRESIDENT.—The motion before the Senate is that the Senate, at its rising, adjourn until an unusual time. It is not a motion which, within the terms of our Standing Orders, is one of urgency. It is a motion to enable a Minister to make a statement as to a change in the personnel of the advisers to His Excellency the Governor-General, and as to certain appointments which it is proposed to make, or which have been made, to the Bench of the High Court of the Commonwealth, and to fix our next day of sitting. In discussing that motion,

it must be remembered that the circumstances are unusual, and the question must be treated in an unusual manner. Several honorable senators have alluded to the qualifications of certain persons for the positions they will be called upon to occupy. That was done without any protest from any honorable senator; and I cannot say that other honorable senators cannot take the contrary view. But at the same time I will ask Senator Stewart not to indulge in personal recriminations, and to moderate his remarks as much as possible. I deprecated, as honorable senators will recollect, any discussion on this question further than from the leader of the Opposition and the leader of the Labour Party, and I think it would have been better if after those honorable senators had spoken the question had been put. In fact, I wished to put it, but I was not prepared to say that Senator Stewart was not in order. I will now ask Senator Stewart to be as brief as possible, and not to indulge in any strong language against any of the gentlemen who, as stated by the Attorney-General, have accepted the positions mentioned.

Senator STEWART.—I thank you for the ruling you have given, sir, and I will be careful to take, so far as my public duty will permit me, the advice which you have given. I think it is only right and reasonable, and in accord with common-sense, that if certain honorable senators are permitted to sing the praises of a particular individual without any protest being made, other honorable senators should be permitted to give reasons why in their opinion certain appointments should not be made.

The PRESIDENT.—I think the honorable senator should be general in his remarks, and not go into particulars.

Senator STEWART.—How can I be general without—

Senator PULSFORD.—Be generous.

Senator STEWART.—I think if any one is to be blamed for lack of generosity, it is not myself. It is the Government who should be blamed. I was quite prepared to make my statement before any appointments had been made. Indeed, I was prepared to do it when I first saw a rumour of certain appointments in the newspapers. If Senator Drake knew last night, as he probably did—

Senator DRAKE.—No, I did not. I believed that the debate commenced last night would be continued to-day.

Senator STEWART.—In any case, I think that the Senate and the House of Representatives ought to have been afforded an opportunity of criticising these appointments before they were made. Therefore, if there is any lack of generosity, it does not appear to me that I am guilty of it; the guilt lies somewhere else. If I do not take this opportunity of saying what I have to say on the subject I shall have no opportunity later on. After the Chief Justice is sworn in I shall not be able to offer a single remark, unless, as Senator Gould has pointed out, I do so under cover of a substantive motion. I have no desire to do anything of the kind. When Senator Gould intervened with his point of order, I was considering whether, from my point of view, Sir Samuel Griffith complied with the qualifications which are held to be necessary in any person called upon to fill the office of Chief Justice of the High Court. With regard to Sir Samuel Griffith's public record, I may tell honorable senators that in the early eighties that gentleman was the recognised leader of the white labour party in Queensland. He did valiant service for that party.

The PRESIDENT.—Does the honorable senator think the political record of Sir Samuel Griffith is a question that ought to be discussed in considering his fitness for this position?

Senator STEWART.—I think so. My object, I may as well explain at once, is to show that Sir Samuel Griffith proved himself to be unreliable in politics.

Senator DRAKE.—What has that to do with it?

Senator STEWART.—That he abandoned his own party; that he renounced his deliberately adopted policy.

Senator WALKER.—For reasons which he gave.

Senator STEWART.—If I can demonstrate that he did these things—

Senator DOBSON.—Which, of course, the honorable senator cannot do.

Senator STEWART.—If I can, I am entitled to assume that he is unfitted to occupy the position of Chief Justice of the Commonwealth?

Senator Lt.-Col. GOULD.—What is the honorable senator's object? Is it not that Sir Samuel Griffith shall not be appointed to the position, and has he not already been appointed to it?

Senator STEWART.—I wish Senator Gould would allow me to conduct this discussion in my own way.

Senator Lt.-Col. GOULD.—I think it will be a very great mistake if the honorable senator does.

Senator STEWART.—I have no doubt that Senator Gould thinks it a very great mistake.

Senator DOBSON.—I rise to a point of order.

Senator STEWART.—This is stifling debate.

Senator DOBSON.—According to a practice by which I take it we are bound, Judges are amongst the persons whom we cannot criticise.

Senator PEARCE.—He is not a Judge.

Senator STEWART.—Is the honorable and learned senator afraid of the truth?

Senator DOBSON.—No; I am not afraid of the truth. I am afraid of slander. My point of order is that as it ought to be and must be the practice of the Senate, in common with every other legislative chamber, that honorable senators should not reflect upon the character of our Judges, and as Sir Samuel Griffith has accepted the position of Chief Justice of the High Court, and the whole Cabinet reconstruction depends upon his acceptance of that position —

Senator Lt.-Col. GOULD.—And he has been appointed by the Executive.

Senator KEATING.—He has not been sworn in yet.

Senator HIGGS.—We have already had a ruling.

Senator DOBSON.—So we have; but I am raising a point which was not raised by Senator Gould. As we know that Sir Samuel Griffith is absolutely in the position of Chief Justice of the High Court, having been appointed to that position by the Executive Council, and having accepted the appointment, and being in every way our Chief Justice, except that he has not been sworn in —

Senator KEATING.—Except that he has not been sworn in.

Senator DOBSON.—I take it the rule should apply which debars us from reflecting upon the character of any one in that position.

Senator HIGGS.—The President has already given his ruling.

Senator Lt.-Col. GOULD.—I wish to add one word to what Senator Dobson has said.

— a person has been appointed to

a position upon the Judicial Bench of the High Court, he can only be removed from it by an address to the Governor-General, passed by both Houses of the Federal Parliament, although, of course, he may resign. My contention is that everything connected with the appointment of Sir Samuel Griffith as Chief Justice of the High Court has been absolutely completed. He has been appointed by the Governor-General, with the advice of the Executive Council, and having been so appointed, it is not open now, even to the Governor-General or the Executive, to reverse the appointment, except by taking the action provided for in the Act, under which the Judges of the High Court are appointed.

Senator HIGGS.—The honorable and learned senator is only repeating himself.

Senator Lt.-Col. GOULD.—I am not addressing Senator Higgs. I am addressing the President, and I must ask Senator Higgs not to interrupt me.

Senator MCGREGOR.—The President has already ruled.

Senator Lt.-Col. GOULD.—The President has had another point of order submitted, and he is bound to consider it.

Senator MCGREGOR.—Very well, we shall all discuss it.

Senator Lt.-Col. GOULD.—I say that Sir Samuel Griffith, having been appointed to the position of Chief Justice, he cannot be removed from it except by an address to the Governor-General from both Houses of Parliament, because, although he has not been sworn in, he is *de jure* Chief Justice of our High Court.

Senator KEATING.—No, he is not, until he takes the oath of office.

Senator Lt.-Col. GOULD.—The only necessity for his taking the oath of office is to enable him to carry on his work.

Senator KEATING.—He will not be Chief Justice until then.

Senator Lt.-Col. GOULD.—I say that at the present moment we are not in a position to remove him from office.

Senator DOBSON.—He has accepted the position.

Senator HIGGS.—Senator Gould was not a senator until he was sworn in.

Senator DOBSON.—The honorable senator could not have interfered with his right to that position.

Senator Lt.-Col. GOULD.—I repeat that Sir Samuel Griffith is *de jure* a Judge of the High Court, and if it would be improper, as

we know it would, to criticise the conduct of that gentleman except on a substantive motion, after he had been sworn in, it is equally improper to do so at the present time. Of course if it were competent for Senator Stewart to criticise the conduct of Sir Samuel Griffith upon a motion such as that now before the Senate, after he had been sworn in, it would be competent for him to proceed now; but I submit that there is only one legitimate way in which the conduct of this gentleman can be questioned, and that is upon a specific motion. I ask you, Sir, to reconsider your ruling, in view of the further circumstances mentioned by Senator Dobson.

Senator PEARCE.—I wish to speak to the point of order raised by Senator Dobson. I submit that the person who has been named as Chief Justice of the High Court can discharge none of the functions of that office until he has been sworn in by the Governor-General. We can have no Chief Justice of the High Court until that final act is consummated.

Senator MILLEN.—And yet honorable senators criticise him as Chief Justice.

Senator PEARCE.—We are not doing so. I consider that Senator Stewart is referring merely to the qualifications of the proposed nominee for the position.

Senator DOBSON.—He is giving honorable senators the whole of Sir Samuel Griffith's political career, which has nothing to do with the question.

Senator PEARCE.—Senator Stewart cannot be said to be speaking of the Chief Justice of the Commonwealth, because he has no existence yet.

Senator Lt.-Col. GOULD.—Yes, he has.

Senator PEARCE.—No such officer will exist until final action is taken and the person named for the position has been sworn in. If Sir Samuel Griffith is Chief Justice of the High Court at the present time, the act of swearing him in before the Governor-General is not necessary. If, on the other hand, that is necessary, Sir Samuel Griffith is not yet Chief Justice. Senator Stewart contends that these appointments are subject to the criticism of Parliament. If Senator Stewart is in order at all in speaking on the motion before the Senate, he is in order in criticising the appointments announced. Let us apply Senator Dobson's point of order to another speech to which we have just listened.

Senator Lt.-Col. GOULD.—Will the honorable senator refer to section 72 of the Constitution?

Senator PEARCE.—I prefer to settle this point first. Senator Symon, in referring to the appointment of Mr. O'Connor to the High Court, spoke of that honorable and learned gentleman's qualities as a politician and a leader of the Senate. That was the time when Senator Dobson should have raised his point of order, if it is right to raise it at all.

Senator Lt.-Col. GOULD.—No; because Senator Symon was not criticising the conduct of Mr. O'Connor.

Senator PEARCE.—If it was in order for Senator Symon to criticise, though in a friendly manner, the ability of Mr. O'Connor as a politician, that honorable and learned gentleman having received an appointment to the High Court Bench, it is equally in order, as the President pointed out in his former ruling, for any other honorable senator to refer, though in unfavorable terms, to other appointments to the same Bench.

The PRESIDENT.—I have already made up my mind, and have given my ruling upon the question.

Senator MCGREGOR.—But if some honorable senators are allowed to raise points of order every five minutes, surely others may express an opinion.

The PRESIDENT.—I have already expressed my opinion.

Senator MCGREGOR.—I understand that; but I desire to point out that the contention of Senator Stewart, which I support, is that if there is an honorable senator present who has an objection to the appointment of any of these gentlemen, he has as much right to give expression to that objection as has any other honorable senator to express approval of any other person appointed to a similar position. Honorable senators will agree that when the question was first raised on the motion that the Senate at its rising adjourn until Wednesday, I endeavoured to follow the example set by the leader of the Opposition. I did not give expression to any opinion calculated to provoke discussion, as I was under the impression that I might have an opportunity to do so when speaking to a subsequent motion. I have just as strong an objection to the appointment of a certain gentleman to the High Court Bench as have other honorable senators, but when I was speaking a few minutes ago, I waived my right to make any reference to that subject.

I simply expressed my approbation of the Ministerial appointments.

The PRESIDENT.—Is the honorable senator discussing the point of order?

Senator MCGREGOR.—I am speaking to the point of order. I trust that Senator Dobson—

Senator DOBSON.—The point of order was decided long ago.

Senator MCGREGOR.—If so, the honorable and learned senator should have accepted the President's ruling instead of raising a further point of order.

The PRESIDENT.—The honorable senator, at this stage, must confine himself to the point of order, and not express any opinion as to the qualifications or disqualifications of any person.

Senator MCGREGOR.—I am not seeking to do so. I am simply pointing out that—

Senator MILLEN.—I would ask, Mr. President, in the interests of orderly debate, whether you have not already given your ruling.

The PRESIDENT.—I have.

Senator MILLEN.—That being the case, how can the honorable senator be in order in discussing a point which you have already determined?

The PRESIDENT.—I gave my ruling, and subsequently Senator Dobson raised practically the same point of order. I was prepared at once to give my ruling upon it, but honorable senators appeared to be strongly disposed to make long speeches, and disinclined to hear what I had to say. If Senator McGregor will resume his seat, I will say this—

Senator MCGREGOR.—Before you give another ruling, Mr. President—

The PRESIDENT.—But I do not propose to do so.

Senator MCGREGOR.—Then, before you repeat the ruling which you have already given, I wish to say that I claim the same right as has been conceded to Senator Dobson and Senator Gould to fully express my opinion on this point of order.

The PRESIDENT.—The point of order now raised is, in effect, that which I have already determined. What I said before, I desire to repeat. I say that, inasmuch as some honorable senators have expressed their approbation of certain appointments and have stated their reasons for that approbation, I am not prepared to debar other honorable senators from expressing

their disapprobation of certain appointments. At the same time, it appears to me that Senator Stewart, in going into a number of details as to the past history of political career of a certain gentleman, is departing somewhat from the course of action which should be pursued by him. I think that the honorable senator will be perfectly in order in expressing his disapprobation of the appointments made by the Government. That relates to a political question.

Senator MCGREGOR.—But he should be allowed to give reasons for his disapprobation.

The PRESIDENT.—I think it is altogether improper for an honorable senator to enter upon a long dissertation in the course of what is really an informal discussion. I again ask Senator Stewart to confine himself to generalities. I call on the honorable senator to proceed.

Senator MCGREGOR.—But will Senator Stewart be out of order in expressing reasons for his disapproval?

The PRESIDENT.—I do not think it is advisable that he should enter upon a long dissertation. I have urged him not to do so, and I think it would be well for him to confine himself to a simple expression of disapproval.

Senator DOBSON.—But, Mr. President, you have not given your ruling on my point of order that Sir Samuel Griffith is a Judge within the meaning of the Act.

The PRESIDENT.—I call on Senator Stewart to proceed.

Senator STEWART.—I think it would be very much better if I were allowed to continue my remarks. Those who consider that what I am doing is wrong should allow me to bear the blame of my action, and those who approve of my attitude of course have nothing to say. I was referring, when interrupted, to the position occupied by Sir Samuel Griffith in the white labour movement in Queensland. I was pointing out that he was the leader of that movement in Queensland, and conducted it to victory. In 1885 a measure was passed which declared that the kanaka traffic should cease as from the year 1890. In 1888 Sir Samuel Griffith was defeated at the elections by Sir Thomas Mcllwraith, who had previously been an advocate of black labour, but who bowed to the weight of public opinion in Queensland, and publicly pledged himself never again to propose the



re-introduction of any kind of coloured labour into the State. Thus we had the leaders of the two great political parties in Queensland ostensibly at one on this very important question and unanimously supported by the country. In 1890 the kanaka traffic came to an end. Some time later a coalition Government was formed by Sir Thomas McIlwraith and Sir Samuel Griffith, who previously had been political enemies of the most pronounced type. Sir Samuel Griffith had even gone so far as to take a trip to England to endeavour to prove that Sir Thomas McIlwraith was little short of a criminal. But in 1892 these two gentlemen formed a coalition Government with Sir Samuel Griffith as Premier. Immediately afterwards a Bill was introduced to repeal the Act of 1885 which put an end to the kanaka traffic. I had not the slightest objection, nor do I believe that any citizen of Queensland had the most remote objection, to Sir Samuel Griffith changing his mind upon this question, or to Sir Thomas McIlwraith taking up the same position. But I contend that what those gentlemen, and more especially Sir Samuel Griffith, should have done, was to have appealed to the country before deliberately breaking their own promises to the people—before deliberately going back upon the policy unanimously adopted by the country.

The PRESIDENT.—Does the honorable senator really think that this has anything to do with the question?

Senator STEWART.—I think it has. In my opinion, it proves that Sir Samuel Griffith is unreliable—that he has been faithless in his public acts as a public man. If that can be proved against him as a lawyer, as a politician, and as the Premier of a State, it naturally follows that he cannot, from my point of view at all events, and from the point of view of a great number of the people of the Commonwealth, be a fit and proper person to fill the position of Chief Justice. We place this gentleman, so to speak, in possession of the Constitution. We put the Constitution in his hands to interpret. We have found him faithless in one relation of life, and how are we to know that he will not be faithless in this? We have found him going back on his pledged word and abandoning his pledged policy. We have found him deserting his party. We have found him passing a law without appealing to the country for authority to do

so, and I have heard it said lately in Melbourne—

The PRESIDENT.—Does the honorable senator think that it is fair to attack a gentleman who cannot come here and defend himself?

Senator STEWART.—Is it possible for Sir Samuel Griffith to come here?

The PRESIDENT.—We know that he cannot.

Senator STEWART.—What a miserable subterfuge is this suggestion that I ought not to attack a man who cannot come here!

The PRESIDENT.—I simply put a question to the honorable senator. He has a right to proceed with his remarks.

Senator STEWART.—I should be prepared to meet Sir Samuel Griffith on any public platform and to debate this question with him. He is not a member of the Senate, and therefore it is idle, Mr. President, to ask me whether it is or is not cowardly to attack him. I am not attacking him, I am merely performing what I conceive to be my duty to the Commonwealth. If I think the Commonwealth in danger, is it not my duty as a citizen, and much more as a member of the Senate, to warn the people of that danger? There may be no danger, but if I think there is, ought I not to sound the alarm? That is what I am doing now. I am pointing out what Sir Samuel Griffith did as a politician, and I ask the members of the Senate if it is not possible, nay probable, that he will be guilty of conduct of an exactly similar character, if, unfortunately, he occupies the position of Chief Justice of the High Court.

Senator DOBSON.—Shame!

Senator MATHESON.—We cannot cancel the appointment.

Senator STEWART.—My task is a very difficult and not a pleasant one. Honorable gentlemen, by their interruptions, make it more difficult and unpleasant. In the beginning of 1892 a coalition was formed, and shortly afterwards an Act repealing the Act of 1885, and providing for the re-introduction of the kanaka traffic, became law. What followed? Sir Samuel Griffith was at the time Premier, and the late Sir Charles Lilley was Chief Justice. A movement immediately took place to literally drag the latter from the Bench. Those of us who lived in Queensland at the time, and knew what was going on behind the scenes, were perfectly well aware that Sir Cha-

Lilley was told in plain terms that he must get off the Bench, or he would be removed by Parliament. Why? Simply because he was a democrat—a man like the late Chief Justice Higinbotham of Victoria.

The PRESIDENT.—I think that the honorable senator is not in order in discussing Sir Charles Lilley. He has nothing to do with the question before the Chair.

Senator STEWART.—Sir Charles Lilley vacated the Chief Justiceship, and Sir Samuel Griffith, being Premier, appointed himself to the position. He did so under extraordinary circumstances. Sir Charles Lilley was getting only £2,500 a year; Sir Samuel Griffith raised his own salary to £3,500 a year.

Senator WALKER.—It was Sir Hugh Nelson who proposed the increase of salary.

Senator STEWART.—That is Sir Samuel Griffith's connexion with Queensland politics. I come now to his connexion with the Federal movement. Surely I am entitled to say something on that head. He has always been an ardent advocate of Federation. He was a member of two Conferences, and drafted a Constitution which was praised by every Conservative in Australia as a monument of the greatest capacity. It was, however, so Conservative that the Convention which sat in 1897 and 1898, found that it could not be adopted. One of its provisions, I believe, limited much more strictly than the limitation in the Constitution now in force the right of appeal to the Privy Council. I understand that Sir Samuel Griffith was chiefly responsible for that provision. In 1900, however, we found him secretly intriguing in London—as an honorable gentleman who occupies a distinguished position in this Senate has characterized his action—against the Constitution adopted by the Australian people. He tried to get the Imperial authorities to alter the Constitution, which had been twice accepted by the people, and which had the unanimous support of the Premiers of the States. In what particular? He did not on that occasion desire that the right of appeal to the Privy Council should be limited. He had changed his mind then. He was not, as he had been in 1891, an Australian in sentiment. He was in favour of extending the right of appeal to the Privy Council. I think that any one who knows him can easily find a reason for that change of mind. The reason was the alternative

proposal submitted by Mr. Chamberlain for the establishment of an Imperial Court of Appeal, with paid Australian Judges upon the Bench, and with a prospect of those Judges becoming peers of the realm. That was the magnificent prize which Sir Samuel Griffith dangled before his vision, and for which he was prepared to bind Australia in chains, so far as Great Britain was concerned, by compelling the people of Australia to go to the Privy Council for the interpretation of their Constitution. That is the kind of man who has been appointed to the position of Chief Justice of the High Court. Can it be said that a man of that stamp is not a self-seeker? I ask Senator Gould, who appears so indignant at the remarks which I have made, whether under ordinary circumstances he would consider one who had been guilty of conduct of that description fitted to occupy the most exalted position in the Commonwealth?

Senator Sir WILLIAM ZEAL.—If honorable senators had all voted against the Judiciary Bill this trouble would not have happened.

Senator STEWART.—We must have a High Court; but the Justices of that Court should be above suspicion and above reproach. Their public record should be stainless, and above everything, they should be Australian in sentiment. I do not wish to say more. I feel that my task has been a most unpleasant one. I should have preferred to congratulate the Commonwealth upon its prospective Chief Justice, not only for the sake of the Commonwealth itself, but for the sake of the State which I represent. It has been said here in Melbourne that all these things were done by Sir Samuel Griffith without a single murmur from the people of Queensland. That, however, is an absolute misstatement, because there were many murmurs both loud and deep, and these culminated in the return of an almost complete labour representation from that State to the Federal Parliament. It may be pointed out that the people might have turned out the Government, of which Sir Samuel Griffith was a member, and reversed the policy which he initiated. I can assure honorable senators—and no man knows it better than the Minister of Defence—that they could not have done anything of the kind. It was made exceedingly difficult for any person to get his name on the electoral roll, and it was impossible for the people of Queensland to

show their disapprobation of Sir Samuel Griffith's conduct before they made an emphatic demonstration in that direction at the time of the Federal elections. I am sure that if Queensland had been polled, Sir Samuel Griffith would not have been the Chief Justice of the Commonwealth.

Senator Lt.-Col. GOULD (New South Wales).—I should like to say a few words in explanation of my position upon this matter. I raised the point of order which has been disallowed by the President, simply because I regarded it as not only indecent, but wrong, to criticise, upon any other than a substantive motion, the conduct of any person who had been appointed to the position of a Judge.

Senator STEWART.—We had no opportunity before.

Senator Lt.-Col. GOULD.—That was the honorable senator's misfortune. He might, however, have set himself right by submitting a substantive motion. I submit that as Sir Samuel Griffith has been appointed in a regular way by the Governor-General in Council, he is *de jure* a Judge, and that no action could be taken to depose him from that position except by a specific motion, and an address to the Governor-General, from both Houses. It may be that Sir Samuel Griffith is not yet a Judge, and that I may be wrong in my opinion; but, assuming that I am correct, it is laid down in *Denison and Brand's Decisions, 1857-1884*, that—

Charges against the Judges are unbecoming to be made, as there is a proper course open if their conduct is to be challenged.

Again in *Peel's Decisions 1884-95* it is stated that—

There must be no comment, except upon motion in due course, upon the conduct of the Judges of the land, nor must any bias in their conduct arising out of political circumstances be imputed to them.

The remarks of Senator Stewart with regard to the unfitness of Sir Samuel Griffith for the position to which he has been appointed were based upon that gentleman's actions as a politician. It is perfectly true that at one time he advocated the abolition of black labour, and subsequently supported the re-introduction of that system for a limited number of years, but the fact that as a politician he saw fit to change his views upon a matter of very great moment to the people of Queensland, does not in any way affect his fitness for the position of Chief Justice of Australia.

Senator STEWART.—He should have appealed to the country.

Senator Lt. Col. GOULD.—The question whether he should have appealed to the country does not affect his fitness for the position to which he has been appointed. He may have been the most inconsistent politician in Australia, and yet that would not be any justification for saying that he is unfit to become a Judge of the High Court. Exception has also been taken to Sir Samuel Griffith, on the ground that he was in favour of limiting the right of appeal to the Privy Council, and that he subsequently changed his mind. I decline, however, to believe that a man is unfit for a high judicial position simply because circumstances lead him to honestly change his mind. So far as the question of appeal is concerned, I am told that Mr. Dickson went to England, at the time he was a Minister, and represented that the people of Queensland were in favour of retaining the right of appeal to the Privy Council.

Senator KEATING.—He was a member of the delegation from Queensland.

Senator Lt.-Col. GOULD.—If that was not the feeling of the people of Queensland, it was, at any rate, so represented, and I am informed that the members of the Queensland Ministry were of that opinion.

Senator PEARCE.—Is it right for a Judge to interfere in politics?

Senator Lt.-Col. GOULD.—A Judge is perfectly entitled to give his opinion upon a question of that kind, particularly if it be true that he, with others, was requested by the Imperial authorities to express his opinion for their guidance. He may not have been thus invited, but whether that be so or not, the facts mentioned by Senator Stewart are not sufficient to justify the condemnation of his appointment. If it had been urged that the appointment was not desirable in view of the fact that it would exclude a better man from the position, or that the gentleman appointed was corrupt and incompetent, there would have been some force in the objection. But the matters which have been mentioned do not afford sufficient justification for the attitude assumed by the honorable senator. Sir Samuel Griffith may not be as good a man for the position as some others would prove, but that is not the contention, and nothing has been said to in any way affect his vital qualifications. It has been stated that because certain

remarks were made in approval of the appointment of Mr. O'Connor to a position on the High Court Bench, honorable senators would be justified in adversely criticising the appointment of Sir Samuel Griffith. Those remarks were of a very flattering character, and having been made, the argument was used that it was open to any honorable senator to express dissatisfaction with regard to any one of the other Judges.

Senator MCGREGOR.—That was the ruling of the President.

The PRESIDENT.—Senator Gould is not disputing my ruling.

Senator Lt.-Col. GOULD.—I say again that it is improper for any honorable senator to express the opinions that have been expressed concerning a gentleman who has been appointed to the High Court Bench.

Senator STEWART.—What other opportunity could we have had?

Senator Lt.-Col. GOULD.—There is a proper method laid down; and I am quite sure that if the honorable senator had grave cause for expressing dissatisfaction at an appointment of this kind the Government would afford him an opportunity of discussing a substantive motion to that effect. When a man is in a position from which he cannot reply to attacks that are made upon him, I trust that honorable senators will always refrain from such attacks unless they are made in a regular and constitutional manner. How can the gentleman who has been referred to reply to the attacks which have been made upon him today?

Senator MCGREGOR.—He does not care.

Senator Lt.-Col. GOULD.—Perhaps he does not care, but it is a matter of grave moment to the Commonwealth that the Judges should be clean and reputable men. I am aware that certain honorable senators are honestly dissatisfied with the one appointment. It may be very hard for them to see this gentleman placed in such an important position as that which he has now to occupy. But still there is a broad rule laid down for dealing with such cases, and we should not attack a man whose hands are tied. So far as I can judge, the objections raised to the gentleman in question are not such as justify any honorable senator in urging that he is unfitted for the high judicial position to which he has been appointed. I say this as one who has not had a great personal acquaintance with Sir Samuel Griffith. I do not say it as a matter of personal

friendship, but simply with a desire to do what is fair and just to those holding public positions. I hope that honorable senators will, now that the matter has gone so far, allow the motion to be put without further discussion.

Senator O'KEEFE.—After the honorable and learned senator himself has spoken.

Senator Lt.-Col. GOULD.—I have said all I have to say with reference to the matter. As to the changes in the Ministry, I congratulate my honorable and learned friend, Senator Drake, upon his promotion to the very high and responsible position of Attorney-General. It must be a matter of congratulation to the Senate that the Government recognise that three of the important salaried positions in the Ministry can be worthily filled from this Chamber. We now have the Attorney-General occupying a seat in the Senate. Previously the portfolios of Minister for Defence and Postmaster-General have been held in the Senate; and I hope that at some future time we may welcome Ministers holding other portfolios. I congratulate my honorable and learned friend, and hope that he will have a bed of roses while he remains Attorney-General. As to my genial friend, Senator Playford, I congratulate him on attaining the position of Vice-President of the Executive Council. I feel sure that the Senate will be led by him with all kindness. Referring again to the High Court Bench, I congratulate the Government upon having appointed gentlemen who, in my opinion, will worthily fill the positions to which they have been appointed.

Senator FRASER (Victoria).—I do not rise to flatter the Government, considering that I have been more or less opposed to them during the last eighteen months or two years. From my fighting nature, I should be more inclined to find fault with them. But on this occasion I am not justified in finding fault with the Government in regard to the appointments to the High Court Bench. I think I could have named one or two men whose appointment would have given me intense satisfaction, and at whose promotion I also think the country would have been pleased. But at the same time, speaking as one with a knowledge of Australia extending over fifty years, I must say that, in my opinion, the appointments made will satisfy the people of the Commonwealth. I am content, and believe that the country will be content, notwithstanding what has been

said by Senator Stewart. I am going to give up speaking of the Labour Corner, because I am more or less friendly towards the honorable senators who sit there just now, as they have done some kindly actions towards me lately. I agree with Senator Gould in saying that a high official person like a Judge of the High Court should not be attacked in Parliament, except in a regular and constitutional way. There is no proper opening for an attack upon the new Chief Justice. He is a man well known throughout Australia, and highly esteemed in his official capacity as a Judge. He is looked up to by all the professional men, and they are better judges than laymen as to his qualifications. He is held in high esteem in Queensland, notwithstanding what Senator Stewart may say; and I am pleased with his appointment. I believe that the new High Court will really command the confidence of the public. I was afraid that it would be constituted in such a way that it would not do so. I am in favour of keeping the road clear for appeals to be made to the Privy Council, but at the same time, if appeals to the High Court of Australia are dealt with expeditiously, economically, and wisely, I believe that many cases will not be sent to England. I compliment the Attorney-General on his promotion in the Ministry. I do not know that there is any necessity for me to say much more than that I am quite satisfied as far as the arrangements of the High Court are concerned.

Senator PEARCE.—The honorable senator forgets Senator Playford.

Senator FRASER.—Senator Playford is a senator with whom I have been more or less acquainted for the last thirty years, and I have always found him a straight man, as I am sure, honorable senators have. Senator Playford certainly does not "carry so many guns" as does the late Vice-President of the Executive Council, but that is not to be expected, because the latter, as a profound and experienced lawyer, naturally had a great advantage over laymen in dealing with Bills and other matters which came before the Senate. I am glad that the changes have been made in such a way as to give satisfaction to the people generally. Since the nature of the appointments became known, I have heard many comments, and I think I may say that the universal opinion is that the arrangement arrived at is better than was expected.

Question resolved in the affirmative.

## ADJOURNMENT.

### RELEVANCE OF DEBATE TO ADJOURNMENT

#### MOTION: SUPPLY BILL.

Motion (by Senator DRAKE) proposed—

That the Senate do now adjourn.

Senator HIGGS (Queensland).—This is a convenient time to make a few observations. I beg to join with those honorable senators who have congratulated—

The PRESIDENT.—The honorable member is now raising a question, which I think ought to be settled. The question is whether on the motion "That the Senate do now adjourn," matters may be discussed which are not connected with the adjournment. I am quite open to admit that a good many honorable senators who amended the Standing Orders in this connexion did so with the intention of permitting general discussion on the motion now before us—with the intention of allowing all manner of irrelevant questions to be discussed. But I have to administer the Standing Orders as they are. What is the position? Standing order 405 provides—

No senator shall digress from the subject-matter of any question under discussion. . . .

The question under discussion is, "That the Senate do now adjourn," and part of standing order 416, as submitted to the Senate by the Standing Orders Committee, provided that that question should be put forthwith, and without discussion. That part of standing order 416, however, was struck out, and, according to the Standing Orders as now framed, the motion, "That the Senate do now adjourn," is not excepted from the ordinary rule that the discussion should be relevant to the subject-matter of the motion. I have to rule on a question which has never before arisen, and I feel a difficulty in that I have to rule on the Standing Orders as they are, because I know that a great many honorable senators, when they amended the Standing Orders, intended that on the motion "That the Senate do now adjourn," it should be open to them to discuss any matter. In my opinion, the question now raised by Senator Higgs, is one for the Senate to decide; and if I do give a ruling, it must be on the distinct understanding that if the Senate comes to a different conclusion, I shall not feel in any way hurt. I must decide according to the

Standing Orders as they are, and not according to the Standing Orders as some honorable senators wish them to be; and under the Standing Orders as they are, the discussion must be confined to the question of the adjournment of the Senate. I do not know what would be the best method of leaving the question to the Senate, but it is certainly a question for the Senate, and this is perhaps a convenient time to decide it. I am quite willing, therefore, to give a ruling against Senator Higgs on the understanding that if that honorable senator likes to challenge my decision I am quite content to leave the matter to the Senate. Indeed, I am quite content to leave it to the Senate to give a decision now. It is, of course, a peculiar state of affairs for a President to give a ruling, and then to invite senators to consider the question of dissenting from that ruling. That, however, is practically what I am doing, and if honorable senators think that the letter of the standing order should be set aside, it is quite competent for them to take that course. But I see nothing in the Standing Orders to warrant me in allowing irrelevant discussion on the question "That the Senate do now adjourn." Elsewhere in the Standing Orders, where we intended that discussion should not be confined to the motion before the Senate, we said so. For instance, we say that on the first reading of a Bill which the Senate may not amend, the discussion need not be relevant to the subject-matter; and that, to a certain extent, implies that in other cases the discussion shall be relevant, as expressly stated in standing order 405. As I say, I am quite prepared to give a ruling now, and allow it to be discussed. I do not care whether or not I am overruled, because it is a question on which I admit there is undoubtedly a misapprehension on the part of many honorable senators.

Senator HIGGS.—Will you suspend your judgment, Mr. President, until honorable senators have spoken?

The PRESIDENT.—I have made my mind up on the letter of the standing order; but if Senator Higgs likes to challenge my decision as incorrect that will afford the Senate an opportunity of discussing the whole matter. In the face of the misapprehension which I know exists in the minds of a good many honorable senators,

I would rather not take the responsibility of deciding the question myself.

Senator Lt.-Col. GOULD.—I understand, Mr. President, that you have not yet given a ruling.

The PRESIDENT.—I should like to be relieved of the responsibility of giving a ruling, if some way of affording relief can be found.

Senator HIGGS.—I suggest, Mr. President, that you suspend your judgment in order that you may hear honorable senators. I feel convinced that, when you have heard the question discussed, you will come to the conclusion that, on the motion for the adjournment of the Senate, we may discuss irrelevant matters.

The PRESIDENT.—Very well; I shall suspend my formal judgment until I have heard honorable senators.

Senator HIGGS.—If it would be more convenient to discuss the matter at a later stage, I am willing to postpone my remarks; but, if honorable senators are not anxious to leave for other States, we may as well devote a few moments to the question. I distinctly remember New South Wales senators objecting to the form of the standing order which provided that the motion "That the Senate do now adjourn," should be put forthwith, without discussion, from the Chair.

The PRESIDENT.—That is so.

Senator HIGGS.—But the Standing Orders Committee did not agree with the New South Wales senators.

The PRESIDENT.—There is no doubt that a great many honorable senators intended, by amending the Standing Orders, to allow a general discussion on such a motion.

Senator HIGGS.—If the President desires to oppose the intention of the generality of honorable senators—

The PRESIDENT.—No; I desire to do nothing of the sort. All I say is that I have to take the Standing Orders as they are, and that the intention of honorable senators, who amended this particular standing order, may not have been carried out. I must freely admit that a great many honorable senators—New South Wales senators especially—desired to be enabled to discuss all manner of questions on the motion "That the Senate do now adjourn." The point which I have to decide is whether we have given effect to that intention—whether we have gone sufficiently far in

amending standing order 416. I have no desire to give a ruling which will be dissented from, and, therefore, if Senator Higgs will give notice that on a future date he will move that the standing order shall permit of a general discussion taking place upon the motion for adjournment the whole matter may be settled.

Senator HIGGS.—I remember that one Friday afternoon I desired to debate the motion for adjournment, and that you, sir, suggested that we should postpone consideration of the matter.

The PRESIDENT.—That was because the train was leaving at 4.30 p.m.

Senator HIGGS.—This appears to me to be a convenient time to raise the question. However, if it can be properly discussed at a later stage, I have no objection to adopting your suggestion, and shall accordingly give notice of motion to that effect.

Senator DRAKE.—I should like to point out that if the Senate adjourns until Wednesday next, that will be the last day of the present month. Upon that afternoon private members' business must be taken, and consequently we shall not be able to pass the Supply Bill till the last day of the month, with the result that the civil servants will not be paid at the usual time. The reason why we did not propose to proceed with business this afternoon was that there was no Minister in the Chamber who had been sworn in. Within a few minutes, however, I believe, that Senator Playford will be present in his capacity as Vice-President of the Executive Council, and probably I shall be sworn in soon afterwards. Now that we have gone so far, it appears to me that it would be wise for us to pass the Supply Bill before we adjourn.

Senator Lt.-Col. GOULD.—There are very good reasons why we should not do that. The resignation of the Prime Minister carries with it the resignation of the whole of the Government.

Senator DRAKE.—I fully understand that.

The PRESIDENT.—The Attorney-General has himself moved the adjournment of the Senate.

Senator DRAKE.—Yes. But it is quite competent for me to withdraw that motion. In a few minutes the Ministry will be properly constituted, and there will be nothing to prevent us from proceeding with the consideration of the Supply Bill. If, on the contrary, we adjourn till Wednesday next, that measure cannot be passed till the

last day of the month—a most unusual thing. I have been asked by one or two honorable senators to give the Senate an opportunity of passing the Supply Bill before we adjourn. The Treasurer desires Supply to be granted in order that he may be in a position to pay the civil servants at the usual time. Senator Playford has now been sworn in, and consequently the House is properly constituted for the conduct of public business.

Senator PEARCE.—The Senate will agree to grant the necessary supply.

Senator DRAKE.—I ask leave to withdraw my motion.

Senator DAWSON.—I object.

Question resolved in the negative.

### ELECTORAL ACT REGULATIONS.

Senator PEARCE asked the Vice-President of the Executive Council, *upon notice*—

In view of the approach of the elections—

1. Have the Government yet framed any regulations under the Electoral Act 1902 to give facilities to voters for senators to vote at any polling place in the State as provided in section 139?

2. In view of the urgency of this matter, will the Government expedite the framing of regulations, so as to give the Senate an opportunity to consider them?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow :—

1. The regulations have been drafted to give the facilities referred to.

2. Yes.

### SUSPENSION OF STANDING ORDERS.

*Resolved* (on motion by Senator PLAYFORD)—

That the Standing Orders be suspended to enable a Supply Bill to be passed through all its stages without delay.

### SUPPLY BILL (No. 3).

OVERSEA MAIL CONTRACT: PORTS OF CALL :  
SENATE ELECTIONS: TRANSCONTINENTAL  
RAILWAY: OFFICERS OF LIBRARY: SENATE  
CHAMBER: SENATE OFFICERS' SALARIES:  
PACIFIC CABLE CONFERENCE: PENNY  
POSTAGE.

Debate resumed from 23rd September (*vide* p. 5384) on motion by Senator DRAKE—

That the Bill be now read a first time.

Senator STEWART (Queensland).—I desire to say a few words in regard to the extension of the mail contract to Queensland.

It would have been only a proper act on the part of the Government to invite tenders for a service which directly included Brisbane as a port of call for the mail steamers. That has not been done, and the probability is that Queensland will be excluded from any trading benefits so far as the mail contract is concerned. I think it is extremely desirable that the producers of that State should have equal opportunities of sending their produce to the old country with the producers of Western Australia, South Australia, Victoria, and New South Wales. In Queensland there is a very large area of excellent country which is admirably suited for dairying—indeed, I believe that it is much better adapted to that sort of thing than is any other portion of Australia. We have also a considerable area which is suitable for fruit growing. If we had direct mail communication with Brisbane the probability is that our export trade would be very largely increased, and that the development of our resources would be materially encouraged. I would, therefore, impress upon the Government the absolute necessity of bringing Queensland within the circuit of the mail boats. I see no reason why she should be excluded, except that it is probable that if the steamers go to Brisbane a little extra expense may be entailed upon the Commonwealth. I conceive that one of the objects of Federation was that each of the States should help the others, and that the States as a whole should pull together to secure the benefit of mutual assistance and co-operation. If that is so, there can be no valid reason why Brisbane should not be made a port of call for the mail steamers. Indeed, I would suggest that they should go a little further north than Brisbane, and touch at Rockhampton. There is up there a very rich district which is only awaiting increased facilities for export to be capable of sending away a very large quantity of produce of various kinds. I find that Queensland's contribution to the subsidy amounts to nearly £10,000, and all the benefit which that State is to derive from that expenditure is that her letters will be forwarded from Adelaide. So far as Queensland is concerned the service does not go beyond Adelaide.

Senator MCGREGOR.—She might as well be a suburb of Adelaide.

Senator STEWART.—She might just as well be a suburb of Adelaide, but, although

Adelaide is an admirable place, Queensland has no desire to occupy that position.

Senator DE LARGIE.—She already has a mail service from the old country coming through Torres Straits.

Senator STEWART.—We desire to be brought within the compass of the southern mail, and I believe we are entitled to that. Senator De Largie has spoken of the Torres Straits mail service, but I am sure no one would object more strongly than would that honorable senator to a proposal that the mail boats should cease to call at Fremantle.

Senator DE LARGIE.—There is no analogy.

Senator STEWART.—In many respects there is no analogy. Queensland is a richer State in many ways than is Western Australia. The only thing of any consequence which Western Australia produces is gold, and we know that that could be sent to the old country without any refrigerating chambers.

Senator PEARCE.—Western Australia has the biggest export of timber of any of the States, and she also has exports of pearl.

Senator STEWART.—That may be so, and my desire is that Western Australia shall go on and prosper. That, however, is no reason why Queensland should be subjected to any inferiority. She is one of the great States of the Commonwealth. She is third in point of population, and second in point of size. Indeed the country available for occupation in Queensland is larger than in any of the other States. That being the case, I think it would be good policy and good business on the part of the Commonwealth Government to include that State in the mail circuit. I therefore bring the matter under the notice of the Minister in charge with the very greatest confidence. I understand that a very large public meeting was held in Brisbane only last night in support of this proposal. Meetings have also been held in support of it in Rockhampton, Townsville, and Charters Towers. There is a very generally expressed wish on the part of the Queensland people that they should participate in this mail service. I am quite sure that the people of that State will gladly consent to increase their contribution if that should be found necessary. There is another matter to which I desire to direct the attention of the Minister representing the Government. When the Electoral Bill was passing through this Chamber members



of the Senate insisted that the electors should have the same facilities in voting for candidates for the Senate as were given to them in voting for candidates for the House of Representatives. In voting for candidates for the House of Representatives an elector can vote anywhere within his own electorate. We claim that the same right should be given to electors voting for candidates for the Senate, and that they should therefore be permitted to vote anywhere within a State. That was allowed at the last Federal elections in three of the States, Western Australia, Tasmania, and Queensland, and very few cases of personation were discovered. The Commonwealth Electoral Act gives power to the Government to make regulations providing facilities for this being done. The late Vice-President of the Executive Council gave us a distinct promise on behalf of the Government that regulations permitting an elector to vote anywhere in a State for a senatorial candidate would be framed. I understand that they have not yet been formulated. Surely it is high time they were. I believe that Sir John Forrest is opposed to giving these facilities, but the right honorable gentleman is in his present position not to carry out his own wishes, but to do what the Act provides shall be done, what the Government has distinctly promised, and what public opinion demands shall be done. I can assure the Minister representing the Government in this Chamber that if this is not provided for very great dissatisfaction will arise in my State, and a very large number of the electors of Queensland will be disfranchised. I know that the objection raised in some quarters to the proposal is that it will have the effect of making personation more easy. Unfortunately it would appear to be impossible to entirely abolish personation, but why should we take up the position that because a few persons may offend against the law by personating, we should therefore disfranchise a large number of honest people who would never think of doing such a thing? Our laws are made for the honest and not for the dishonest, and I submit that it may be much better that a dozen persons should be allowed facilities to personate than that probably a couple of thousand persons should be denied the opportunity of voting. Therefore I appeal to Senator Playford to bring the matter before the notice of the

Minister for Home Affairs, and try to get the promise made by his predecessor carried out.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—It may be convenient if I state at once that regulations under which persons will be able to vote at various polling booths at the senatorial elections are in the hands of the Attorney-General, are nearly completed, and will be issued in ample time.

Senator DE LARGIE (Western Australia).—I desire to say a few words on a question which is almost of supreme importance to the State I represent. I refer to a survey of the route of the transcontinental railway. Now that we have a Vice-President of the Executive Council who knows something about this matter, I feel that the position is improving all the while. I think we are entitled to ask for the authorization of a trial survey before the session is closed. The States Engineers-in-Chief were appointed by the Government to report on this very important question. These gentlemen were all highly qualified to express an impartial opinion; and in view of the rosy complexion of their report the Government ought to provide a sufficient sum for carrying out a survey.

Senator Sir WILLIAM ZEAL.—Why should Tasmania be taxed for that purpose?

Senator DE LARGIE.—Considering that the railway would greatly shorten the mail service, Tasmania would derive a benefit from its construction in common with the other States.

Senator Sir WILLIAM ZEAL.—She would get precious little benefit out of that railway.

Senator DE LARGIE.—She would get the benefit of a quicker mail service. We desire a survey to be made in order that the country which the railway is to traverse may be better understood. We have every right to claim that the logical sequence of the impartial report of the States Engineers-in-Chief is a survey of the line. I desire to know if the Government intend to take any immediate step in that direction. In the life of this Parliament every State except Western Australia has derived a benefit of some kind from the Federation; it still remains the Cinderella of the group. I hope that on our return to the State we shall be able to tell the electors that the Government have done something to advance the construction of a great national undertaking.

which will confer an immense benefit on the people of all the States.

Question resolved in the affirmative.

Bill read a first time.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I move—

That the Bill be now read a second time.

In this Bill we are asking for two months' Supply. It ought to be passed some time before the end of the month, so that all the pay-sheets can be got ready. If it is not passed through all its stages to-day, and anything were to occur to delay its passage on the 30th September, public servants who are not paid under special Acts would have to go without their salaries. As it is an urgent matter we ask honorable senators to give us Supply to day. We expect the Appropriation Bill to reach the Senate next week, when all the questions which have been referred to in connexion with this Supply Bill can be discussed. Last evening the Attorney-General made a note of all the matters which were mentioned by honorable senators, and is making all the necessary inquiries, so that he may be able to give a full answer by-and-by.

Senator Sir WILLIAM ZEAL (Victoria).—I do not rise to oppose the motion, because I can see that the new Government are placed in a difficulty. It does seem to me most extraordinary to bring forward a measure of this kind at this time. Why did not the late Government apply to the Senate for two months' Supply long ago?

Senator HIGGS.—Because they had no opinion of the Senate; because they thought that it was a mere Upper Chamber.

Senator Sir WILLIAM ZEAL.—So it seems. What harm can it do to delay the granting of Supply until the 30th September, when this Bill could be passed, and the public servants paid on the following day?

Senator PLAYFORD.—We have to pay public officers all over the Commonwealth. They are generally paid before the end of the month.

Senator Sir WILLIAM ZEAL.—What great difficulty could arise if they were not paid until the 1st October? Would not persons who are earning their living outside the Public Service be quite satisfied to get their pay within twenty-four hours of its being due? No great harm would be done by letting public officers wait

twenty-four hours for their salaries. I will create a precedent if we rush this measure through the Senate with about half-a-dozen senators in attendance. The Government should have given more reasons than they have done before they asked the Senate to take this step.

Senator DRAKE.—The Bill was discussed at great length yesterday.

Senator PULSFORD (New South Wales).—I am sorry to hear so good a business man as Senator Zeal wishing to delay the granting of this Supply Bill.

Senator Sir WILLIAM ZEAL.—No; I only protested against the action of the Government.

Senator PULSFORD.—The Government ought to be placed in a position to make the payments in due course. To delay the passing of the Bill until Wednesday next—the last day of the month—would not be business-like or fair to the Government. I hope that it will be passed at once.

Question resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clauses 1 to 4 agreed to.

Schedule:

Senator PEARCE (Western Australia).—I should like to ask the Minister in charge of the Bill whether the salaries provided for the officers of the Senate are on the basis of this year's Estimates, as introduced in another place, which contemplated an increase in payment.

Senator PLAYFORD.—They are on the basis of last year's Estimates.

Senator KEATING (Tasmania).—I desire to ask whether it is correct that any of the officers in the Library have additional duties imposed upon them during the session, and, if so, whether they receive any bonus or addition to their ordinary salary in respect of that special service? If any extra work is imposed upon these officers during the session—and I believe there is something of the kind—we should in some way or other recognise it by giving them special remuneration.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—Mr. Speaker has charge of the pay sheets relating to the Library officials, and as I have no information on the subject I cannot now reply to the honorable and learned senator's question.

Senator KEATING.—I hope that the honorable senator will suggest that something be done in the direction I have indicated.

Senator PLAYFORD.—I will cause inquiries to be made, and if I find that these officers are compelled to work overtime during the session I shall see that, even if they get nothing more, they receive such remuneration as is provided for by the Public Service Act.

Senator HIGGS (Queensland).—I desire to bring under the notice of the Vice-President of the Executive Council the state of the atmosphere in this chamber, as well as in some of the rooms within the precincts of Parliament House. I trust that the honorable senator will cause inquiries to be made from the proper authorities as to whether the ventilation of the chamber cannot be improved. Honorable senators who sit here for five and six hours at a stretch must have observed that the atmosphere has a very injurious effect upon them. I do not know whether it is that the chamber is not properly ventilated, or whether the carpets and furnishings have been so long in use that they are detrimental to our health.

Senator Sir WILLIAM ZEAL.—We require new carpets.

Senator HIGGS.—If I had my way I should replace them with linoleum or oil-cloth. The carpets harbor innumerable germs and microbes dangerous to the health of man. Something requires to be done. The atmosphere in the chamber has given rise to numerous complaints on the part of honorable senators, and if those who sit on the floor of the Senate find it deleterious to their health, those whose duty requires them to sit in the galleries must find it even more objectionable. I am sure that the trouble can be remedied, and I trust that the honorable senator will take steps to that end.

Senator Sir RICHARD BAKER (South Australia).—I can afford the honorable senator some information on the subject. Different senators are differently constituted. There are some who complain to me that there is far too much ventilation—that they catch cold in the chamber—and at the express request of a considerable number of honorable senators, we have had gas-heaters fixed in the Senate for the purpose of warming it. There is always a difficulty in every Parliament in pleasing the two sections—those who prefer an abundance of fresh air, and those who do not. I confess that

I am among the former class, and I should like to see this chamber better ventilated. No one is called upon to sit here more continuously than I am, but it seems to me that it is impossible to please every one. In every parliamentary building of which I have heard—from the House of Commons downwards—complaints are constantly being made by the two sections.

Senator PEARCE.—We need more ventilators in the roof of the building.

Senator Sir RICHARD BAKER.—If the honorable senator glances at the ceiling he will see that there are some round holes in it, which are designed to ventilate the chamber, but I cannot say whether they are sufficient. We must recollect that this is not our building. We are here only as the guests of the Victorian Government, and I think we should hesitate before we incur any large expenditure in effecting alterations. I am fully aware that the atmosphere in the Senate is sometimes very stifling. For my own part, I should like to see the gas heaters removed, but, as I mentioned before, they were provided at the express request of certain honorable senators.

Senator Sir WILLIAM ZEAL (Victoria).—I would point out that the remedy is in the hands of honorable senators themselves. If the curtains around the walls were removed we should have abundant ventilation, but while they remain they shut out the fresh air. This chamber was used for some forty years by the Legislative Council of Victoria.

Senator PEARCE.—And the members of it lived to a ripe old age.

Senator Sir WILLIAM ZEAL.—The membership of the Legislative Council is more numerous than that of the Senate, but no great difficulty in regard to ventilation was ever experienced while the Council met here. My difficulty as President was to keep the chamber warm enough. Before resuming my seat I desire to bring under the notice of the Minister another matter which requires our consideration. I find that, during the discussion of this year's Estimates in another place, statements were made and decisions were arrived at which placed the officers of the Senate in an invidious position as compared with the officers of the House of Representatives. I fail to see why treatment should be accorded one set of officers which is not accorded to another. The salaries of our officers have been reduced, and the statement has been

made very freely that they have less work to perform than have the officers of another place, and that they should, therefore, receive a smaller remuneration. The question should not be dealt with in that way. If any reductions are to be made in the salaries of our officers the Senate should be consulted. If honorable senators give a moment's consideration to the question, they will readily see what may follow. At some time or other a difference of opinion might occur between the two Houses, and as another place votes supply, it might in such circumstances reduce the salary of every one of our officers, from the President downwards, by ten per cent. That should not be possible. A certain sum of money should be passed *in globo* for the Senate, and should be disbursed by the proper officers according to a schedule prepared either by the Senate or by a committee of honorable senators. Unless honorable senators take care to prevent such an invasion of their rights as this appears to be, they will bitterly rue their neglect. Some day the two Houses may come into conflict on a point of this kind, but by the exercise of ordinary prudence such a difficulty should be impossible.

Senator Sir RICHARD BAKER (South Australia).—This is a matter which I intended to bring before the Senate when the Appropriation Bill came up for consideration. I understand that the reductions referred to by the honorable senator were made on the plea that the officers of the Senate have not so much work to do as have the officers of the House of Representatives. In the first place I am not at all sure that that statement is correct. The refreshment rooms, the Queen's Hall, and other parts of the building which are common to the members of both Houses, are under the jurisdiction of the joint House Committee, and the officers of the Senate are the officers of that Committee. In the House of Representatives there are three more officers than there are in the Senate. We have the Clerk of the Papers and Accountant at £380, and a shorthand writer and typist at £188, or £568 in all; whereas, in the House of Representatives they have the Clerk of the Papers and Accountant at £420, the Clerk of the Records at £350, the Assistant Clerk of Committees and Reading Clerk at £300, the Assistant Reading Clerk at £200, and a junior clerk at £80, or a total of £1,350. The officers of the

Senate should, in my opinion, receive at least the same salaries as those paid to similar officers in the service of the House of Representatives.

Senator PEARCE (Western Australia).—I support what has been said by Senator Higgs in regard to the ventilation of the chamber, and I also wish to point out the desirability of raising the lights here, in order to safeguard the eyesight of honorable senators. In the other chamber the roof-lighting is out of the range of vision of honorable members, but here an honorable senator sitting on the back benches has a glare in his eyes throughout the sitting.

Senator PLAYFORD.—The matter is one for the House Committee to inquire into.

Senator PEARCE.—With regard to the point raised by Senator Zeal, he has not put the position rightly. As a matter of fact, there has been no reduction of the salaries of officers or servants of the Senate.

Senator PLAYFORD.—All that has been done is to strike out increases.

Senator PEARCE.—Yes.

Senator Sir WILLIAM ZEAL.—They have given increases to their own officers.

Senator PEARCE.—No; they have passed the salaries to which we agreed last year. The President has promised to bring the matter forward when the Estimates are under discussion, which is the proper time to deal with it, but I hazard the opinion that £185 per annum, which I understand is the pay of some of our attendants, cannot be regarded in Victoria at the present time as a low salary.

Senator MCGREGOR (South Australia).—I have heard senators continually assert that the Senate is not to be compared with a Legislative Council, and those who have knowledge of the work done here know that both senators and officers have a great deal more to do than the members and officers of the Legislative Council of Victoria, which formerly occupied this part of the building. I understand, however, that the salaries and wages of the officers and attendants of the Senate and House of Representatives were arranged as though the relative positions of the Senate and the House of Representatives were the same as the relative positions of the Legislative Council and the Legislative Assembly of Victoria, which was a wrong basis upon which to arrange them. Although the House of Representatives may not have reduced their salaries, I think those who wish to maintain the

prestige and position of the Senate should see that consideration is paid to the greater amount of work done by our officers and attendants. I hope that when the Estimates are under discussion the opinion of the Senate will be expressed upon this question.

Senator DAWSON.—The question will be raised.

Senator MCGREGOR.—If we are to be considered an important part of the Legislature of Australia, we should see that the right amount of importance also attaches to our officers.

Senator HIGGS (Queensland).—I desire to support the remarks of Senator Stewart in regard to the tenders for the mail service. I think that the State of Queensland has not been fairly dealt with by the Government, and I should like to feel sure that there is not some influence in the Cabinet which is being used against that State in this matter. To my mind, there is no reason why the mail steamers should not call at Brisbane. Honorable senators may be influenced by the argument that they cannot afford the time to do so, but business men will admit that nowadays there is not so much urgency in regard to the carrying of mails as there was formerly, because all urgent business is done by means of cablegrams, and letters are chiefly confirmatory of the messages which have been sent by cable.

Senator REID.—Bills of lading and all documents of that kind must go by mail.

Senator HIGGS.—Yes, but there is not the same need nowadays for quick despatch in the matter of mails.

Senator PEARCE.—In any case the steamers remain a fortnight in Sydney now.

Senator HIGGS.—It is only fair to Queensland that she should share in the carrying facilities provided by the Commonwealth Government. There has been established in Queensland within the last few years what is practically a new industry—the dairying industry. A few years ago the farmers looked upon dairying almost as a means for making pin money for their wives. Now they get £20 or £30 a month from their dairies. It is their mainstay, and has worked quite a revolution in their condition. Millions of money have been spent in improving the channel of the Brisbane River in order to enable the largest steamers to go up to the wharf at Pinkenbah, which

is  $7\frac{1}{2}$  miles distant from Brisbane proper, and, therefore, there should be no difficulty in accommodating the mail steamers, if the Government will only compel them to call. It is very unfair to single out the port of Brisbane, and call for tenders in a special way.

Senator Sir WILLIAM ZEAL.—Does the honorable senator wish that Brisbane should be made a starting point.

Senator HIGGS.—No; a port of call only. When tenders were called, Brisbane was placed at a disadvantage, because the steam-ship companies were asked to send in alternative tenders, one of which would omit Brisbane from consideration. Now, the greatest indignation prevails in Brisbane. A meeting held there last night, and attended by representatives of all parties in the State, condemned the action of the Government. I would ask the Attorney-General whether the grievances of Queensland cannot be redressed even at this stage. I cannot help thinking that some influence adverse to Queensland is at work in the Cabinet. Human nature is human nature all the world over, even in Cabinets, as we have seen from recent developments. The Federal spirit is not predominant at the present time, and certain State influences are at work to deprive Queensland of her rights. We cannot afford to overlook this matter, and although the Government seem disposed to pay very little attention to the Senate, they will some day find our assistance lacking when they most require it. They are piling up a number of political crimes which will call for punishment later on. It may be true that the Senate can bark but cannot bite. But at the same time we could place the Government in a very awkward position by rejecting Supply Bills or other equally essential measures. I should imagine, from the way that the members of the Government in another place treat this Chamber, that they do not attach very much importance to what we may think or do, and it may be necessary to take some strong action in order to show them that we are entitled to some voice in the affairs of the Commonwealth. I think that the Senate is more in touch with the people of Australia than is the House of Representatives, because we represent the States as a whole instead of divisions of the States. Therefore, we are entitled to a great deal

more respect and attention than we have hitherto received. I should like the Attorney-General to reply to the questions I asked last evening with reference to the Pacific Cable and the message sent by the Governor-General to the Honorable Joseph Chamberlain.

Senator DRAKE (Queensland — Attorney-General).—I think that matters in connexion with the advertisements relating to the mail service have been misrepresented to the honorable senator and also to the people in Brisbane, who have been complaining of the action of the Government. I can assure the honorable senator that there is no hostility towards Queensland on the part of the members of the Cabinet. That particular portion of the advertisement relating to tenders to which he has referred has not been altered in any way from its original form. Nearly the whole of our mail contracts will expire about the time at which the proposed new services will begin, and therefore an opportunity is afforded to secure offers from the shipping companies for almost every kind of mail service that would be of use to us. If honorable senators read the advertisements they will see that we are asking the shipping companies to furnish us with alternative tenders under almost every conceivable condition as to route and ports of call. We are inviting tenders for a service from Sydney *via* Colombo or Aden, for a service simply to Colombo or Aden, for a service from eastern ports, from Brisbane, *via* Vancouver and also from some port in Australia by any route to England. We have purposely made the invitation as wide as possible in order to secure every variety of offer, and thus extend our choice.

Senator DAWSON.—Two alternative tenders are invited, one including Brisbane, and the other excluding it, as a port of call.

Senator DRAKE.—The advertisements are drawn up in such a way as to leave an opportunity for the shipping companies to tender, in almost every conceivable form, for a service from Australia to England. With regard to the service hitherto maintained by the P. and O. Company, we are asking for tenders, as before, from Sydney *via* ports, and also, as an alternative, we are inviting the companies to state what additional cost would be involved if the steamers were required to go on from Sydney to Brisbane. That seems to me to be very fair. If the shipping companies respond to our

advertisements, we shall know exactly what services we can secure, and be able to judge which will be the most advantageous in view of the expenditure involved. I cannot see that there is anything unreasonable in that. We are inviting tenders for a service from Brisbane to Vancouver. We do not say anything in that connexion with regard to a service from Albany or Fremantle. We are inviting tenders for services going in the other direction from particular ports, and in fact we are affording the companies an opportunity to tender for a service from almost any port, and by any route they like, including the Cape and Torres Straits. What reasonable ground is there for the complaint made by some people in Brisbane? We are inquiring as to the cost that would be involved in extending the service from Sydney to Brisbane. Is there any reason why we should not ascertain that? We might not be able to afford to pay the extra money, or we might discover some more efficient way of carrying on a mail service from the eastern ports. The position taken up by some people in Brisbane is that we should not allow the shipping companies to submit any tenders except for a mail service which would include Brisbane as a port of call. That is not reasonable.

Senator DAWSON.—We ask that the Government shall call for tenders for a service to include Brisbane.

Senator DRAKE.—We have done so.

Senator DAWSON.—Only as an alternative.

Senator DRAKE.—Yes; we have invited tenders for a service from Sydney to London, and have also asked what additional expense would be involved if the steamers were required to proceed on from Sydney to Brisbane.

Senator DAWSON.—Thus inviting a differentiation.

Senator DRAKE.—Surely the honorable senator does not suppose that the shipping companies will perform extra work without extra payment. We have not found any shipping companies ready to do so. If honorable senators will turn to the advertisement and read it for themselves they will see that we have made the conditions so wide that we can obtain tenders for every possible service that could be of use to us. It will be for the Executive afterwards to decide what proposals they will accept.

That will be the time, if any injustice is done to any State in connexion with the acceptance of tenders, for representations from that State to be made. But I cannot see how any grievance can exist in consequence of the way in which we are calling for tenders, seeing that we embrace every possible alternative.

Senator DAWSON.—Why did not the Government make the tenders with regard to other ports alternative?

Senator DRAKE.—They are alternative to such an extent as to make them as wide as possible. I hope honorable senators will obtain copies of the advertisement calling for tenders and read it. They will then see that no injustice has been done to Queensland. At all events I say distinctly that the supposition that there is in the Cabinet any hostile feeling to Brisbane is absolutely baseless. I do not know whether Senator Higgs desires me to go into the other matter to which he has referred. I made preparations to do so, and am having inquiries made in connexion with everything which has been brought up. But we shall have the Appropriation Bill before us next week or the week after, and I propose to postpone my reply upon the matters alluded to on the motion for the first reading of this Bill until the Appropriation Bill is before us. There is only one matter which I ought to mention in fairness to Senator Higgs. It has reference to the motion which was carried in the Senate with regard to the telegram sent by the Governor-General to Mr. Chamberlain. I take all the responsibility for allowing that motion to be passed in the form in which it was passed without challenge. I did not happen to be at the table at the moment. But I wish to point out that the motion was not in the proper form. I do not think the honorable senator is acting in the best taste in asking for the cablegram; but the proper form of asking for anything that is in the possession of the Governor-General is by means of an address. The motion in question should have taken that form. I do not think the honorable senator is right in asking for the cablegram; but, in any case, it is a well-known fact that the proper form in reference to such matters is that a minute goes from the Prime Minister to the Governor-General, and the minute is transmitted to London. I do not think the honorable senator is justified in implying a distrust as to the way the minute was transmitted.

Senator HIGGS.—I am not distrusting the Governor-General, but his advisers.

Senator DRAKE.—The minute as sent to the Governor-General has been circulated amongst honorable senators. But if Senator Higgs entertains a suspicion that the telegram sent by the Governor-General contains something that was not in the minute, and wishes to obtain a copy of the telegram, his proper course is to proceed by way of address.

Senator REID (Victoria).—There is one subject which I should like to bring under the notice of the Government in connexion with the Post and Telegraph Department. It is a subject that has not been mentioned this session. I allude to the fact that we, as a Commonwealth, are out of harmony with the entire British Empire in connexion with the penny postage system. There is no Government under the King that maintains the old-fashioned idea of charging for every letter that is sent to or received from England at the rate of 2½d. It will be remembered that when Canada started the penny postage system some years ago there was a loss for the first nine months, but since then the revenue has increased by leaps and bounds. If we turn to India, to Ceylon, to Fiji, to New Zealand, or to any other British dependency on the globe, we find that one uniform penny postage rate prevails. This is a matter which the Federal Government ought to look into very closely. Although at the commencement of a penny postage system there might be a slight loss, nevertheless, the increase in the correspondence carried would be so great that, in two or three years, the loss would be completely overtaken. I say so much, because we are supposed to represent the most energetic portion of the British Empire. We are descendants of the bold spirits who came here after the discovery of gold, and we ought not to lag so far behind in a matter of this kind. I wish the Government to take the subject into their serious consideration, and to look into all the figures, so that an alteration may be made, and that we may be brought into conformity with the rest of the British Empire.

Senator HIGGS (Queensland).—Senator Drake seems to be under the impression that I desire to reflect upon the Governor-General. I have no such desire. I know that the Governor-General merely carries

out the wishes of the Executive Council. Senator Drake has taken up a most extraordinary attitude this afternoon. He declares that before I can obtain a copy of the cablegram sent by the Governor-General to Mr. Chamberlain in connexion with the Cable Conference, I must move that an address be presented to His Excellency.

Senator PLAYFORD.—That is the usual form, and it is the form provided by the Standing Orders.

Senator HIGGS.—Was that form followed in connexion with the correspondence laid on the table of the House of Representatives on the 2nd July?

Senator DRAKE.—If it contains correspondence between the Governor-General and the Secretary of State, I should say yes.

Senator HIGGS.—The motion carried in the House of Representatives was—

That there be laid on the table of the House all the correspondence in connexion with the proposed agreement between the Commonwealth and the Eastern Extension Company.

Included in that correspondence are a number of cablegrams sent by the Governor-General to Mr. Chamberlain.

Senator DRAKE.—It was irregular, if that was done.

Senator HIGGS.—Copies of those cablegrams sent by the Governor-General were printed amongst the correspondence, although no address was sent to the Governor-General. There was no suggestion of any reflection upon the Governor-General when the correspondence was asked for. One document is headed—

Copy of telegram from the Secretary of State for the Colonies to His Excellency the Governor-General of the Commonwealth.

Senator PLAYFORD.—There is no telegram sent by the Governor-General, is there?

Senator HIGGS.—There happens to be one—

Copy of telegram from His Excellency the Governor-General to the Secretary of State for the Colonies.

That is dated 27th March. Why was it that the Government have only given us in the return laid upon the table of the Senate a copy of Sir Edmund Barton's letter to the Governor-General?

Senator DRAKE.—It was a minute for transmission, was it not?

Senator HIGGS.—No; it was a letter containing a request that the Governor-General would cable, asking Mr. Chamberlain if he still pressed for a Conference. Then we had Mr. Chamberlain's reply cable of the 27th August, which amounted to fifteen or twenty lines, and dealt with a variety of matters other than the mere request contained in Sir Edmund Barton's letter to the Governor-General. That shows to my mind, that the Government advised the Governor-General, probably by word of mouth, as to the terms of the communication sent to Mr. Chamberlain, who, in his reply, said that it was possible the matter had gone too far for the Commonwealth to recede. How did Mr. Chamberlain come to send that reply, unless there was some suggestion in the cablegram of the Governor-General that the matter had gone too far? If it was possible to produce the cablegram of the 27th March, 1903, why is it not possible to produce the cablegram sent to Mr. Chamberlain on the 21st August of this year? I have no wish to reflect on the Governor-General, who simply carries out the instructions of the Ministry; but the latter have adopted such an extraordinary attitude that honorable senators have a right to see all the papers connected with the matter.

Senator DRAKE.—I am perfectly sure that the proper course by which to approach the Governor-General is by an address, but I shall inquire into the matter more fully. I see by the correspondence referred to that the Government have laid on the table telegrams which passed between the Governor-General and the Secretary of State for the Colonies, and, perhaps, there may be no objection to a similar course being adopted in regard to other communications.

Schedule agreed to.

Bill reported without request; report adopted.

Bill read a third time.

## PAPER.

Senator PLAYFORD laid upon the table the following paper:—

Engineer for Linotype Printing Office, Applications, &c.

Senate adjourned at 5.15 p.m.



## House of Representatives.

Thursday, 24 September, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### RESIGNATION OF PRIME MINISTER: NEW ADMINISTRATION.

#### APPOINTMENTS TO THE HIGH COURT BENCH.

Mr. DEAKIN (Ballarat—Minister of External Affairs).—It is my duty to announce to the House that Sir Edmund Barton this morning tendered his resignation to His Excellency the Governor-General, and that His Excellency was pleased to accept it. His Excellency then cast upon me the duty of forming an Administration. I shall myself fill the office of Minister of State for External Affairs, and have communicated with the following gentlemen, who have accepted the offices allotted to them:—

Minister of State for Trade and Customs  
—The Honorable Sir William John Lyne, K.C.M.G.

Treasurer—The Right Honorable Sir George Turner, P.C., K.C.M.G.

Minister of State for Home Affairs—The Right Honorable Sir John Forrest, P.C., G.C.M.G.

Attorney-General—The Honorable James George Drake.

Postmaster-General—The Honorable Sir Philip Oakley Fysh, K.C.M.G.

Minister of State for Defence—The Honorable Austin Chapman.

Vice-President of the Executive Council  
—The Honorable Thomas Playford.

The late Prime Minister, as the House is aware, had communicated by telegram with the present Chief Justice of Queensland, and this morning received from that right honorable gentleman a telegram accepting the offer of the Chief Justiceship of the High Court of the Commonwealth. Since the resignation of Sir Edmund Barton the new Ministry have offered to Sir Edmund Barton and Senator O'Connor, and they have agreed to accept, the positions of Justices of the High Court of Australia.

HONORABLE MEMBERS.—Hear, hear!

Mr. DEAKIN.—It will be necessary for Ministers to be sworn into their offices this afternoon, and to make some arrangements

necessitated by the changes of duties. I therefore ask honorable members to consent that the House shall adjourn until Tuesday next. I move—

That the House, at its rising, adjourn until Tuesday next.

Sir WILLIAM McMILLAN (Wentworth).—I am sure that honorable members on all sides of the House, as well as people of all shades of political opinion throughout the Commonwealth, will agree with me that the retirement of Sir Edmund Barton from political life is a severe loss to the people of Australia. His career has been unique. Born and bred on the soil of Australia, he was, in the first instance, a brilliant scholar at his school and his University. In early manhood, in his own State he was a prominent figure in public life. He is a man gifted with great eloquence and unquestioned genius, and he remains one of the highest authorities in Australia upon constitutional law and procedure. Although he rendered eminent public service to his own State he has been more intimately associated in our minds with the gradual concentration of the forces of Australia into this Commonwealth. Upon him, in this noble effort, fell the mantle of the late Sir Henry Parkes, and for years with great pertinacity and great unselfishness he fought the battle of that union which has found its consummation in this Parliament. Therefore, whatever feelings we may have had in the strife of the past, we cannot help regarding it as a great honour to Australia that one of her own sons should be in the first instance the leader of the great Convention which brought about our Constitution, that in the next place he should be the first Prime Minister of Australia, and now one of the first Justices of the High Court. Although we have always been politically opposed, there was one characteristic of Sir Edmund Barton which I always recognised, and that was his generous nature and his extreme magnanimity. Not altogether by his genius, by his great ability, or by his political experience, did he bind together the men who loyally surrounded him, but by a personal magnetism and a personal affection which went far beyond the ordinary political ties. Honorable members on this side of the House trust that his great career will find a fitting consummation in his new high position, in which he will be removed from all associations of a political nature, in which, on behalf of the people

Australia, he will be called upon to administer supreme justice. I cannot help referring to the fact that the great man who is practically responsible for the framework of the Constitution under which we now exist—Sir Samuel Griffith—has had the honour conferred upon him of being appointed the first Chief Justice of Australia. I am also gratified that a no less worthy friend of mine, Mr. Richard O'Connor, who has been one of the most distinguished successes in this Parliament, has secured a similar honour. I do not think that it would be fitting for me to sit down before congratulating my old friend, Mr. Deakin, upon the high position to which he has attained. I believe that years ago, when some State business took him to London, no less a person than Sir Charles Dilke prophesied that he would be the first Prime Minister of Australia. He has not secured that distinction, but, at any rate, he has become the second Prime Minister. All I can say is this : that I can promise him on behalf of this side of the House, the same courtesy, the same fair play, and the same honorable conduct that he has always shown from his side of the Chamber. I may be permitted, as this may be the last time that I shall have an opportunity to occupy my present position, to thank honorable members on all sides of the House, and particularly those belonging to the party of which I have been the deputy leader, for the kindness and courtesy which they have always shown to me in a rather trying and difficult position. I omitted to congratulate the honorable member who has been newly admitted to the Ministry. We have all noticed with great admiration the extraordinary agility which he has always displayed against the manœuvres of a very worthy foe in the person of my friend, the honorable member for Macquarie. I can only hope that in the high position to which he has attained he will show talents of an administrative character which will reward the confidence of his friends and practically justify his colleagues in placing him where he is to-day. I have nothing more to say, except to assure the new Ministry that while honorable members on this side of the House will fight them to the utmost in the assertion of their principles, they hope that no political feeling will ever interfere with that friendliness which has hitherto existed between

*Sir William McMillan.*

us, and which ought always to exist even between political foes.

Mr. KINGSTON (South Australia).—rise for the purpose of adding a few words and, first, I should like to heartily congratulate my two old colleagues, the late Prime Minister and Senator O'Connor, on their promotion to the Judicial Bench of the Commonwealth. It is unnecessary for me to dwell on the esteem which both these gentlemen command amongst all who have the honour to know them. Having served under the Prime Minister, and as a colleague of Mr. O'Connor, I desire to express my delight that such eminent men have been first chosen for the Australian Bench, my satisfaction being subject to the one regret, that the post of Chief Justice has not been filled by the appointment of one or the other of them. I do not propose at this moment to discuss the fitness of the appointment of the Chief Justice, beyond saying that for an office of that character, I think a most fatal mistake has been made in the selection of Sir Samuel Griffith. I should have thought that it was well in the minds of those who were lately engaged in the achievement of Federation that there was no one, who, when the representatives of Australia were in London endeavouring to secure the Imperial enactment of the will of Australia as expressed in the Constitution adopted by the people, did more to prevent effect being given to that will than did Sir Samuel Griffith, who is now selected for the post of Chief Justice.

Mr. CROUCH.—I hope the right honorable gentleman will not take our silence as expressing approval of his words.

Mr. KINGSTON.—I am simply expressing my own opinion. I have cause to know what was done by the gentleman to whom I refer ; and I should be wanting in courage if, when it is suggested that the appointment meets with approbation, I did not at once say that, at any rate, it has not my approval. I know that a large section of the House are animated by sentiments similar to those which I express ; and it is good that the general public should at the earliest moment be told what we think. I repeat that, in my opinion, a most fatal mistake has been made. I congratulate my old friend and colleague, the present Prime Minister, on his attaining a position which I know he will adorn. The present is not the

time to define our relations with the Government in this House in regard to this, that, or the other point—that will all depend on what the Government propose to do. At the same time, I assure my old colleagues generally, and the Prime Minister in particular, that they have my hearty good wishes. I hope that they may so order the affairs of Government as to command the support and respect of those who regard those affairs from an Australian stand-point. I should like particularly to refer to the new Minister. In the duties which that gentleman had previously to perform he exhibited tact and consideration; and he has established a place in the good-will of honorable members which will be of service to him to-day. We like to see him where he is, and to him as Minister for Defence I look for great reforms. We have heard him speak with considerable strength of the necessity for reform in the Department over which he now presides, and now is his time. Some one was said by him, I believe, to have exercised too much influence in the wrong direction in connexion with military affairs, and now is the honorable gentleman's opportunity—there is the Department; let him, as its Ministerial head, reform it.

Mr. A. McLEAN (Gippsland).—I heartily indorse every word that has been said in commendation of our late worthy Prime Minister, to whose distinguished career his appointment to the first Bench of the High Court of Australia is a fitting consummation. It is a position which I am perfectly sure Sir Edmund Barton will adorn. I should not have risen but for my desire to express my regret that a discordant note has been struck in connexion with the appointment to the chief position on the Bench. Whilst no one would have been better pleased than I to have seen our late Prime Minister Chief Justice, I, nevertheless, feel sure that the whole people of Australia will agree that a most fitting appointment has been made. The career of Sir Samuel Griffith has been most distinguished.

Mr. McDONALD.—Do not let us discuss that matter. If the honorable member starts praising Sir Samuel Griffith, he may have a bad time.

Mr. A. McLEAN.—I only wish to express my own opinion that Australia will approve of the appointment. I sincerely

congratulate the present Prime Minister on the honorable and distinguished position he now occupies. From my past knowledge of that gentleman, I have great confidence that he will discharge the duties of the office in such a manner as to reflect credit on the Commonwealth. I have much pleasure in congratulating our old friend the honorable member for Eden-Monaro on his promotion to Ministerial rank. I am sure the honorable member has the hearty good wishes of honorable members on both sides of the House.

Question resolved in the affirmative.

## ADJOURNMENT.

CONTEMPLATED RETIREMENT OF SIR WILLIAM McMILLAN: MINISTER FOR DEFENCE: ORDER OF BUSINESS.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That the House do now adjourn.

As this occasion has been taken advantage of to make remarks of a farewell and congratulatory character, may I say, on behalf of this side of the House, how much we personally feel and regret the intimation made by my old political friend, the honorable member for Wentworth, that this is probably the last occasion on which we shall have the advantage of his presence. My own relationship with the honorable member began most happily in the Federal Conference of 1890. That Conference met in the neighbouring Chamber of this Parliament House in order to pass the first resolutions which, moved by the late Sir Henry Parkes, became the foundation of the whole Federal movement. From that time to this I have had the pleasure of being associated with the honorable member for Wentworth in every Federal Convention that has been held, and also in this Parliament since its commencement. I am sure that there is no honorable member who would be more missed.

Mr. A. McLEAN.—I hope that the honorable member for Wentworth will not be long away.

Mr. DEAKIN.—The honorable member for Wentworth represents a class of thought which is not my own, and maintains conclusions with which I am unable to agree; but we all admit that no representative of those opinions has done

more faithful, loyal, and straightforward service for the cause in which he believes. I trust that his severance from Federal politics will not be of long duration, and that he will be here to express his opinions in the Parliament still occupying the position of deputy leader or leader of the Opposition, which he has filled so efficiently during this Parliament. May I acknowledge, on behalf of my late chief and his colleague, the very generous manner in which honorable members upon all sides of the House have been pleased to refer to their careers and qualifications. Needless to say, I reiterate those remarks, and if I refrain from adding to them, it is because we believe that by the appointments which have been made we have given the best testimony of our admiration and esteem for our late colleagues. With regard to the appointment which has been made to the office of Chief Justice of the High Court, I propose to say nothing argumentative, but simply to urge upon this House and the country that, in making a selection for an office of that character, one consideration only should weigh with us, namely, a desire to secure the highest judicial qualifications and attainments. Honorable members upon the other side of the Chamber—notwithstanding their wide difference from the political opinions and many of the administrative acts of my late colleagues—have been generous enough to express their sense of the entire fitness of those colleagues for the positions which they will soon occupy. They have done this notwithstanding their deep differences from them upon other matters. Surely that is the right course. If there is any office which requires to be filled without regard to political opinions or a political past—so long as it is honorable—it is the judicial office. In filling such a position our one desire should be to obtain the highest judicial experience within the Commonwealth, especially when it is united to profound learning. I believe that in the appointment of Sir Samuel Griffith to the office of Chief Justice of the High Court we have been able to secure those qualifications. I have to express the acknowledgments of the Ministry—and especially my own—for the great generosity with which honorable members have welcomed us and our new colleague.

Mr. SYDNEY SMITH (Macquarie).—I rise for the purpose of congratulating my

honorable friend, the member for Eden-Monaro, upon having been appointed to the position of Minister for Defence. As was stated by the acting leader of the Opposition, the honorable member and myself have been closely associated in this House in the capacity of whip for the Ministry and Opposition respectively during the past two and a half years. We have had some very difficult tasks to perform.

Mr. A. McLEAN.—Many a time he has “paired” a dead head with the honorable member.

Mr. SYDNEY SMITH.—I forgive the honorable member for Eden-Monaro every occasion upon which he was able to get the better of me. I repeat that we have been closely associated in this House in the capacity to which I have referred for the past two and a half years, and we have always entertained the most friendly feelings towards each other. We have never had any real difference. On the contrary, we have been able to arrange pairs, and to fix up party matters in a way which avoided the possibility of any unpleasantness ensuing.

Mr. WATSON.—“Arrange” is significantly true.

Mr. SYDNEY SMITH.—I congratulate the honorable member upon having been appointed to the office of Minister for Defence, because I hold that his services to the Government are deserving of the recognition which has been accorded to them.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Minister for Defence).—I desire to thank honorable members for their kind expressions of good-will. It is pleasing to think that I enter upon the important duties which have been allotted to me with a manifestation of good feeling from all quarters of the House. In reply to the congratulations of honorable members, I can only assure them that in the future, as in the past, I shall endeavour to do my duty. Whilst I may have had many a political fight in this House, and whilst I recognise that I have some political opponents, I have yet to learn that I have any political foes. I am exceedingly grateful to honorable members for their kind expressions of opinion, and I trust that no act of mine will cause any change to take place in the cordial relations which exist between us.

Mr. BROWN (Canobolas).—When the Prime Minister replies, I should like him to inform the House the extent to which the change that has just been effected in the Ministry will affect the Federal Capital Sites question, the Patents Bill, and other matters.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—In answer to the honorable member for Canobolas, I desire to say that the change of Administration will not affect, in any degree whatever, the policy of the Government in regard to the matters which he has mentioned.

Mr. BROWN.—What will be the order of business next week?

Mr. DEAKIN.—Next week we shall go into Committee upon Ways and Means, the debate upon the second reading of the Patents Bill will be resumed, and that measure will be considered in Committee.

Question resolved in the affirmative.

House adjourned at 2.56 p.m.

## House of Representatives.

*Tuesday, 29 September, 1903.*

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### PETITION.

Mr. BATCHELOR presented a petition, signed by 816 members of the Amalgamated Society of Engineers and other kindred trades, praying the House to pass a uniform Patents Law.

Petition received and read.

### NEW MAIL CONTRACTS.

Mr. FISHER.—I wish to ask the Prime Minister, without notice, if he has considered the advisableness of making it a condition of the new mail contracts that the steamers engaged in the service shall visit Brisbane. I hope he will see his way to do that.

Mr. DEAKIN.—The question was considered by the late Government, and the course which has been taken in inviting tenders will enable us to determine what such a service would cost. When the tenders have been received we shall be able to determine whether the advantages to be gained are worth the money asked for them.

The question, like so many others, is wholly one of cost. It is decidedly desirable that the steamers should call at Brisbane if the cost would not be out of all proportion to the advantages to be gained.

### FEDERAL CAPITAL SITE.

Sir WILLIAM McMILLAN.—I wish to ask the Prime Minister, without notice, what course of procedure he intends to take with a view to finally determining the Federal Capital site during the present session?

Mr. DEAKIN.—The intention of the Government is to invite the members of another place to reconsider the determination at which they arrived last week. The resolutions which have been transmitted from this House will afford an immediate opportunity to again ask them to agree to a joint sitting. It would be premature to say now what course would be adopted in the event of an adverse decision being arrived at, but I assure honorable members that the matter will not be allowed to stop there.

### ELECTORAL ADMINISTRATION.

Mr. R. EDWARDS.—I wish to know from the Minister for Home Affairs, in view of the replies received from the Queensland Government to the objection in regard to some of the items included in the cost of collecting the Federal rolls, and seeing that the State Government charges only the amount which they are actually out of pocket in the way of extra payments, when the members of the police force will receive the allowances due to them in connexion with the collection of the rolls.

Sir JOHN FORREST.—The matter came before me last week, and I approved of the payments being made.

Mr. R. EDWARDS.—They have not yet been made.

Sir JOHN FORREST.—I think that they have.

### KADINA POST-OFFICE.

Sir LANGDON BONYTHON.—I wish to ask the Postmaster-General whether, during his projected visit to South Australia, he will visit Kadina as well as Port Pirie and Mount Gambier. The people of Kadina are asking for additional post-office conveniences.

Sir PHILIP FYSH.—Nothing has come under my observation so far to warrant me in making a detour to so distant a place as Kadina.

## PAPERS.

MINISTERS laid upon the table the following papers:—

Appointment of linotype engineer, Government Printing-office, Victoria.

Temporary employes—Return for half-year ended 30th June, 1903.

Penny Postage with Great Britain—Correspondence.

## POSTMASTER-GENERAL'S DEPARTMENT: ADMINISTRATION.

Mr. TUDOR, for Mr. RONALD, asked the Postmaster-General, *upon notice*—

1. Will the Postmaster-General give instructions to the several Deputy Postmasters-General that all associations within the Department must be recognised by them?

2. If not, why not?

3. Will the Postmaster-General issue instructions that "Cup Day" (3rd November) shall be a holiday within the State of Victoria?

Sir PHILIP FYSH. — The answers to the honorable member's questions are as follow:—

1. and 2. So far as the Postmaster-General is aware, all associations within his Department, which have been recognised by the Ministers who have had control, are also recognised by the several Deputy Postmasters-General. It is, therefore, not considered necessary to give any special instructions.

3. The Postmaster-General will issue such instructions as may be necessary for the observance of a holiday in the offices in Melbourne and its suburbs on "Cup Day," but does not propose to close the Post and Telegraph Offices throughout Victoria on that day.

## QUEENSLAND NAVAL FORCES.

Mr. R. EDWARDS asked the Minister for Defence, *upon notice*—

1. In view of the promise made by the Government that the local Naval Forces should not be interfered with, why have the Estimates of the Queensland Naval Forces been further reduced?

2. What is the strength of the Queensland Naval Force for the financial year 1903-4, as compared with the financial year 1902-3?

3. When is it intended to allow the existing Naval Corps to recruit up to their full establishment?

4. When is it intended to consolidate and place the existing local Naval Forces on a workable basis?

Mr. AUSTIN CHAPMAN.—The replies to the honorable member's questions are as follow:—

1. Although the Estimates show a reduction, it is not intended to interfere with the existing local Naval Forces during the present financial year, other than by not filling vacancies until a new organization is decided on.

## 2. Strength of the Queensland Naval Forces—

	1902-3.	1903-4
Permanent ... ..	52	41
Naval Brigade ... ..	537	454
Cadets ... ..	297	206
Totals ... ..	886	701

3 and 4. As soon as arrangements are completed for the organization of the Naval Force under the Naval Subsidy Bill, the re-organization of the existing local Naval Corps will be taken in hand. It is not intended to recruit until this organization is decided on.

## WAYS AND MEANS.

Resolutions of the Committee of Ways and Means to make good the supply granted for the services of the year 1903-4 adopted.

## APPROPRIATION BILL (1903-4).

Bill presented (by Sir GEORGE TURNER), and read a first time.

## APPROPRIATION (WORKS AND BUILDINGS) BILL (1903-4).

Bill presented (by Sir GEORGE TURNER), and read a first time.

## SUPPLY.

*In Committee:—*

## SUPPLEMENTARY ESTIMATES.

## THE PARLIAMENT.

Division 3 (*Parliamentary Reporting Staff*), £39.

Sir GEORGE TURNER (Balaclava—Treasurer).—The Supplementary Estimates which I am submitting for 1901-2 and 1902-3 do not provide for any new expenditure whatever. Honorable members are aware that each year the Treasurer is voted a certain amount by way of an advance, on the understanding that whatever money he may spend shall be made the subject of an appropriation later on. The first Estimates we have to deal with are those for the year 1901-2, which amount to only £7,000. These are made up of sums which have been expended out of the Treasurer's advance, but have not been cleared by the Estimates which have been passed. For the year just closed the expenditure out of the Treasurer's advance represented less than the amount saved on other items. As honorable members are aware, a very large portion of last year's special expenditure was caused by the operation of the minimum-wage provision and other circumstances. I desire that these

Estimates should be passed as quickly as possible, because the financial statement for the past year is practically completed, and the passing of these Estimates will enable me to clear the Treasurer's advance as up to the 30th June last, and thus leave everything provided for under its proper heading.

Mr. THOMSON.—Does the Treasurer intend to re-open the accounts for the years 1901-2 and 1902-3?

Sir GEORGE TURNER.—No. I am dealing simply with the moneys which I have expended out of the advance granted to the Treasurer. I am not attempting to deal with any further expenditure for these years. These Estimates will, so far as I know, finally close the accounts for the years referred to.

Mr. PAGE (Maranoa).—I wish to direct the attention of the Minister for Defence to a circumstance which appears to me to support the contention of honorable members, during the discussion of the Estimates-in-chief, that there were too many clerks employed in connexion with the Defence Forces. The following paragraph appeared in the *Argus* of Monday last:—

The following piece of military information is published in the District Order issued by Brigadier-General Gordon:—"A board will assemble at the Victoria Barracks at an early date, to be fixed by the president, to inquire into and report upon the loss of a Francotte rifle, No. 4307, on issue to junior cadets; president, Captain J. H. Bruche, instructional staff; members, Captain W. St. L. Robertson, A.L.H.; Captain W. Mailer, instructional staff. The staff officer to arrange for all evidence to attend." Francotte rifles, all may not be aware, are the diminutive weapons used by the small boys who form school cadet corps, and, without wishing to prejudge this grave case, the inference is that the rifle in question has been lost during a sortie on a quince tree or a repulse with heavy loss from a Chinaman's vegetable-cart. It is a fortunate thing for the Commonwealth that the lost rifle was merely a Francotte. Had it been a Martini-Henry, a Royal Commission would probably have been appointed.

For the information of honorable members I propose to describe the procedure followed in a matter of this kind. In the first place a boy lost a rifle. He naturally appeared at drill without the rifle. The matter was reported to the company sergeant, and he in his turn reported to the company sergeant-major. The company sergeant-major then referred to the brigade sergeant-major, who reported it to the lieutenant, the lieutenant to the captain, and the captain to the major. The major then referred the matter to the State Staff Office.

It then came under the notice of the Deputy Assistant Quartermaster-General, who wrote to the Assistant Adjutant-General, who forwarded the papers to the State Commandant. The documents were minuted by the record clerk in the Commandant's Office, and referred to the correspondence clerk, who also made a note of them, and satisfied himself that everything was in order before the matter was laid before the State Commandant. That officer wrote a minute, and passed the papers on to the Assistant Quartermaster-General of the Headquarters Staff, who in his turn forwarded them to the Assistant Adjutant-General. Then the clerks had to initial the communications, and eventually they came before the General Officer Commanding. That high official at once saw that the matter was of very grave importance, and that some one should be punished for such a serious offence. He minuted the communication, and sent it on to the correspondence clerk for record, and eventually the documents were forwarded to Captain Collins, the Secretary for Defence. The clerks in the Minister's office had to initial the correspondence, and then it came under the notice of the Minister, who saw that a terrible outrage had been committed, and sent the papers back to the General Officer Commanding for further report. That officer had to go through the whole rigmarole again, and the documents had to be minuted and recorded and initialed by quite an army of clerks. The consequence of all this circumlocution was that some five months elapsed before the matter was brought to a head. Although it is well known that a boy lost the rifle, the General Officer Commanding has now appointed four officers to inquire how, when, and where it was lost. The rifle would be worth about £2. The four officers engaged in the inquiry will receive an allowance from the Commonwealth of 16s. extra per day. Besides this, a number of witnesses will have to be summoned at considerable expense, and the inquiry will cost at least £8 or £9. It is impossible to say what will become of the boy when the whole thing is at an end. It is time that this kind of thing was stopped. This, I think, supplies the concrete case of wasteful expenditure with which the Minister for Home Affairs asked to be supplied when the Estimates-in-Chief were under consideration, and I hope that the Minister for Defence will see that there shall be no

recurrence of such farcical proceedings. The episode is positively Gilbertian, and would make a fair subject for a comic opera. The new Minister for Defence does not believe in adopting roundabout methods, but goes straight to the root of any trouble, and endeavours to ascertain what is really the position. At a recent deputation a question was put to the ex-Minister concerning the supply of rifles to rifle clubs. He shuffled upon that question.

Mr. McDONALD.—Did he shuffle as badly as did the Government in connexion with the Conciliation and Arbitration Bill?

Mr. PAGE.—Not quite as badly. The Minister for Defence was asked what distinction he would make between members of rifle clubs who could afford to purchase their own weapons and members who could not. To my mind it is easy to overcome a difficulty of that character. If the Government cannot supply the members of rifle clubs with rifles free of cost, they should certainly give them some means of obtaining them, even if they have to adopt the time-payment system.

Mr. WATSON.—They should be supplied free.

Mr. PAGE.—I wish to see them supplied free. If the Minister can see his way to adopt that course it will be all the better. I suppose, however, that it is the policy of the Government not to provide members of rifle clubs with weapons free of charge. Then I would ask why these organizations cannot obtain as much ammunition as they require at half-rates? In Queensland they have hitherto enjoyed that privilege. There, it was one of the inducements which were offered to young men to join rifle clubs and to qualify themselves as marksmen. Whilst the Government arm the volunteer forces with the most up-to-date rifles, the men who gratuitously devote their time and services to becoming proficient in the use of the rifle—and we all know how valuable are efficient rifle shots in the defence of any country—are debarred from obtaining suitable weapons. If a man joins a volunteer corps he is at once supplied with an up-to-date rifle and allowed to blaze away as much ammunition as he chooses to pay for. What is the difference between a member of a volunteer corps and a member of a rifle club? To my mind there is a great deal of difference. The latter is qualifying himself to become a defender of the country, whilst the other is merely “playing at soldiers.” If some of

our volunteer forces were placed in a tent with the door shut, they could not be trusted to hit the tent—so expert are they as rifle shots. One has merely to witness their practice at Williamstown to learn that they cannot hit the ramps, much less the targets. Yet these are the individuals to whom up-to-date rifles are issued. Before concluding, I wish to draw attention to another matter in which the State of Queensland is vitally interested. I refer to the tenders for the new mail contracts. In this connexion, I have received the following letter from the city clerk of Rockhampton, which is dated the 22nd of September:—

At a public meeting convened by the Mayor in response to a requisition signed by a number of citizens protesting against the omission of a Queensland port of call in the Commonwealth mail tenders, a number of resolutions were passed, and the Mayor was asked to forward a copy of the resolutions for your consideration. I have, therefore, the honour, by direction, to forward herewith a copy of the resolutions.

In passing, I wish to state that there is a feeling throughout the length and breadth of Queensland that that State is being very unfairly treated in the matter of the proposed new mail contracts. When the Constitution was being paraded before the electors of the Commonwealth prior to its acceptance by them, it was repeatedly urged that under federation there would be no differentiation between the States in the treatment accorded them. But I hold that in the tenders which have been invited for the new mail contracts differential treatment is being meted out. Why should Queensland be denied quick communication with the world's markets for her dairy produce and frozen meat? It is all very well for the Prime Minister to declare that alternative tenders will be called. I venture to say that if either New South Wales or Victoria were interested in this matter to the same extent that Queensland is, there would be no question of alternative tenders raised. Sufficient pressure would speedily be brought to bear to insure those States being accorded just treatment. It is evident from the form in which the tenders have been framed that the Postmaster-General has actually invited the companies concerned to quote a higher price for making Brisbane a port of call than they ask for visiting the capitals of the other States. I hold that we have just ground for complaint in this matter. Throughout Queensland, from the far north to the most southern portion, as



well as out west—indeed at all the principal centres of population—public meetings have been held to protest against the action of the Government in this matter. At the gathering which took place at Rockhampton the following resolutions were passed:—

1. That this meeting of citizens of Rockhampton hereby places on record its strongest protest against the action of the Federal Cabinet in not directly including a Queensland port of call in the tender for the new mail contract.

2. That the actual benefit derived from these services—as a mail contract—ceases on the vessels reaching Adelaide, whence mails are carried by railway, and if alternative tenders are called at all they should stipulate—

(a) Price for mails delivered at Adelaide.

(b) Extra cost for vessels proceeding from Adelaide to Melbourne.

(c) Extra cost for vessels proceeding from Melbourne to Sydney; and

(d) Extra cost for vessels proceeding from Sydney to Brisbane.

3. That any contract for the new mail service which does not directly include a Queensland port of call is a grave injustice to, and neglect of the rights of the State to equal opportunities with the other States in the development of its industries in accordance with the Constitution Act.

4. That the primary producing interests of this State, and their unquestionable and rapid expansion in the near future, make it imperative that Queensland should have the same facilities of quick ocean transport as those enjoyed by the southern States.

5. That the foregoing resolutions be sent to the Honorable the Premier of Queensland, with a request that he may be pleased to—

(a) Submit the same to the Honorable the Prime Minister of the Commonwealth.

(b) Send a copy thereof to His Excellency the Governor-General of Australia, and to the Secretary of State for the Colonies; and

(c) That copies be also sent to the members of both Houses of the Federal Parliament.

Sir JOHN FORREST.—Has the honorable member been reading about railway communication with Western Australia?

Mr. PAGE.—I can easily grasp the point at which the right honorable gentleman is driving. Assuming, however, that he is denied his cherished transcontinental railway, surely, as the representative of one of the smaller States, he will not be one in the Cabinet to deprive Queensland of quick mail communication? Personally, I hope that the transcontinental railway will be constructed. I should like to see Western Australia connected by a railway with the Eastern States, and I think she is entitled to that connexion. But, adverting to the question of the new mail contracts, I wish to impress upon the Government that it is the first matter which has come up for

discussion in this Parliament upon which the Queensland representatives are absolutely unanimous. Surely our State is worthy of some consideration. At any rate, if consideration is denied to our State there will be a "Donnybrook" in this House before the tenders for the new contracts are accepted. I would further point out that, at the present time, Queensland is paying more per head for mail services than is any other State in the Commonwealth. We in Queensland are most heavily handicapped in the matter of the payment of mail subsidies; and we ask that our industries shall be given the same fair "show," that is afforded to the industries of the other States.

Mr. L. E. GROOM (Darling Downs).—I desire to say a word in support of the position taken up by the honorable member for Maranoa with regard to the exclusion of Queensland as a port of call for the mail steamers. This is a question not so much of inclusion as of exclusion; and I emphasize what has been said with respect to the strong feeling throughout Queensland on this matter. The people of the northern State feel that the invitation for alternative tenders is practically an invitation to the companies to charge a prohibitive price so far as Queensland is concerned. Had the offers been asked for distinctly including Queensland, some efforts would have been made to submit tenders of such a nature as to be acceptable by Parliament. The Queensland people feel strongly, because theirs is the only State which is really excluded from the benefits of this mail service. Each of the other five States in the union benefits by having port of call at its metropolitan centre.

Mr. WATSON.—Why not shift Queensland a little further west?

Mr. L. E. GROOM.—We are going to bring the west nearer to us, and to that end we desire that there shall be railway communication as quickly as possible. Even Tasmania reaps some benefit from the existing mail service, because the mail-boats call there and obtain shipments of goods.

Mr. CAMERON.—The mail-boats call at Tasmania on their own account.

Mr. WATSON.—And only occasionally.

Mr. L. E. GROOM.—Queensland does not get even an occasional call from mail-boats.

Mr. CAMERON.—Offer the mail boats freight and they will call.

Mr. L. E. GROOM.—The freight is there; Queensland possesses resources which are being developed, and of that fact Victorians recently had evidence in the exhibit at the Royal Agricultural Show. It may be said, in all sincerity, that at the present time there are possibilities of enormous productive expansion in Queensland, and every encouragement ought to be given in the direction of making provision for the shipment of produce directly to Europe. Large public meetings, addressed by people of all shades of political opinion, have been held in various centres in Queensland, and resolutions have been passed emphatically protesting against the action of the Government in the matter of the mail contract. At a public meeting held in Toowoomba, on the 22nd September, the following resolutions were passed:—

That this meeting of citizens of Toowoomba, representing the pastoral, agricultural, commercial, dairying, and industrial interests of Toowoomba and surrounding districts, hereby places on record its emphatic protest against the action of the Federal Government in not directly including Brisbane as a port of call in the tenders for the new mail contract.

That, in view of the rapid expansion and development of the primary producing interests of this State, it is absolutely imperative that Brisbane be directly included as a port of call in any contract for the new mail contract service, and that any disregard of Queensland's claims herein constitutes a grave injustice to, and infringement of, her right to equal opportunity with the southern States in the matter of direct and expeditious ocean transport.

Similar resolutions were passed at a meeting held at Warwick by the Chamber of Commerce, and a large public meeting, held at Brisbane, was addressed by Ministers of the State, members of the Labour Party, and representatives of the commercial, agricultural, and pastoral interests. Queensland is undoubtedly suffering an injustice; and I particularly call the Minister's attention to the newspaper reports of the Brisbane meeting, which emphasized the remarks made by the Queensland members in the House, as affording ample justification for the inclusion of Brisbane as a port of call.

Mr. THOMSON (North Sydney).—I do not desire to deal with the items of these Supplementary Estimates, most of which—especially the largest, referring to the additional sum required for the payment of the minimum wage—have previously been before us. My desire is to draw the Treasurer's attention to the fact that the

provision made for new rifles is altogether inadequate.

Sir GEORGE TURNER.—The provision is to pay for rifles already obtained.

Mr. THOMSON.—I am quite aware of that; but I wish to point out that the sum provided in the Supplementary Estimates is quite insufficient—that the Treasurer has not gone as far as is absolutely necessary in the direction of re-arming the forces.

Sir GEORGE TURNER.—There is provision on the ordinary Estimates as well.

Mr. THOMSON.—There is a sum on the ordinary Estimates, but we are not told the sum which is to be devoted to the purchase of rifles. It is quite uncertain what amount will be expended in that direction, and largely on that account I draw the Treasurer's attention to the matter. In the press lately there appeared what was apparently an inspired paragraph as follows:—

Senator Drake, before relinquishing control of the Defence Department, completed arrangements for the free loan to rifle clubs of Martini-Enfield rifles. There are 30,000 of these weapons in stock, and the Minister states, as they fire the '303 ammunition, they are just as good for ordinary practice as magazine rifles. Clubs desirous of borrowing Martini-Enfields may now send in applications, and the rifles will be made available very shortly afterwards.

The contention of those who believe that the Defence Forces, on which we shall have to rely in time of war, should be armed with the most effective rifles, is not met by the intimation conveyed in that paragraph. The Martini-Enfield rifle is a mongrel weapon, adopted in order to make use of the old stocks of Martini-Henry rifles. It is a weapon the stock of which is out of proportion to the barrel, and which, at certain distances—especially the longer distances—is absolutely unreliable. It is not a magazine rifle, and, consequently it is only partially useful for teaching shooting, while it would be absolutely useless in the event of war. From an abstract of the report of the Royal Commission which inquired into the conduct of the late war in South Africa, and which appears in to-day's press, we see enough of the undesirableness of unpreparedness for war.

Mr. KINGSTON.—Are we not getting the best rifle?

Mr. THOMSON.—We are not. Our forces are armed largely with absolutely obsolete rifles. The Martini-Enfield is not even a magazine rifle.

Sir GEORGE TURNER.—The advice of the General Officer Commanding is not to get any more rifles until the newest pattern has been tried in England.

Mr. THOMSON.—So far the latest criticism in regard to that new rifle is that it is ineffective.

Sir WILLIAM LYNE.—Which rifle is that?

Mr. THOMSON.—An experimental rifle which is being tried in Great Britain.

Sir WILLIAM LYNE.—That may be true, but does the honorable member say that the magazine rifle used here is not good?

Mr. THOMSON.—What I say is that the '303 Lee-Enfield rifle is the most desirable of those in use by the British Government at the present time.

Mr. KINGSTON.—Is that equal to the best European rifle?

Mr. THOMSON.—It is considered about equal to the Mauser, though there may be a difference of opinion among experts. At any rate, it is a weapon of the highest class.

Mr. PAGE.—It is an up-to-date weapon.

Mr. WILKINSON.—The Mauser is superior only because of its sight.

Mr. THOMSON.—I believe some improvement is suggested in the sighting of the Lee-Enfield rifle; but it is a high-class weapon, and any improvement by British experts is likely to be very slight. The difference between the Lee-Enfield rifle, and any new rifle, will probably be very trifling.

Mr. WATSON.—A little may be taken off the weight of the Lee-Enfield.

Mr. THOMSON.—Some slight improvement may be effected. In the meantime the branches of the service, especially the reserves, to whom we look for effectiveness in shooting, cannot obtain possession, even by purchase, of the '303 Lee-Enfield rifle. Those who are prepared to pay for these rifles cannot obtain them, while those who are unable to bear the expense, but who are, nevertheless, equally effective members of the rifle club forces, are being called upon by the Government to re-arm themselves at their own cost. This is a remarkable state of affairs, more especially when we remember that rifle clubs involve the Government in an expenditure of only about 30s. per annum per member, whilst the volunteer and partially-paid forces cost the Government from £10 to £12 per man. It is astonishing, as the honorable member for Maranua has said,

that whilst members of the volunteer and militia forces, many of whom give but little attention to rifle shooting, are being armed with the new rifles, members of rifle clubs, the formation of which was encouraged because it was known that the members would devote themselves to this important work, are being refused the most effective weapons. Those who cannot afford to pay for the new rifles are practically being shut out. I wish to impress upon the Treasurer the fact that, whilst Parliament has displayed a keen desire for economy in relation to military expenditure, it has never indicated any desire that savings should be made by failing to provide the forces with effective arms. The adoption of a policy of that kind would, indeed, be false economy. The report of the British Commission appointed to inquire into the conduct of the South African war, particulars of which are published in the press to-day, is an illustration of what would result from such a short-sighted policy. A Government which allowed the forces to drift into a state of unpreparedness for war, by failing to supply them with weapons that would render them fit to meet an enemy, in the event of an unexpected outbreak of hostilities, would have to endure reflections as great as those which have been cast upon the authorities responsible for the mistakes exposed by that Commission. Expenditure on rifles may seem large, but it is different from that incurred in connexion with other military details, inasmuch as the first cost must be distributed over the number of years during which the rifles remain effective. In any event it is a farce for us to incur expenditure in many directions in connexion with our defence forces whilst making that expenditure useless through the want of effective rifles. I would call the attention of the Treasurer to the following paragraph which appears in to-day's issue of a Melbourne journal:—

The Defence authorities say that if expensive magazine rifles are to be lent to riflemen who are not under discipline the concession must be safeguarded by stringent regulations as to the use to which the weapons are put, the state of cleanliness in which they must be kept.

I quite agree with that statement.

Mr. WATSON.—Members of rifle clubs keep their rifles in better order than do members of some of the other forces.

Mr. THOMSON.—Quite so. As a matter of fact members of these clubs, who are

constantly using their rifles, and endeavouring to make themselves proficient, keep their weapons in an infinitely better condition than do some volunteers or militia.

Mr. CROUCH.—The rifles served out to militia are inspected twice a week, and are kept in perfect order.

Mr. McCAY.—The honorable member for North Sydney should say that members of rifle clubs look after their rifles just as satisfactorily as do members of other forces. He should not make invidious comparisons.

Mr. THOMSON.—I know that in connexion with some of the volunteer forces the rifles were not, at one time, kept as well as they are by riflemen.

Mr. McCAY.—That is not the case in Victoria.

Mr. THOMSON.—I shall not mention any State. In New South Wales, where rifles were lent to the clubs, each club was held responsible for the number issued to it for the use of its members. At intervals the rifles were called in, and each club was required to make good any damage done to them. There is thus greater security attached to the issue of rifles to members of rifle clubs than there is in the case of other branches of the forces. I feel satisfied that Parliament would not be guilty of the false economy of declaring that, owing to the necessity to keep down expenditure, forces which are more or less relied upon for our defence in time of war should not be properly armed. If such a policy were observed, we should have no opportunity after the outbreak of a war to obtain proper rifles, and our forces would be quite unequal to cope with a well-equipped enemy. It is unnecessary that the amount requisite to supply our clubs with up-to-date rifles should be provided for in a lump sum in any one year. The expenditure could be distributed over a number of years. Provision must be made in this direction; and the Government, as the body responsible for the defence of the country, should recognise that members of rifle clubs cannot be expected to expend more than they are already expending in endeavouring to make themselves proficient marksmen. The Government should not expect them, and especially those who cannot afford to pay for these rifles, to re-arm themselves with up-to-date weapons. A great many riflemen do, and always will, buy their own rifles, but there are many who cannot afford to do so.

Sir GEORGE TURNER.—We have a fund through which clubs can buy as many rifles as they please.

Mr. THOMSON.—I am aware of that; but many members of rifle clubs cannot afford to buy these new rifles. Even those who are in a position to do so find that they cannot secure them.

Sir GEORGE TURNER.—I have provided a fund by which they can buy as many as they like.

Mr. THOMSON.—But the rifles are not in the country.

Sir GEORGE TURNER.—They are being ordered.

Mr. McCAY.—No one has them.

Sir GEORGE TURNER.—Any one who desires to obtain one can do so.

Mr. THOMSON.—Not now.

Sir GEORGE TURNER.—Yes.

Mr. McCAY.—The militia cannot get them.

Mr. THOMSON.—Report does not bear out the statement made by the Treasurer, and the Defence Department has received letters showing that these rifles cannot be obtained by the clubs. Even if we did not depend upon the rifle clubs for defence purposes, it is absolutely necessary that we should have a reserve stock of up-to-date rifles, from which the additional troops required in time of war could be supplied. Other countries always maintain such a reserve. The Commonwealth, however, is not only without a reserve of modern rifles, but has not nearly the number requisite for the equipment of the forces. It has been said that the Victorian clubs pay for their rifles. As has already been pointed out from replies given to questions put to the Minister for Defence, there are no less than 7,000 members of Victorian rifle clubs who are without rifles of any description. Half of the rest are armed with a ten-shilling rifle, a perfectly useless old Martini-Henry, and, with the exception of a few hundreds who have Lee-Enfield rifles, the balance are armed with a mongrel rifle—the Martini-Enfield, a .303 barrel on a Martini-Henry stock—and as the stock is out of proportion to the rifle, honorable members can imagine how ineffective the rifle must be.

Sir GEORGE TURNER.—Five years ago I was told by the Defence authorities in London that those were the proper rifles to get, and that we should not get magazine rifles. That is the reason they were obtained.

Mr. THOMSON.—It is perfectly evident from the action taken that the authorities of the British War Office have not thought so, because they have armed their forces with the Lee-Enfield rifles. The advice given the right honorable gentleman was very evidently wrong. This Martini-Enfield is not a magazine rifle, and I may mention, as a matter of great importance in modern warfare, that it is not a rifle which can be relied upon at a greater distance than 600 yards. It could never compete with the rifles with which an enemy would be armed in time of war. I direct the attention of the Minister for Defence, though perhaps it is not a matter to which it is necessary to direct his attention, that whatever forces we have to rely upon in time of war should be provided with effective weapons.

Mr. HUME COOK (Bourke).—I desire to draw the attention of the Treasurer to a threatened strike in the Government Printing Office.

Sir GEORGE TURNER.—In the Commonwealth Government Printing Office? I never heard of it.

Mr. HUME COOK.—It appears that there are a number of boys employed in the Government Printing Office. They are employed in various kinds of work for which they are fitted. Some of them have been engaged recently in reading the rolls now being printed for the Commonwealth elections.

Sir GEORGE TURNER.—The honorable member must not forget that that is work that has to be rushed through.

Mr. HUME COOK.—I think the Treasurer will only need to hear what I have to say in order to provide a remedy. It appears that these boys are kept night after night over the eight hours which they usually work, and for the extra hours' work, from seven until ten or half-past ten o'clock, they are being paid the large sum of 7d.

Mr. TUDOR.—They are being paid 2d. an hour.

Mr. HUME COOK.—No. I understand they are being paid 1½d. an hour. They get 7d. for the extra work they are called upon to perform, and they have to pay 6d. out of that for tea-money, leaving them with a penny for their work. The objection, however, is not so much to the absurd remuneration offered them, but is based on the contention that these boys ought not to be kept at work late in this way.

Sir GEORGE TURNER.—How many of them are there?

Mr. HUME COOK.—I think there are between twenty and thirty all told. I happen to know the boy who brought the matter under my notice. He is a little fellow of about fourteen years of age, getting 7s. a week. He was working last week for four or five nights, and he got 7d. for the extra work each night. After the fifth night he got into such a state that he repeated during his sleep what he had read on the rolls: the names of persons, their ages and occupations, and so on. When I was spoken to on the subject I advised his mother to keep him at home for a couple of days. I have no wish to labour the matter, as I am sure that if the Treasurer had been aware of what was going on he would have altered it long ago. I think he should ask the Government Printer not to keep these youngsters at work after hours. If he must have this work done he should get men to do it, because it is men's work. If the boys are to be kept at this work the remuneration given them should be sufficient to pay for their tea, and leave them a little pocket money besides—their tram fare home, if nothing more. Personally I think they ought not to be worked over hours under any circumstances. If they work for seven or eight hours a day, that should be sufficient, and they should not be kept at work late at night when their parents do not know where they are. What is being done is not in consonance with the wishes of this House, or I am sure, with the desire of the Treasurer.

Sir GEORGE TURNER.—I have sent over to ask the Government Printer about the matter—I can scarcely believe the statement even now.

Mr. TUDOR.—The case was brought under the right honorable gentleman's notice by me.

Mr. HUME COOK.—I may add that one little fellow suggested a deputation to the Government Printer on the matter, and four or five of the boys determined to act in this way. At the last moment a couple of them backed out, but the other three, being a little more courageous, asked the Government Printer, or some other official, what was going to be done in the matter. They were told that their complaint would be brought under the notice of the Treasurer, and that they would probably receive adequate remuneration for

their work. This happened five or six days ago, and as nothing has since been done, I have been led to refer to what I termed a threatened strike in the Government Printing Office.

Mr. JOSEPH COOK (Parramatta).—I rise to emphasize what has been said by the honorable member for North Sydney, concerning the stupidity of the Defence Department in the matter of rifles, for I can conceive of nothing more stupid than the policy of the Department in this connexion. We are spending £600,000 a year in order to insure ourselves against hostile attack, and all that money will be practically wasted if our forces are not to be armed with an effective weapon when the time for using it arrives. We may just as well not spend the rest of our Defence vote if we do not provide our men with an effective weapon of defence which they can use to some purpose when the need arises. If we do not supply our forces with proper rifles, which will be at least as good as those likely to be used against them, we might advantageously save a lot of the money we are now spending for the purpose of defence. No doubt the spirit of economy is abroad in that Department, as in many others, and we have an evidence of the almost fevered anxiety upon this point in the replies just given by the Treasurer by way of interjection, when the honorable member for North Sydney was speaking. The right honorable gentleman told us that five years ago the experts of the War Office in London advised him that the Martini-Enfield rifle was likely to be adopted as the standard rifle for the British Army. It was the best weapon then available.

Sir GEORGE TURNER.—I got 15,000 on the strength of the advice then given.

Mr. JOSEPH COOK. — Events have since proved that this is not the best weapon available, and that it is no more than a toy instead of being an effective weapon of defence. The facts show how rapid is the march of science as applied to these destructive enterprises. The application of similar genius to peaceful occupations gives us the added wealth which we are amassing in every year of our existence. When science is applied to the shaping of more deadly weapons of offence and defence, and to putting into the hands of our enemies greater means for threatening the wealth which science, applied in other ways, is enabling us to accumulate, it behoves

us, out of that wealth, to provide ourselves with the means of defending ourselves, our homes, our lives, and our property. When science marches with such rapidity, we must make up our minds to a constant increase in the amount available for defence purposes. Particularly must we make up our minds to expend a large sum for the purpose of obtaining up-to-date weapons, no matter how often their pattern and their effectiveness may change. We must have the latest weapons, or we had better have none. The old ones may be useful for such purposes as I remember old soldiers used to use muskets for—that is to say, for practice at bull's-eyes in the back yard. But they can hardly be useful in any other sense in the conditions of modern warfare. In arguing this question it is of no use to pit one set of defenders against another. It is not a good thing to pit the riflemen against the militia forces of the country. My own experience is that a militiaman keeps his rifle as clean as does a rifleman. It is not necessary to pit one man against another for the purpose of making out a case. It is invidious to do so; it does not get us any "forader," it does not serve our purpose, and such a distinction is apt to be unjust. I see the new Minister for Defence in his place, and should like to ask him if he is aware that a deputation waited on the ex-Minister for Defence upon this subject last week?

Sir GEORGE TURNER.—He has no official knowledge of it.

Mr. JOSEPH COOK.—I ought to have asked the honorable gentleman if he had any official information concerning that deputation? One member of it was a gentleman who has always been enthusiastic upon the question which we are now agitating. His name is Mr. Austin Chapman, the respected member for Eden-Monaro, better known as the "Capital Site member." No doubt he heard the reply of the ex-Minister. Since then a change has taken place. The man who sat in the Ministerial chair now occupies another office, and the man who stood in front of the Minister is now ensconced in the chair himself. I am sure we shall not have to look in vain to the new Minister for a new departure in this direction. I urge him to take the bull by the horns, and to take care that his first official act is to obtain a number of new rifles and make them readily available to the forces of the Commonwealth. He

may be quite sure that the expense will be cheerfully sanctioned by this House. and I believe by the Senate also. There is a common feeling that a departure ought to be made from the supine attitude of the Defence Department in the direction of a more vigorous and up-to-date policy. I strongly urge the honorable gentleman to mark his entrance to his high and important office by at once giving an order for a large number of new rifles, and by letting the riflemen have them for less than the prohibitive price that is now put upon them.

Mr. PAGE.—Ask the Treasurer if he will give the money?

Mr. JOSEPH COOK.—The Treasurer has always shown himself to be amenable to the wishes of Parliament. If the Treasurer will not find the money Parliament will have to do it. If I know anything of the opinion of honorable members it is that the purchase of new rifles cannot much longer be delayed. But until the Treasurer knows definitely what the mind of Parliament is we cannot expect so cautious an individual—as fortunately for the Commonwealth he is—to overcome his hesitation when large sums are asked for. The matter is urgent, and the present policy is nothing more nor less than a menace to the whole of Australia. The honorable member for North Sydney has spoken of the anomalous condition of things prevailing at present—how the stock and the barrel of some of the rifles in use are out of proportion to each other and do not harmonize, with the result that when a man begins to shoot he finds himself wide of the mark by a long way. That is courting disaster whenever the rifles come to be used in actual warfare; and the sooner the Defence Department puts an end to this foolish state of things the better it will be. I am reminded of another little matter which I should like to mention before sitting down. About four months ago I asked some questions of the Minister representing the Postmaster-General relating to telephone and telegraph guarantees. The Minister one day published a statement all over Australia to the effect that the reason why he had to resort to obtaining cash guarantees was that in New South Wales there was a loss of £8,000 upon the guaranteed lines. I was confident that the Minister was misleading the people of Australia, either intentionally or unintentionally. When I asked whether the statement was correct, it was repeated. I

asked questions about it half-a-dozen times, feeling all the time that the public were being misled. It has taken me four months to get the true facts of the case. At last the questions are answered, and the loss is stated at £2,600, not £8,000. Will honorable members believe that the sum of £8,000, which Senator Drake was so fond of quoting, was wiped off by the Department twenty years ago, and that it had relation, not to telephonic guarantees, but to telegraphic guarantees? Yet that statement was made to the House time after time in order to throw dust in the eyes of the public, and to bolster up the iniquitous system, which Senator Drake had instituted, of requiring an inordinate cash guarantee. I desire to express my acknowledgments to the new Postmaster-General for having infused a little more of a business element into the control of the Department. It has taken the Department four months to supply the following information:—

1. Total loss on the telegraphic guarantee lines in New South Wales for period mentioned in answer No. 2—£2,691 17s. 9d.
2. Period accumulating—Seven years ended 31st December, 1902.
3. (a) Value of telegraphic business during the above quoted period—£1,090,983  
(b) Yearly average of telegraphic business during the period in question—£155,855.
4. Average yearly amount of bad debts during the seven years referred to—£384 11s. 1d.
5. Average yearly proportion of bad debts to total business during the same period—0·25 per cent.

Let me explain how these guaranteed lines in the country are used. Suppose that a person hands in a telegraphic message at the office, just as is done in the city; it is telephoned to the nearest telegraph office, whence it is transmitted to its destination. I undertake to say that not £100 has been lost in connexion with telephonic lines pure and simple during the whole period of their existence. The rule is to make the users of a telephonic line pure and simple pay beforehand, so that there cannot be any loss. This business Department, in catering for new business, and trying to open up the country and facilitate the operations of settlers, has incurred bad debts to the amount of only  $\frac{1}{4}$  per cent. of the business per annum. That is a condition of affairs very different from that which Senator Drake represented. I knew perfectly well that he was wrong and told him so, and after a long delay the facts are furnished by the Department. The advantages which are

extended by telephones to remote parts of the country more than counterbalance any little loss which may be incurred. I would urge the Minister to revert to the old liberal policy, and if he believes that there is no prospect of a line paying, to accept the responsibility of declining to accede to any request for its construction. The present system of cash guarantees is neither more nor less than a contrivance for blocking telephonic extensions to places in which they are required, but to which the Department does not wish, for the time being, to make them. I hope that the Minister will take into consideration these few remarks, and that he will soon put an end to the foolish system which was inaugurated a while ago, and which has led to an absolute block of telephonic extension to country districts.

Mr. TUDOR (Yarra).—I desire to indorse the remarks of the honorable member for Bourke in connexion with the boys who are employed at the Government Printing Office. The remuneration which they receive for the hours of compulsory overtime they work is quite inadequate.

Mr. MAUGER.—Why are boys compelled to work overtime at all?

Mr. TUDOR.—I do not know. In my absence this matter was discussed by the honorable member for Maranoa on the Treasurer's Estimates. Some time previously I drew the attention of the Treasurer to the fact that a lad thirteen years of age had been compelled to work until two o'clock in the morning. My letter was returned to me with a statement on behalf of the Government Printer. The question of overtime was not dealt with at all. All they could tell me was that the name of the lad was not A. Ramus, but C. Ramus. It is well known that lads are compelled to work in connexion with the reading of the rolls until very late hours, although it is very prejudicial to their health. In the present condition of society, lads are practically compelled to take employment anywhere, and the parents of these lads are naturally reluctant to remove them from a place where they are obliged to work overtime. I hope that some steps will be taken by the Government Printer to employ efficient persons, because I think it is wrong to employ boys to do the work at the risk of endangering their health. I trust that in his reply to the debate the Treasurer will refer to this matter, especially in view of the fact that it

has been brought under his notice more than once. The numerous mistakes which have been found in the Victorian rolls emphasize the necessity for intrusting the work to efficient readers, instead of to boys.

Mr. KNOX (Kooyong).—I desire to support what the honorable member for North Sydney has said about rifle clubs. I am at a loss to understand why a layman should in this matter be unable to make any impression on the Minister for Defence. It seems to me a misfortune that we have to discuss this important question in a desultory fashion, without having before us a substantive motion, which would give us an opportunity to distinctly express our views in regard to it. The Treasurer may not be officially aware that upon Thursday last a deputation waited upon the Minister for Defence, the members of which pledged themselves to vote any reasonable amount submitted to Parliament to give effect to the request that they then proffered. The members of that deputation, and those who sent apologies for their non-attendance, constitute a majority of the members of the House. We recognise the right honorable member's caution in financial matters, and commend his desire for economy, but it is impossible to understand why the wishes of honorable members and of the outside public should be so constantly resisted, and why so commonsense a request as that our men should be supplied with up-to-date weapons should be refused. I hope that the time is not far distant when the best rifles obtainable will be available for every eligible male within the Commonwealth. It is playing with the question of defence to place upon the Estimates an inadequate vote for this purpose. I hoped that, because of the representations made to the Treasurer, a further amount would be placed upon the Supplementary Estimates. It is no excuse to say that the British Government are making experiments in connexion with the new rifle. The .303 rifle, which will kill at 3,000 yards, is unquestionably a very satisfactory weapon. The distinction between it and the Mauser is only one of sighting, the magazine equipments of the two weapons being practically the same.

Mr. PAGE.—The .303 rifle is second to none.

Mr. KNOX.—I am glad to have the honorable member's opinion on the subject. On the ground of economy alone it is



desirable to encourage by every means the establishment of rifle clubs. As has been pointed out to the Committee, the members of these clubs have a knowledge of their weapons which is not to be exceeded by that possessed by the members of other branches of the Defence Force. Moreover, they take a pleasure and a deep-seated interest in their work, because they feel it an obligation to become efficient in the use of their weapons. They are, therefore, constantly knocking at the door of the Defence Department with the request for sufficient effective weapons and the necessary ammunition. But that request is being constantly opposed. I enter my protest against that opposition, and I appeal to the new Minister for Defence to give practical effect to the request of the deputation to which I have alluded, and of which he was a member. I hope that the matter will be brought before the Cabinet at the earliest moment, so that an order may be sent to England for the necessary rifles. If the Treasurer submitted any proposed vote within reason for that purpose, honorable members would support him, because if we are to have satisfactory citizen forces we must encourage the rifle clubs. The movement has spread in Victoria until now there are within the State 19,731 riflemen, though only 5,918 of these are armed with the '303 rifle.

Mr. THOMSON.—And there are only 803 Lee-Enfield rifles.

Mr. KNOX.—I believe that that was part of the information elicited by a question put by the honorable member. If the present policy of the Government is continued, the members of the rifle clubs will be discouraged, and the interest in the movement will be destroyed. I do not wish to embarrass the Treasurer by proposing an amendment, nor to test the sense of the Committee upon the question, but he should by this time be alive to the fact that honorable members are ready and willing to vote the money necessary to enable the Minister for Defence to equip the rifle clubs as they should be equipped.

Mr. MACDONALD-PATERSON (Brisbane).—Understanding that the debate now proceeding is of a general character, I take the liberty to make a few observations with respect to the new mail contract for which tenders have been invited, and in which Queensland is deeply interested. When I

reached Australian shores a few weeks ago, I was surprised to learn from the newspapers which I received at Hobart that the Government have not stipulated that the mail steamers shall proceed to Brisbane. Their reason for not doing so is an enigma to me. When I was in London in 1897, at the time of the Diamond Jubilee celebrations, I interviewed the managers of the P. and O. and Orient Companies with respect to the desirability of extending their services from Sydney to Brisbane. I explained that the State Government were deepening the river so as to make the port of Brisbane one of the best on the coast, but I ascertained through Mr. Kendall, who was for many years in Sydney, and whom I knew as a lad, that there was then little likelihood of an alteration being made. Now, however, the position is different. At the present time the available depth of water as far as the Pinkenba wharfs is as great as that in Sydney Harbor. In Port Jackson there is, of course, in places a depth of many fathoms, but, as every honorable member knows, the accessibility of a port depends upon its shallowest depth between the entrance and the wharfs, and in that respect the Pinkenba wharfs are, within a few inches, upon a par with the Sydney wharfs. But as the mail steamers unload a great deal of cargo at Fremantle, Adelaide, Melbourne, and Sydney, their draft when they reached Brisbane would be much less than their draft when they first approached the Australian coast, and therefore in reality there would be a greater depth than would be absolutely necessary. It was a wise act upon the part of the Minister for Home Affairs to have Fremantle made the first Australian port of call and the last port of departure of the English mail steamers. That change was brought about without any trouble. I do not think the people of Western Australia ever had a public meeting to discuss it. In Queensland, however, we have had public meetings in every town, large and small, in the provinces; at Toowoomba, Warwick, and Ipswich, the leading centres of great producing districts, and in the large constituencies of Brisbane and South Brisbane. The production of Queensland, it must be remembered, is increasing tremendously. Something like £20,000 a month is paid for cream at a place not very far distant from the Queensland border, and the butter made from that cream will go to Brisbane.

Mr. WATSON.—It is made in New South Wales. We cannot let it go to Brisbane.

Mr. MACDONALD-PATERSON.—Now that we have free-trade between the States, it is sure to go to Brisbane. The people of New South Wales are anxious to obtain our store bullocks. Pinkenba is not so far from Brisbane as Fremantle is from Perth.

Mr. TUDOR.—But the mail steamers used to call at Albany.

Mr. MACDONALD-PATERSON.—It would be cheaper if they continued to call at Albany instead of at Fremantle. If Brisbane is worthy to be the first port of call, and the last port of departure in Australia in connexion with the Vancouver mail service, it surely should be included as a port of call in connexion with the principal mail service between the Commonwealth and Europe. Fremantle contributes to the mail steamers only a few passengers, and but very little cargo. That port is out of the direct line of traffic, whereas Brisbane is on the direct route of the mail steamers. At Brisbane we can supply some of the best steam coal in Australia. If the Ipswich coal-fields should prove insufficient or unsatisfactory, we could fall back upon the Burrum coal-fields, which are distant from Brisbane about as far as Newcastle from Sydney. The mail steamers could run from Sydney to the wharf at Pinkenba in twenty-eight or thirty hours, or about the same time that is now occupied by the train journey. Steamers larger than any of the P. and O. steamers have been berthed at the South Brisbane wharf. Recently the steamer Essex, a vessel of 10,000 tons, was taken right up to the city. Brisbane has shipping facilities superior to those afforded by Newcastle-on-Tyne or the Clyde. All impediments to navigation have been swept away, and the harbor is now capable of accommodating the largest ships in the world. We have fortunately begun with a very good season in Queensland, and we expect that the production of butter will be very large. In addition to this, fruits, suitable for export, are grown in Southern Queensland. It is only fair, therefore, that the producers of Queensland should be provided with facilities equal to those enjoyed by the residents of other States. I claim that the retention of Fremantle as a port of call cannot be justified if Brisbane is to be omitted. At Fremantle there is no produce to export, and no coal supply

for the steamers. I do not wish to injure Fremantle, but I contend that Brisbane has superior claims to consideration. There is no justification for the expense involved by the arrangement under which the mail steamers are required to call at Fremantle.

Mr. E. SOLOMON.—Where does the expense come in?

Mr. MACDONALD-PATERSON.—The expense of the service which embraces Fremantle as a port of call is borne by the Commonwealth. After the steamers leave Adelaide their work is practically done. We might very well omit Fremantle as a port of call; run the steamers on to Adelaide, and stop there.

Mr. WATSON.—Why not land the Western Australia mails on the way?

Mr. MACDONALD-PATERSON.—The steamers might call at Albany for that purpose.

Mr. WATSON.—But the companies prefer to call at Fremantle for their own purposes. They called there before the mail contract was altered.

Mr. MACDONALD-PATERSON.—That was because one of the companies took the lead and the others had to follow suit.

Mr. TUDOR.—We shall not complain if the steam-ship companies voluntarily go on to Brisbane.

Mr. MACDONALD-PATERSON.—Why should they be required to go beyond Adelaide? The present contract requires that the mail steamers shall proceed to Melbourne and Sydney, but there is no reason why they should be required to go on to those ports, any more than to Brisbane. I think that the facilities offered by the port of Brisbane fully justify the claims made on behalf of the people of Queensland, who will not be satisfied with any Ministry, whether free-trade or protectionist, which fails to give that State fair consideration.

Mr. WILKINSON (Moreton).—I have very little to say except to indorse the remarks which have fallen from the honorable member for Maranoa, the honorable and learned member for Darling Downs, and the honorable and learned member for Brisbane, with regard to what I regard as an injustice to Queensland. When the mail steamers arrive at Adelaide they land their mails, which are then conveyed to the various centres by rail. If it were desired to invite alternative tenders the shipping companies should have been requested to

state the cost of services which would end at Adelaide or extend to Melbourne, or Sydney, or Brisbane. The people of Queensland feel aggrieved because Brisbane has been specially singled out. I believe that within the next twenty-five years the most populous part of Australia will be that tract of country which lies between Twofold Bay and Bundaberg, and which is perhaps the choicest part of the continent. Brisbane, which is one of the best ports in Australia, will then be of greater importance even than at present. Millions of money have been spent upon harbor accommodation at Brisbane, and the Queensland Government are willing to remit harbor and pilotage dues in order to offer every encouragement to the mail steamers. The desire for the extension of the mail service to Brisbane is not confined to the residents of that city. The Rockhampton Chamber of Commerce has supported the request, and meetings have been held in the western district, in my own electorate, and in other parts of the State, condemning the terms in which the tenders for the mail service have been invited. The condition of that country is very different from what it was last October. Last year it was almost a desert, whereas now it is one mass of vegetation. Although flocks and herds have been decimated, and considerable loss has been incurred, there is no doubt that the dairying industry in Queensland will very soon vie with that of Victoria. Fortunately we do not require to house or hand-feed our dairy cattle at any time of the year, whereas in Victoria the stock have to be hand-fed during the winter months. Therefore, we have every reason to suppose that in Queensland the dairying industry will assume very large proportions. We are fully entitled to ask that our producers shall enjoy the same facilities as have the producers of other States. Statistics were recently published in the Melbourne *Age* showing the value of the imports of butter and dairy produce into Great Britain from Denmark, Russia, and other countries. Australia cut a very poor figure in that table, partly, no doubt, owing to the drought through which we have recently passed. It was shown conclusively that Siberia was making great strides in the direction of supplying the requirements of Great Britain, and, apart altogether from the preferential trade proposals of the Right Honorable Mr. Chamberlain, I do not see

any reason why Australia should not enjoy a far larger share of that trade.

Mr. JOSEPH COOK.—If we knock the Tariff wall down, Great Britain will trade with us.

Mr. WILKINSON.—I do not agree with the honorable member. I should keep the Tariff wall as it is, so far as other parts of the Empire are concerned, and raise it a little higher against foreign nations. Reverting to the question of the new mail contracts, I trust that the Postmaster-General will take notice of the complaints which have been made by the representatives of Queensland in both Houses of the Legislature, who, upon this point, are absolutely unanimous. In passing I wish to say that since his assumption of Ministerial office, the present Postmaster-General has treated me with uniform kindness and consideration. Indeed I have obtained many concessions from him. I have no fault, therefore, to find with his administration, but I do think that in framing the conditions of the tenders for the new mail contracts, the Cabinet has been ill-advised. Before I resume my seat I desire to say a word or two in reference to another important matter, to which allusion was made by the honorable member for North Sydney. The question of the establishment of rifle clubs is one which I have had at heart for a good many years. I regret that the Minister for Defence is not present, because I know that he is in hearty sympathy with the rifle club movement. I wish to emphasize what has already been stated by the honorable member for North Sydney, the honorable member for Maranoa, and others, namely, that the rifle clubs are not being treated at all generously by the Defence Department.

Mr. MAUGER.—What is the reason for that? Has the Department a "set" upon them?

Mr. WILKINSON.—It appears to me that there are certain officers in the Defence Department who think that a man cannot be a soldier unless he is obliged to salute them whenever he meets them in the public streets. Rifle men do not take kindly to that sort of thing. Further, there seems to be in the official mind—and even in the War Office in England—a prejudice against innovation. If a man offers a suggestion to the War Office he is at once regarded as a faddist and a "crank." Only the other day I had occasion to submit

the Defence Department a certain invention, and I was immediately informed by the Minister that the authors of such contrivances were usually "cranks." I do not say that the author of the particular device to which I refer is not a "crank," but in view of the fact that the inventor of the Brennan torpedo is an Australian, I hold that all such suggested improvements are worthy of investigation. I am informed by the man whose invention I submitted to the Department that he has it under offer to a foreign Government, but would prefer that it should be purchased by the Government of his own country. The superiority of the Mauser rifle over the '303 Martini-Enfield and the Martini-Henry rifles is that it is fitted with an adjustable sight. Under our military regulations the use of an adjustable sight is forbidden. But any man who understands the use of a rifle will admit that if a wind is blowing he has much more chance of hitting an object at 800 or 900 yards if he can shift his sight to allow for windage, than he has if he is compelled to make allowance for windage in his aim. Not long ago a friend of mine, upon returning from South Africa, brought a Mauser rifle with him. I tried the weapon, and by adjusting the sight I was able, upon the first trial, to score 97 points out of a possible 105 at 300, 500, and 700 yards. This fact evidences that it is a much superior weapon to the '303 rifle, with which most of our forces are armed to-day, and which the military authorities are endeavouring to foist upon our rifle clubs. That weapon is good enough up to 500 yards or 600 yards, but beyond 700 yards I would prefer the Martini-Henry rifle to it.

Mr. KINGSTON.—For what reason?

Mr. WILKINSON.—Because the bullet which is fired by the Martini-Henry is not affected to the same degree in a wind.

Mr. PAGE.—Does the honorable member think that a man who is armed with a Martini-Henry rifle is equal to a man who is armed with a Martini-Enfield?

Mr. WILKINSON.—I do not think that he is equal to a man who is armed with the Lee-Metford. I believe that the Lee-Metford would be quite equal to the Mauser if it were fitted with an adjustable sight.

Mr. KINGSTON.—The honorable member says in effect that in stopping a man before he comes within a range of 600 yards the Martini-Henry rifle is the more effective?

Mr. WILKINSON.—I am not speaking of the magazine rifle, but of the Martini-Enfield. No doubt the sight used upon the latter weapon is very suitable for the youth of the country. In the Lee-Metford, however, the sight is 2 or 3 inches further away; the barrel is a little longer; the trajectory is lower; and the influence of the wind upon the bullet is not so great. For adults, therefore, it is a very much superior weapon to the Martini-Enfield, as I know from experience. I agree with the honorable member for North Sydney that no members of the Defence Force of the Commonwealth take more care of their rifles than do the members of the rifle clubs. A man does not join those organizations simply for the sake of carrying a rifle, as many men join the military forces for the sake of wearing a uniform and appearing upon parade. He becomes a member of a rifle club in order that he may qualify himself as an expert marksman, and to that end he keeps his rifle thoroughly clean. But if any doubt is entertained upon this point, what is to prevent the Defence Department from providing for a periodical inspection of rifles? At the present time I have in my possession a rifle for which I should have to pay if I returned it to the Department in other than good repair. In this connexion, I may point out that not long since a rifle club in Queensland was fined because the weapons issued to its members had been neglected. In that case the rifle range which they had used was condemned, and, consequently, its members were denied their usual practice. As a result, their weapons were neglected, and the barrels had corroded. They were very properly called upon to make good the damage. I hold that rifle clubs should be held responsible for any damage done to the weapons issued to them. At the same time, to demand from a man who, upon every occasion that he practises on the rifle range, has to pay certain fees to his marker, and to purchase his ammunition, a further sum of £3 15s. 9d. for the purchase of a rifle, is to ask too much. Such a policy will simply kill the rifle club movement in Australia. It is all very well to urge that there are plenty of Martini-Enfield rifles which can be distributed amongst rifle clubs. But to place a Martini-Enfield rifle in the hands of one man, and a Lee-Metford in the hands of another, is to deny them equal equipment. The man with the Lee-Metford

weapon enjoys a considerable advantage, especially at the longer ranges.

Mr. THOMSON.—Then for purposes of defence we require the best rifles.

Mr. WILKINSON.—That is so. Amongst the members of the rifle clubs there is a spirit of emulation to become expert shots. We all realize that if Australians are ever called upon to meet a hostile force it will be upon the services of expert marksmen that we must chiefly rely. We do not wish to be wasting lead. Rather we desire that every bullet shall find its billet. To that end we need to be satisfied that the men who handle our rifles know how to use them. I have nothing further to add. I have already entered my protest against the conditions imposed in the tenders which are being invited for the new mail contracts, and I believe that the present Minister for Defence is in thorough sympathy with the rifle club movement.

Mr. SPENCE (Darling).—It appears to be very difficult indeed to induce the Defence Department to be guided by common sense in regard to the arming of those upon whom Australia must chiefly depend in case of attack. Consequently it is necessary to emphasize the remarks which have been made as to the desirableness of supplying the rifle clubs of the Commonwealth with the best weapons available free of charge. In the back portion of my own electorate a number of these organizations have been established. Prior to the accomplishment of federation these clubs experienced a great difficulty in obtaining any consideration whatever from the Head-quarters Staff in New South Wales. Honorable members will recollect that when the first Estimates were submitted to this House, we discovered through the frankness of the Treasurer, that an unduly large sum was being wasted upon the Head-quarters Staff, instead of being expended upon the rifle clubs. It is true that Victoria had done something towards encouraging the formation of these organizations, but in New South Wales they were practically denied any consideration. I should like to ascertain where the blame for this sort of thing rests. Of course, the new Ministry have not been in office long enough to accomplish a great deal in the way of reform. As one of the party which has been termed "anti-military"—and I may say that we are opposed to all military caste—I am in

favour of giving the citizens of the Commonwealth facilities which will qualify them to adequately defend it. Prior to the accomplishment of federation the military forces of the States were controlled by six separate Head-quarters Staffs. We now have one Head-quarters Staff, and I have come to the conclusion that, in connexion with it, we have too much of the English system. We have had English officers and English methods, and the latter, as disclosed by the recent inquiry, show that, although Great Britain is so connected with other portions of the Old World that war may occur at any time, the home defence forces are in a constant state of unpreparedness. It seems to be considered that Tommy Atkins ought to have a rifle so adjusted that it will carry 18 inches on one side of the mark at 500 yards. Such rifles, no doubt, are excellent for the man who cannot shoot, because, by accident, he might hit his mark; but they are utterly useless in the hands of an expert shot, who, if he take aim, must miss anything at any distance over 500 yards. It would appear as though these rifles had been adjusted by some of the enemies of England and not by some one who wished to see his country in a state of preparedness for defence. At the beginning of the South African war, in spite of many warnings, the little ammunition which Great Britain had was useless, and involved the risk of explosion and the killing of the users of the rifles. In the grand military system of the mother country there are splendid arrangements for defeating its very object—for rendering it of no use except to the enemy. Imagine the magnificent Empire, of which we hear so much, having only 80 swords, and those swords, in keeping with the policy, utterly useless! These are methods which have been copied in Australia. We are all prepared to vote, and the people of Australia are prepared to find money, for efficient weapons for our forces; we have now an Australian Minister for Defence, who, I hope, will replace English methods with Australian methods. From the report of the recent Royal Commission, we find that the British Army possessed no uniforms except those used for show purposes; and that is exactly the position we have been in in Australia. We have had plenty of uniforms for show and parade, but none for practical purposes. If Australia happened to be attacked to-morrow, we should have no weapons with

which to defend ourselves, and I can only account for that extraordinary state of things by our having a number of imported officers trained in a school in which nothing is ever done.

Mr. THOMSON.—Hundreds of thousands of pounds are spent, and then, for the sake of perhaps £10,000, the system is not made perfect.

Mr. SPENCE.—That is so. I suppose it could be ascertained how much has been spent ostensibly in preparing for the defence of Australia. At any rate, in spite of that expenditure we find ourselves in a state of utter unpreparedness, the money having been wasted—as millions have been wasted in England—on military show. If these are the only results, we should be just as well off without all the starch and glitter of imported officers. The Government ought to vigorously assist in placing the Defence Department on a proper footing, with a citizen soldiery, clad in useful uniforms. I do not suppose it would take long to manufacture khaki uniforms, although I do not know whether there is any khaki in stock. We have seen that in England the only uniforms available were those of bright colour, which are absolutely useless in the field. At the outbreak of the South African war, the British soldiers, we are told, were absolutely without boots, and this recalls a similar state of affairs at the time of the Crimean war. There ought to be a change in our defence system in Australia, and, as I say, this House is prepared to vote the money for the necessary arms, for the manufacture of which there ought to be a Government factory. With such a factory we should, in a little time, be prepared to supply our own rifles in case of attack; but at the present time we do not even manufacture our own ammunition, the cases being imported, and only the filling being done here. The men of Australia are willing to devote a good deal of time in learning, at their own expense, to use the rifle; and I take it that the present Government are following the policy of the late Government, and have in view a citizen soldiery. But we cannot have a citizen soldiery if only men with money are able to join rifle clubs. We were told by the late Minister for Defence that there were not enough rifles, but that the few there were could be sold to members of rifle clubs. That means that while a man with money

may purchase an up-to-date rifle, a poor man, who may be a better shot, or who, at any rate, is just as ready to defend his country, is debarred, or has to take part in competitions with an inferior weapon. That is altogether opposed to the principles which this Parliament has adopted, and which the Government profess themselves anxious to carry out. No difference should be recognised in this connexion between the man with money and the poor man. It has been stated in the press, which is fond of attacking the Labour Party, that that party is to blame for not voting money for the proper arming of the forces. I venture to say that not a member of the Labour Party has been heard to oppose the voting of money for such a purpose; on the contrary, I think that some of the Labour Party are foremost in adopting quite a different policy, though we are all opposed to wasting money, as in the past, on show and pomp, which are of no use whatever in the defence of the country. I have great hopes that the new Minister for Defence will, in the administration of the Department, show the same energy which he has displayed in other directions. We all admire the Treasurer for his care in the expenditure of the public money, and his anxiety to conserve the interests of the less wealthy States; but I hope he will be ready to support the expenditure of a reasonable sum in the purchase of up-to-date weapons. I do not think there should be any waiting for information about a new weapon; I have no great faith as to any recommendation from British authorities. If there be a new weapon, let a few samples be sent out, and these can be tested a great deal better by Australian riflemen than by any experts in the old country, where contractors' schemes and red-tape stand in the way of progress. The honorable member for Maranoa has shown the great influence of red-tape in Australia in the case of a lost rifle. It is very possible that, after all the trouble, this rifle may not have been lost. We shall, perhaps, find that the energy devoted to the case might have been much more profitably expended. Before sitting down, I should like to urge upon the Postmaster-General the need there is for a departure from the present telephone system in country districts. I do not expect the Department to provide telephone communication wherever it is asked; but towns

which give promise of permanent development ought to be connected. There ought not to be the unfair system of asking the local people to give a guarantee sufficient to cover a number of years' service. That system has been carried to extremes, and I hope that the new Minister, who has pleased everybody with whom he has had business dealings, will improve the administration, and take care that telephone communication is given in deserving districts which at present have to rely on, in many cases, infrequent mails. There are many towns at present without telephone communication where an installation would pay. In one case the officers of the Department expressed the opinion that the annual income from a proposed telephone would be £10, whereas the first year's earnings amounted to £42. There are many other places where to provide telephones would involve no loss to the Department. There is one other matter which, I am sure, will engage the sympathetic consideration of the Postmaster-General. Women employed as cleaners in the Sydney General Post-office are called temporary hands, although some of them have been in the service for over twenty years. In the Federal Public Service every employé has been given some status, and the same should be done in regard to the women employed as cleaners, who have to do very hard work in scrubbing both in the early morning and late in the evening. They are treated differently from many other employés in the Public Service, and if they complain, the officer over them tells them that if they do not like the work somebody else can be employed to do it. Only recently these women have been given political rights. Previously they have been afraid to complain, in case they lost their work, and to that degree they have been terrorized. I am sure that if the attention of the Postmaster-General is called to the matter he will make such a change as will give these women the status and privileges hitherto enjoyed by men in every Department of the Public Service. I know of one woman who has been doing this work for over twenty years, and who has never had a holiday, although every other employé is entitled to and receives annual leave. If these women are sick they have to pay some one else to do their work, so that they are, as I say, in a very different position from clerks, who are always ready to bring their grievances forward

and have them remedied. I am not making an unreasonable demand in urging that their status should be assured—that they should not be at the mere whim or caprice of any officer placed in authority over them who might be at times unfair. They should also have the same consideration, in the shape of holidays and sick allowance, as have other members of the Public Service.

Mr. E. SOLOMON (Fremantle).—It is rarely that we are called upon to listen in this House to an unfederal speech, but I think that the remarks made this afternoon by the honorable and learned member for Brisbane deserve to be placed in that category. The honorable and learned member urged that the English mail steamers should not call at Fremantle or any other Western Australian port, but should sail direct from Colombo to the Eastern States. He was apparently led to adopt this dog-in-the-manger policy by the fact that at present these steamers do not call at Brisbane. I can assure him, however, that the representatives of Western Australia are prepared to assist honorable members who represent Queensland in their effort to arrange for the mail steamers to call at Brisbane. We have no feeling in the matter, but we consider that each State should participate in the advantages of a mail service towards the cost of which it contributes. I should like to remind the honorable and learned member that Queensland occupies a position wholly different from that of Western Australia. Western Australia is entirely isolated from the Eastern States, and its geographical position makes it desirable that Fremantle should be the first Australian port of call for these vessels. It seems to me that the honorable and learned member's contention is altogether unjustifiable. I would remind him also that Queensland is connected by rail with New South Wales, and that produce may readily be sent from Brisbane to Sydney for shipment to England by these vessels. I have always given the honorable and learned member credit for the utmost liberality of thought, but it seems to me that he showed a total disregard for the facts when he declared that Western Australia practically shipped nothing by these vessels. What of the gold which we ship to England, and of the large consignments of produce which these vessels carry from the Eastern States to Western Australia? I feel satisfied that honorable members gener-

do not share the illiberal views expressed by the honorable and learned member. I desire now to say a word or two in regard to a matter which was brought before the Minister for Defence a few days ago by a deputation of which I was a member. I refer to the equipment of our forces with up-to-date rifles. It has been truly said that, although we may have an abundance of good fighting material, we can expect nothing from it unless we take care to provide proper equipment. I do not propose to go into details, as other honorable members have done, because repetition is often odious; but I would urge the Treasurer even at this stage to bring in Additional Estimates providing for the expenditure of £30,000 or £50,000 on the purchase of up-to-date rifles for the equipment of those who devote much of their leisure to the work of making themselves proficient to serve their country in time of war.

MR. WATKINS (Newcastle).—I desire to join in the protests that have been raised against the failure of the Government to make provision for the equipment of our forces with up-to-date rifles. It is absurd that we should expend every year thousands and thousands of pounds in training troops when we know that in the event of war we should not be able to arm them with modern equipment equal to that which would be employed against them by the opposing forces. It is a mere waste of money to drill our men and at the same time to neglect to arm them with up-to-date weapons. Efficient arms and ammunition are of paramount importance. I admit that it is necessary that our forces should be drilled, but as compared with the desirableness of teaching our men to shoot well, that is a secondary consideration. If the Minister will analyze the present attendances on parade of the partially-paid and volunteer forces of New South Wales, he will find that as compared with those of twelve months or more ago, they have fallen away by about one-half. This evidence of diminished interest on the part of the forces is largely due to the treatment they have received and their want of encouragement. They are constantly urging that they should be supplied with modern rifles, only to be told that they cannot obtain them. It appears to me that when the members of rifle clubs are willing and anxious to perfect themselves in the use of the rifle, the least that the Commonwealth

can do is to supply them with weapons which are fit for use. I am not an expert, and I cannot say which is the best rifle with which to equip our forces. We have been told that the War Office is at present making experiments with a view to the adoption of a better rifle than that with which the British Forces are now equipped; but, if what we read in the press be correct, I am afraid that the rifles which are at present modern will be quite out-of-date before they make a selection. Money will not be wasted in keeping our forces armed with the most up-to-date rifle. I admit that we may have to make changes from time to time, but it would be better to incur expense in that direction than to expend large sums in drilling men who are not supplied with a modern weapon. From what we have learned, it must be admitted that, if our forces were at present called upon to face an enemy, they would not be armed with rifles as up-to-date as those which would probably be used against them. The Minister must now recognise that the opinion of the House is that a sum of money should be provided for this purpose. It is not yet too late for the Government to bring in Additional Estimates before the close of the present session to meet this demand. I trust that what has been said during this debate will be taken by the Treasurer to represent practically a unanimous determination on the part of the House that before long the cry of the rifle clubs and volunteer forces for up-to-date rifles should be satisfied.

MR. BATCHELOR (South Australia).—During the debate several honorable members have referred to the employment of child labour in the Government Printing Office, and the case has been cited of a boy of fourteen years of age, who was employed until 2 a.m. It cannot be said that the Department has been led to employ boys until a late hour at night by the laudable desire to keep them off the streets, and apparently their only object is to carry out work a little more economically than could otherwise be done. Several honorable members, and notably the honorable member for Maranoa, have shown that savings might be effected by the exercise of a little less circumlocution in the Defence Department, and I desire to point out what appears to me to be an extraordinary system of red-tape, which has led to



unnecessary expenditure in the printing of the Federal rolls in South Australia. I am aware that this is a matter which does not relate to the Department controlled by the Treasurer, but I shall supply the right honorable gentleman with details, in the hope that he may be able to induce the Minister for Home Affairs to prevent a repetition of the practice of which I complain. As honorable members are aware, the franchise for the Commonwealth Parliament and the South Australian House of Assembly are on the same footing, and as the State rolls had been brought up to date, by the insertion of additional names collected by the police and the postal officials, they might well have been used for the Commonwealth elections, the only alteration necessary being the substitution of the heading "Commonwealth" for "South Australian." The cost of making the alteration would have been infinitesimal; but the electoral officers of the Commonwealth considered that the State rolls were unsuitable, because they did not contain a column showing the letters "M" or "F"—signifying "male" or "female"—opposite the name of each elector, and also because no space was left between the Christian names and the surnames of the electors. It is difficult to see what purpose can be served by inserting the letter "M" or "F" after the name of an elector.

Sir GEORGE TURNER.—I suppose that is the form prescribed by the Act.

Mr. BATCHELOR.—But there is a section in the Act which gives the Minister a right to alter the schedule as circumstances may require. It was not said that the State rolls were unsatisfactory, on the ground that they did not comply with the prescribed form; it was merely for the sake of uniformity that the Department ordered a new set of rolls to be compiled. Compositors were employed—and I cannot say that they have yet completed the work—to insert an additional column, showing the letter "M" or "F," opposite the name of each elector. A deliberate waste of public money has thus taken place.

Sir GEORGE TURNER.—I presume that they used the formes of type which had already been set up in connexion with the State rolls.

Mr. BATCHELOR.—The whole work had to be gone over again.

Sir GEORGE TURNER.—Were the whole of the rolls reset?

Mr. BATCHELOR.—No. It was suggested at first that they should be completely reset, but eventually that course was not adopted. The expenditure incurred in making the alteration to which I have referred was very considerable. I understand that the estimate is some £1,400, and it represents a most outrageous waste of public money, incurred merely for the sake of securing uniformity. What advantage will any one gain from the statement in the rolls that "Mary Jones" is a female? No doubt the desire of the Department was that this special column should be inserted in order to assist in the identification of the electors. But as a matter of fact it represents merely a registration of the opinion of the compositors as to the sex of the electors. They had to guess at the sex of each elector by the Christian name appearing on the rolls. For instance, if a compositor saw the name "Mary Jones" on the rolls, he at once assumed that it referred to a female, and accordingly placed the letter "F" opposite it. But no doubt there were cases in which the Christian name of the elector furnished no clue as to sex, and consequently the compositor had simply to make a guess. If, for example, the Christian name "Frances" were incorrectly spelt a mistake would be made in carrying out this work. The adoption of this unnecessary system will provide no better means of identification, and if the expenditure of £1,400 in this way had been avoided the Government might have been enabled to pay the unfortunate lads in the Government Printing Office something more than 7d. per night for working some four hours' overtime.

Mr. SPENCE.—A mistake of one letter in the Christian name, Frances, would render it impossible for the compositor to determine the sex of the elector.

Mr. BATCHELOR.—Quite so. The rolls merely set forth the opinion of the compositors as to the sex of the electors. In the opinion of returning officers in South Australia it is more convenient that the names should run right on. It certainly was never worth while wasting money merely to secure uniformity in this matter. The Minister had the power to vary the schedule, and I was quite surprised to find that to the end he persisted in having this alteration made in the rolls.

Mr. BROWN (Canobolas).—The policy of the Defence Department has been subjected to some criticism during the discussion upon these Estimates. It would appear that there is no intention on the part of the authorities of the Department to make any alteration in the policy which obtained largely in all of the States before Federation. They would appear to desire to perpetuate the old system, and it is therefore necessary that the objections to it should be strongly emphasized. The first proposal by the Commonwealth Minister for Defence was to ask this House for a vote of something like £915,000. The House, in its wisdom, thought that was too large a sum with which to saddle the community for which we have to legislate. We decided to reduce the sum last year to something like £762,000, but in doing so we made it clear that the military system of the old world is not suitable to Australian needs and requirements. We decided that, instead of having an expensive and showy permanent military system, the citizen soldier should be encouraged, and that in our system of defence we should utilize the material at our hands, provide our citizen soldiers with up-to-date equipment, and give them the necessary opportunities for drill to enable them to attain a reasonable degree of efficiency. It is on that point that the members of this House and the majority of the people of the Commonwealth are in disagreement with our military authorities, who, so far, do not seem to realize that we desire an important departure from the old methods to which they have been accustomed. They desire to perpetuate the old methods of defence, the shortcomings of which were sufficiently indicated in the South African campaign, and have been disclosed quite recently by the Commission of Inquiry appointed to investigate the conduct of the South African war. If for no other reason than the desire to get away from old world military ideas, and to bring into operation the newer ideas favoured here, a strong protest must be made against the system favoured by those in authority in the Defence Department. Looking into the expenditure of the vote last year, I find that we have some 1,670 permanent officers and men, and that they cost us £256,989 last year. As against that we have in our volunteer forces, partially-paid forces, and rifle clubs 55,536 men, and they cost last year £211,762. In other words our permanent

forces cost us something like £160 8s. per head, whilst our citizen soldiers cost £3 16s. per head.

Mr. CROUCH.—When a man gives the whole of his time, he naturally expects to be paid for it.

Mr. BROWN.—If it is necessary that a man should be called upon to devote the whole of his time to the public service in the Defence Force he should, of course, be reasonably paid. But what I take exception to is that our military authorities appear to be under the impression that the establishment of permanent forces, the members of which are withdrawn from the ordinary avocations of life, and are set apart especially for military purposes, is the only form of defence worthy of consideration.

Mr. CROUCH.—That would not appear to be so when we have only 1,670 of them.

Mr. BROWN.—The 1,670 permanent men cost a tidy sum to maintain, and, in fact, the larger part of the money allocated for defence has been expended in their maintenance. What I think the people of the Commonwealth desire is that we should have a nucleus of permanent men sufficient merely to secure the efficiency of our citizen soldiers, and that the latter should be called upon to provide the real defence of the country. We have only to look to the history of the South African campaign to ascertain the real value of the fighting material supplied by citizen soldiers. It is true that they went to South Africa without anything like the training or experience of the regular forces, but they bore the brunt of the trouble there and gave a good account of themselves. The citizen soldiers sent to South Africa from the different States of the Commonwealth did good work in the campaign, and they gave us proof of the kind of material we have to depend upon if only we have the sense to utilize it properly. The chief ground of my complaint is that, whilst our military authorities spend any amount of money, the Treasurer chooses to make available in the showy and more expensive branch of militarism, they appear to be unable to offer any great encouragement to the desire we have to establish citizen soldiers. As the outcome of the military spirit so strongly in evidence during the trouble in South Africa, a great desire was shown by young men in New South Wales—and I suppose the same thing applies to all the

other States in the Commonwealth—to take part in the defence of the country. In every little country town young men showed a strong desire not to enter the permanent military forces, but to become citizen soldiers, that they might be drilled and equipped for purposes of defence. In my own electorate corps were formed, but there has been great difficulty in securing recognition of them by the military authorities. The excuse given is that there are no funds, but I fear that there is something else the matter, and that there is a strong disposition on the part of the military authorities to place obstacles of every description in the way of the formation of a force of citizen soldiers. It should be made clear that that is not a policy which commends itself to the members of this House, or to the people whom they represent, and that the sooner our military advisers get away from their old ideals of defence by means of expensive permanent forces, and give effect to the desire of the people for the establishment of country corps, rifle clubs, and the progress of the volunteer movement generally, the better it will be for them, and the sooner the people will be satisfied. What has been the outcome of our desire to establish citizen soldiers and to keep the permanent forces within reasonable limits? Those who favour the permanent forces have lost no opportunity to criticise what they are pleased to term the ill-advised action of this House in the reductions made upon the military vote. In the allocation of the expenditure the citizen forces have been made to suffer, and honorable members of this House are blamed for that. The difficulties experienced in the establishment and proper equipment of rifle clubs is charged to honorable members, and it is said that the whole of the trouble has arisen from the fact that this House cut down the Military Estimates, and did not place the Department in command of sufficient money to carry out a proper system of defence. I believe that the Department have had sufficient money if it had been used in the proper way. We spent something like £760,000 last year on defence, and whilst in Canada a much smaller sum, something like £500,000, is annually spent, so far as my reading goes, and judging by the position which the Canadian forces held in South Africa, the Dominion would appear to be able to secure a greater amount of military efficiency from her

military expenditure than we have heretofore been able to secure from ours. The point emphasized in the course of this debate is one to which the Minister in charge of the Department would do well to give special attention. Of what use is it to have a number of men learning drill either in the permanent or volunteer forces, if we have not proper weapons with which to equip them, or a sufficiency of ammunition? It seems to me that in order to provide a proper system of defence the first expenditure we are called upon to make is for the purpose of securing up-to-date weapons and the necessary ammunition. If we had the weapons and ammunition we could very quickly, in time of danger, drill our raw material in the use of them. But if we have not ammunition or weapons it does not matter how efficiently our men may be drilled they will be useless when called upon to defend the country. The time at which to provide ourselves with weapons and ammunition is not when the enemy is knocking at our gates, and we are called upon to defend our hearths and homes, but in time of peace such as the present. We should now see to it that this branch of our defence is brought up-to-date, and maintained in the greatest degree of efficiency. In common with other honorable members, I urge the Government to look to this branch of our defence, and as speedily as possible to take into consideration the necessity for the establishment of a small arms and ammunition factory within the Commonwealth, so that we may be placed in a position to provide for ourselves, and may not be compelled to depend, as at present, upon the mother country for our means of defence in this respect. That is all I wish to say upon that head, but I desire to say a word or two with respect to the Postal Department. I was very pleased to hear the remarks of the honorable member for Parramatta, and am glad that he has been able to get to the bottom of the charge made against New South Wales by the ex-Postmaster-General to the effect that because telephone lines had been erected there and bonds given under the old system had not been recognised, large losses had been entailed. From what has been disclosed by the honorable member, it appears that there is no real ground for the charge, which is based upon something that happened many years ago. The amount does not represent the big loss that we were

led to suppose it did. If the postal authorities insist upon the retrogressive policy they have adopted in New South Wales of asking for prohibitory guarantees from people who desire these facilities, they will bring about a loss, rather than a gain, to the Department. They have to keep their Department up to a certain standard in order to maintain efficiency. The little outside lines should be regarded as feeders—to bring in revenue in order to make the more expensive lines revenue producing. In the electorate which I represent, which is largely composed of little mining centres, farming and settling communities, and grazing stations, the telephone system came largely into use. Each little community had its telephone connexion with some station. Even the different homesteads were connected in this way, and the people were able to transact their business very much more cheaply and expeditiously than they could otherwise do. The policy pursued under the old State régime encouraged the extension of the telephone system. But the policy adopted by the Commonwealth administration has practically killed all that. Small communities are now asked to plank down guarantees which practically shut them out. Only the other day I asked for an estimate for a place some eight miles from the telegraph station. The guarantee that was asked for was prohibitory, and the matter is now in abeyance pending the time when the Postal Department will gain a little bit of wisdom, and deal with such matters on a commercial plan to a greater extent than they seem disposed to do at present. Another matter to which I should like to draw attention is that there are a number of small settlements that are served by a mail service that is carried on horseback or in a sulky or small buggy, as the case may be. It has become the practice in New South Wales to make up the letters and newspapers into small parcels. Sometimes they are simply tied together, and in other cases are put into a small canvas bag. The system is convenient for people receiving communications, and it prevents letters from being damaged by rain and moisture; because very often these parcels have to be left by the wayside for some hours, or, perhaps for a day or two before they are taken to the homestead, which may be some distance away. Now the Department has decreed that in future it will not provide these facilities for the distribution of mail matter, and that if

the letters and newspapers are to be made up into a parcel, or put into a bag, the people concerned must be charged £2 per annum for the privilege. That seems to me to be preposterous. If the Department decides to make a charge it should fix a much more reasonable amount. I can understand that in the case of a large distributing centre where the officers are kept fairly busy and where time is a matter of consideration, the Department, having to devote extra time to making up parcels in bags, should make a charge. But in the small offices where the mail comes in only once or twice a week, and is carried not by official persons, but by private individuals, who receive a small remuneration for their services, if they are willing to provide this additional facility, I do not see why they should be debarred from extending this convenience. I have been approached upon the question by settlers who are affected, and who told me that they would have no objection to paying 10s. a year for the convenience; but £2 per annum is too much. Another matter to which I wish to refer is the difference recently brought about to the State of New South Wales as the result of the Federal control of postal matters. Under the old State system, when line repairers were sent out on long journeys to attend to their work, and where they had to travel over considerable distances, they were allowed remuneration at the rate of 10s. for twenty-four hours' overtime while they were away, and also an additional 8d. for every hour over the twenty-four up to fifteen hours. That system obtained right up to the commencement of the present year. But since then an alteration has been made. The men are now allowed 7s. instead of 10s. for the twenty-four hours' overtime, and 3½d. for every hour after the twenty-four hours. There has been a fairly substantial reduction in the remuneration allowed to these officers. The pay which they receive is not very large, and they have to incur a considerable amount of expense in carrying on their work. Where they have to travel considerable distances they have to provide themselves with horses. I know of a case in the Forbes district where an officer had to provide himself with two horses to keep in touch with his work. This reduction has been made at a time when the charges in connexion with

horse feed and so forth were at a maximum in consequence of the drought. Chaff and other feed, which in an ordinary season might be purchased at £3 or £4 a ton they have had to buy for £7 or £10 per ton. Another matter that has been brought under my notice had reference to an unfortunate accident which happened in Sydney. A man was employed in painting telegraph poles. I believe his name was John Murphy. He fell from the ladder on which he was working and was killed. I understand that no one actually saw how the accident happened, but from the appearance, the assumption is that the ladder was a little too short for the work, and that the man had to get on to the topmost rung. On reaching out to paint an arm of the telegraph pole he overbalanced himself and fell to the pavement. He leaves behind him a widow and family who are not provided for. His wage was a very small one. He was not a permanent officer of the Department, but was only temporarily engaged to do this work. The Department has not seen fit to make any allowance to the widow and children. It seems to me, from the particulars I have obtained, that the case is a very deserving one, and I strongly recommend the Minister to make some allowance to the unfortunate widow and children. It may be that they have no legal claim upon the Department, as the man was only a temporary officer, but as he was killed in the discharge of his duty, the Minister would be doing an act of justice as well as of charity if he could see his way to put a small sum upon the Estimates to recompense the unfortunate widow and family.

Mr. KINGSTON (South Australia).—I rise chiefly to speak with reference to the remarks which have fallen from the honorable member for North Sydney on the subject of the supply of rifles to the Australian soldiery. I trust that the Treasurer will be able to give us an assurance that the best rifles that are available for military service in any part of the world will be supplied to our soldiery for the defence of Australia, and that at an early date. I know that the matter received very considerable attention during the continuance of the recent Administration, and nothing is of greater importance. We may have the bravest soldiery in the world; but if they are not armed with weapons equal to those which are possessed by their opponents

they can do little or nothing. They simply have to stand up to be shot at—it may be said, to be murdered—in consequence of the incompetence of those who are responsible for due administration in connexion with affairs of this kind. I do not say that there is anything of that description in connexion with Australian administration at the present moment; but I felt the strength of what was being put by the honorable member for North Sydney, and I desire to emphasize his remarks, because, without equal weapons, even the professional soldier is bound to go down. I think that in Australia we have the raw material for as good soldiery as can be obtained in any part of the world. I am inclined to think—of course, it is unnecessary to make comparisons—that no soldiers conducted themselves with greater credit in the South African war than did the soldiers of Australia. Those soldiers properly armed and fighting for the defence of Australia, would, I am sure, give a good account of themselves. But do let us see with all possible haste that the best of arms are available. I hope that the time will shortly come when we shall not have to import arms and rely on foreign markets which might be closed to us in time of need, but shall have proper factories for the manufacture of both arms and ammunition. I am not by any means one who believes in squandering money on these matters. I know that very often the Imperial officer has high and mighty ideas in this connexion, and, used to revenues much larger than ours, hardly keeps that careful eye on expenditure which is expected from him, and which I am happy to say is exercised as a matter of review by the Treasurer. We are spending a very considerable sum on military and naval matters. For an annual expenditure of between £700,000 and £800,000 we ought to be able to get what we require. I trust that these matters will be subjected to the closest scrutiny. Wishing to secure an Imperial officer, we agreed to pay Major-General Hutton a salary of £2,500 for a term of years. But it is just as well to recollect that that is a great deal more than Major-General Hutton was receiving from Canada.

Mr. WILKINSON.—It is a great deal more than we ought to pay him.

Mr. HUME COOK.—It is a great deal more than he is worth.

Mr. KINGSTON.—Every effort was made to secure a competent officer, and at a reasonable rate, but at that time we could not get an officer of standing to occupy the post at a lower salary than that which was offered.

Mr. PAGE.—Did the Government try?

Sir GEORGE TURNER.—We tried very hard—everywhere we could.

Mr. KINGSTON.—There is no doubt that every effort was made by the Minister in a proper direction, but the fact remains that whilst Canada pays to Lord Dundonald, her General Officer Commanding, a salary of only £800 a year—that was the sum which Major-General Hutton received—we are paying to our General Officer Commanding a salary of £2,500 a year. Of course, there are some travelling expenses to be paid.

Mr. PAGE.—Another £1,000.

Mr. KINGSTON.—I do not profess to be able to assess the travelling expenses. According to the Canadian Estimates and some year books, in Canada the salary is 4,000 dollars, equal to £800, and the travelling expenses come to 2,000 dollars, equal to £400, or a total sum of £1,200. I think that the difference is startling as regards a particular individual. I hope that when the time arrives for making another appointment two things will be considered. The first consideration is—"Do we require an Imperial officer?" Has not Australia soldiers who are capable of discharging the highest duties in this respect? Do they not at least bring to bear upon the discharge of their duties a local knowledge which would be specially useful in the case of Australian defence? Are we who are able, in all conditions of life, to supply Australian wants by Australian appointments to be utterly helpless in this matter? I think not. We can supply our Judges; we can supply men to hold the various appointments which are required in our daily and national life. Let us at least consider very carefully, before we make a fresh appointment, whether the time has not yet arrived when Australia can supply her own officers of highest military rank. We may have made mistakes at one time or other in connexion with military matters, but judging from what we read from day to day some of the greatest possible mistakes have been made in the army of that Empire to which we are so proud to belong. The press reeks with accounts of them. They are for ever dinned

into our ears. Look at the report of the Royal Commission only recently presented. What state of things does it reveal? Think of the sagacity which practically refused, in the first instance, the Australian offer of mounted infantry for service in South Africa, and suggested that only foot soldiers were needed! What a huge misconception of a position, which, I venture to think, ought to have been considered long before. What more do we hear? We were accustomed to speak in highest terms of the work done by the sailors of the *Powerful*. I was in London when they were welcomed back. They received a welcome of the most enthusiastic character—a welcome which I believed then, and venture to consider still, they deserved. But what do high authorities on this subject tell us? Sir Archibald Hunter tells us that the service of the guns was inefficient, and compares it to that of school girls. On the other hand, what does Admiral Lambton say in regard to Sir Archibald Hunter? He describes that officer as an ignorant numskull. It is sad indeed to have bickerings of this description. If what is suggested by these high authorities is true—I hope it is not—I believe that if Australia began to rely more on Australian arms, and to seek amongst her citizens, not only her soldiers, but their commanders, it would be a benefit and a God-send, and we should never have cause to regret our action. I believe in a citizen soldiery. It is the duty of a citizen who takes a pride in his country to serve in her defence in time of need. And it is the duty of the citizen so animated to qualify himself in time of peace to render efficient service in time of war. The equipment of the rifle clubs has been discussed. Our trust should be in our men armed with proper rifles. Let us take to heart the various lessons taught to us by the Boer War. One is the possibility of defence by a nation animated by a desire to preserve its nationality. What the Boers did Australia can do, and do ten times better. A few hundred thousand Boers have read us a lesson on the possibilities of a war of defence under modern conditions. May the time be far distant when we shall be called upon to improve the lesson then taught! I venture to think that when the time does come, 4,000,000 Australians can repeat it, make it good, and tell it trumpet-tongued to the nations of the world, that Australia, relying on her sons from the humblest private to

the highest commanding officer, will for ever maintain her proud integrity as a part of the British Empire.

Mr. PAGE.—Not without arms.

Mr. KINGSTON.—It is the duty of the Government to arm the men. I am casting no reproach on the Government which I so lately left, but am simply desiring to animate them to a full appreciation of the position. God has given us arms to war and fingers to fight, and those arms and those fingers, if equipped with necessary power by the Government, will constitute a bulwark of safety round the shores of Australia which shall and can for ever be relied on.

Mr. ISAACS (Indi).—I desire to draw the attention of the Government to a matter which is not in the direction of warlike armament. Australia is a very large country. There are portions of Victoria—one of the best settled States—which are sadly lacking in proper means of communication, even by telegraph. There are parts of Victoria—and it must be the experience of many honorable members besides myself—which are not only difficult of access in personal travelling, but without proper means of obtaining letters and telegrams, and, indeed, without any communication with the metropolis. From time to time efforts have been made to improve such means of communication as exist, but the policy of the Government is to require monetary guarantees from the settlers before it will take a step in this direction. That is a little hard. One of the best means of settlement we can have in this continent is to guarantee to the settlers that some reasonable facilities for communication will be afforded. It is really out of the question for the Government to say to the residents in many localities in this State—"You must put down a certain sum, it may be £50, £60, or £100, before we can establish any telephonic or telegraphic communication." It is rather too much to ask these settlers, who are struggling against so many difficulties, to guarantee the Department against monetary loss.

Mr. BROWN.—In many cases the guarantee asked for is prohibitive.

Mr. ISAACS.—The amount of the guarantee is frequently prohibitive. This is a direction in which great consideration may fairly be shown by the Government. I have had experience of the effect of the present regulations upon many occasions, and I know that in scarcely any instance has

the difficulty imposed proved surmountable. However, I feel that I have only to mention the matter for the Government to give it that favorable consideration which it deserves.

Mr. PAGE (Maranoa).—I forgot to mention earlier in the afternoon that I should like to know from the Prime Minister if his policy in regard to the establishment of a small arms and ammunition factory and a factory to provide clothing for Government servants is the same as that of his late chief. The right honorable member for Hunter, speaking on the Budget debate on the 10th September, said—

If there should be a large increase in our requirements it will be a matter for consideration whether we shall obtain the ammunition from the contractors or establish a State factory. But that is a matter for separate consideration, and in the meantime we shall leave the agreement with the firm to remain in operation.

Mr. CROUCH.—Has any additional agreement been entered into?

Sir EDMUND BARTON.—I do not think so. No additional agreement has been entered into, but orders have been given for further supplies. The question of establishing a small arms factory is of more importance. I am myself of opinion, although I do not wish this to be taken as expressing an intention to take immediate action, that every State should be able to make its own small arms and ammunition, and also to make uniforms for its own troops.

Mr. CROUCH.—Does the Prime Minister mean that the ammunition and clothing should be made by the States Governments or in the States?

Sir EDMUND BARTON.—I think that a Government which is maintaining an army or a navy should not be dependent upon any private agencies for such supplies of warlike stores and muniments as may be necessary in the case of an outbreak of war. That policy must be suspended for the present in regard to the supply of military ammunition, but, in regard to other matters, the Government will take the whole question into consideration. We may find that it is possible at an early date to provide for such requirements as I have indicated by establishments in the hands of the Commonwealth alone. When we are able to do so I shall be very glad. So much for those matters.

I have quoted that passage because it outlines the policy of the late Prime Minister. I wish to impress upon the Government the need for a small arms factory. Even if they are not prepared to at once establish an ammunition factory, I hope that they will seriously consider the idea of establishing one or two small arms factories; say, one in New South Wales to supply that State and Queensland, and another in Victoria to supply the remaining States. At the present time in Queensland, if the rifling of a gun is injured, the gun has either to be thrown

aside or a new barrel has to be obtained through a private agency. Consequently, up-to-date rifles, instead of costing £3 15s. each, cost £6 6s. each landed in Rockhampton. I have it on good authority that the barrels themselves cost about 25s. each, and if the Government added 5s. to that, and charged 30s., there would still be a saving of another 30s. upon the present charge. Furthermore, when a barrel is re-rifled the gun is frequently as effective as it was when new. A small arms factory could not only re-rifle barrels, but could supply new stocks, parts of locks, and other parts, for the price of the material together with the value of the labour employed to put the parts together. This saving alone is sufficient to justify the establishment of a factory. The advisability of establishing an ammunition factory is a question which has already been thrashed out upon many occasions. I understand that a private factory in Victoria can make all the ammunition now required by the Commonwealth. While it is satisfactory to have such a factory in existence, the time is not far distant when the Government will have to establish a Commonwealth factory. With regard to the establishment of a clothing factory, we have it upon the authority of the late Prime Minister that, as there are in the employment of the Commonwealth so many persons for whom uniforms have to be provided, the Government should be in a position to manufacture the clothing required by its servants. I have recently read the report of the New South Wales Commission which inquired into the equipment of troops sent to South Africa. If I had anything to do with some of the contractors who supplied those troops I would string them up. The helmets they supplied were neither more nor less than paper, and the boots were made of coloured paper, so that as soon as they got wet they bulged out, and became useless, and the men were left practically without foot-wear.

Mr. WILKS.—That was Mr. Anderson of the "six batters" fame.

Mr. PAGE.—Yes. One of those who howled against the Labour Party for preventing the six batters from entering the Commonwealth was one of the greatest transgressors, and the greatest shuffler. If he had been a contractor in Wellington's time, that great General would have ordered him out to be shot. It is to prevent abuses of that kind that I should like to see a Government clothing factory

established. We should then be able to obtain khaki, leather, cork, and other materials required, of uniform quality. At the present time Governments do not get value for their money. Persons contract to supply material of a certain quality, but in nine cases out of ten it is not until the material has been accepted and used for some time that it is ascertained that it is not of the proper standard, and by that time the contractors have been paid for it. In Queensland, some time ago, a certain firm tendered to supply some police or military uniforms for a sum which was thousands of pounds below the amount required by the Ipswich Woollen Company, but it was not until the clothes were beginning to go like suji bags that the bad quality of the material was discovered, and it was then too late to do anything. That would not happen if the Government clothing was supplied from a Commonwealth factory. Then at the present time the clothing supplied in some of the States is better than that supplied in others. If it all came from the one factory, the quality would be uniform.

Mr. CROUCH.—The honorable member will never carry his proposal.

Mr. PAGE.—If I had taken a vote upon it the day I brought the matter forward, I could have carried it against the Government, and if the honorable and learned member likes to throw out a challenge, I shall be ready to move, and to press forward to a vote, a proposal for the establishment of a Commonwealth clothing factory. I learned a good deal from the Minister for Defence by watching his proceeding as Government whip, and therefore I am not speaking without being sure of the numbers behind me. When the honorable and learned member for Corio becomes Minister for Defence he will no doubt alter his opinions upon this subject, and will no longer think more of Geelong than of the rest of the Commonwealth.

Mr. HENRY WILLIS (Robertson).—A few minutes ago the honorable member for Canobolas made reference to the death of a poor man named Murphy, lately in the Commonwealth service, who fell from a pole while in the performance of his duties in connexion with the fixing of telephone wires in Sydney, and left a wife and family unprovided for. I was afraid that the honorable member was speaking as a voice in the wilderness, because the



Minister was not present to hear him. As the Minister is present now I wish to repeat what was said. In my opinion, it would be an act of charity for the Government to place a sum of £100 or £200 upon the Estimates, to enable the widow of that unfortunate man to make provision for the support of herself and her family by opening a shop, or in some other way, the breadwinner of the household having met his death while engaged in the service of the Commonwealth. I hope that the representation of the honorable member for Canobolas will meet with the recognition which the case deserves. I wish also to bring under the notice of the Minister the case of a citizen named E. W. Finley, an unofficial postmaster at Ilford, in my electorate. He is in receipt of a salary of 11s. 6d. a week, for which very small sum he provides a post-office with furniture and fittings and stationery, and an assistant; and he devotes the whole of his time to the service of the Commonwealth. Some years ago he was receiving from the New South Wales Government the sum of £53 10s. a year, but not long since his salary was reduced by £22 10s. Money to the amount of £1,150 passes through his hands every year; he has to deal with 403 registered letters, and 8,648 ordinary letters annually; and he despatches several mails a day. His niece, who acts as his assistant, is in constant attendance. It goes without saying that he has some private means, because it would be impossible for a man to exist upon the pittance which he receives from the Commonwealth. I asked him why he did not give up the work, but he replied that he had been performing the duties of the position for twenty-one years, and that although the sum he received was a small one, it helps to eke out what he gets in other ways. I do not think the Commonwealth should take advantage of him, however, and I hope that the Minister will see that his salary is raised again to the amount which he formerly received from the Government of New South Wales. Not one complaint has been lodged against this official during the last twenty-one years, and his case has evidently never been properly represented at head-quarters. In connexion with Defence matters, I should like to point out that the newly appointed Minister will now have an excellent opportunity to give effect to the opinions which he has so eloquently expressed in this

Chamber. We may reasonably expect him to provide the members of rifle clubs with up-to-date arms and ammunition free of cost. I thoroughly agree with the right honorable and learned member for South Australia that if we supply our citizens with rifles and ammunition, we shall adopt the best means of creating an efficient defence force. My attention has been called to the fact that several rifle clubs at Stuart Town and Euchareena, in the electorate I represent, have no butts or targets at which they can practise shooting. There are targets lying at the head-quarters in Sydney—and doubtless the same thing may be said with regard to other parts of the Commonwealth—which might very well be handed over to the rifle clubs. I trust that the Minister for Defence will bear this matter in mind, and do his best to encourage the members of rifle clubs, upon whom we shall probably have mainly to depend for our defence in the future. If we pursue a liberal policy in regard to our rifle clubs, we shall, in the end, effect a great saving in our defence expenditure. I take this opportunity to congratulate the Minister upon his appointment. The honorable member for Maranoa has referred to the desirability of establishing a small arms and ammunition factory within the Commonwealth. Some years ago I interested myself in ascertaining how matters stood with regard to a large number of military reserves upon the shores of Sydney Harbor. These reserves are very valuable, and I think that some of them might be taken over by the Defence Department with a view to provide sites for small arms and ammunition factories. I feel certain that the Minister will direct his attention to securing the highest state of efficiency in his Department, and I wish him every success.

Mr. WILKS (Dalley).—It might be suggested by a "reptile" press that honorable members are now engaged in talking to their constituents; but I am sure that no one could entertain any such suspicion regarding the patriotic address of the right honorable and learned member for South Australia, who roused me to the highest pitch of enthusiasm. The right honorable gentleman very strongly advocated the establishment of a small arms factory in order that we might arm our citizens with Australian-made rifles. He is true to his fiscal creed, and apparently would not care to have an Australian citizen destroy an enemy by means of a foreign

rifle. I should not object to the establishment of a small arms factory within the Commonwealth, but at the same time I do not care whether the Australian citizens shoot with Australian rifles, or foreign-made weapons, so long as they are effective in dealing with the enemy. In an article recently published in the *Melbourne Age*, reference was made to the fact that Sir Harry Brackenbury, the Superintendent of the Woolwich Arsenal, in giving evidence before the Commission appointed to inquire into the conduct of the war in South Africa, stated that if Great Britain had been engaged in naval warfare at the time of the South African war, a serious crisis would have arisen, and that the resources of the British arsenals would not have been equal to supplying all the requirements of the Army and Navy. This should assist us to realize the necessity of rendering ourselves independent of supplies from abroad in time of war. If Great Britain became involved in a European struggle she would be taxed to the utmost to provide munitions of war for her own forces, and we should not be able to obtain supplies from that source. I hope, therefore, that the Minister for Defence will give this question his serious consideration at the earliest possible date. As the honorable member for Maranoa has pointed out, if we established our own factory we should save a considerable sum of money every year in connexion with the repair of arms. The remarks of the honorable member with regard to the establishment of a clothing factory are fully borne out by my own experience. I was a member of the Parliamentary Committee which inquired into the desirability of establishing a State clothing factory in New South Wales. It was made clear by the evidence given at the inquiry that the contractors for military supplies evaded their responsibilities, and that the contingents which left New South Wales for South Africa were very badly equipped. If a Commonwealth clothing factory were established we could supply, not only the uniforms required by the Post and Telegraph and other Commonwealth Departments, but also, if the States were agreeable, uniforms required for the railway officers and police. The New South Wales Government are already meeting their own requirements in this respect, and their factory has been a great success. A few weeks

*Mr. Wilks.*

ago I directed the attention of the then Minister for Defence, Sir John Forrest, to the conditions under which the services of a number of members of the Naval Brigade in New South Wales were dispensed with. The right honorable gentleman then stated that the men were not entitled to a retiring allowance. I find, however, that provision is made upon these Estimates for two months' pay upon retirement.

Sir GEORGE TURNER.—That is two months' pay in lieu of two months' notice. That has nothing to do with compensation. The permanent men who were dispensed with were given two months' pay and compensation as well. We gave the members of the Naval Brigade two months' pay, and told them that they might go away forthwith.

Mr. WILKS.—This is the first occasion on which I have had the matter explained to me. It was represented that the officers had received compensation, whilst the men had not been so liberally treated. I trust that the Minister for Defence will show himself fully alive to the necessity of effecting reforms in his Department, and that he will direct the whole of his energies to securing greater efficiency in the service. I hope, further, that he will do his best to see that the interests of New South Wales are conserved.

Sir GEORGE TURNER.—I have listened with interest to the remarks of honorable members with regard to a number of grievances, such as usually crop up whenever the Treasurer has to ask for money. A number of the matters referred to are of a purely departmental character, of which Ministers cannot be expected to have a knowledge at present. I shall be very glad to ask my honorable colleagues to inquire into the complaints made, and see how far it is possible to remedy them. With regard to the suggested establishment of a small arms and ammunition factory and a clothing factory, the late Prime Minister expressed his views very clearly a few days ago. So far as I know, the present Government will adhere to the lines laid down by that right honorable gentleman, and will be prepared at the proper time to give effect to the policy indicated. Action may have to be deferred for the present, because we have to be somewhat careful this year owing to the anticipated falling-off in the revenue, and the very heavy demands made upon the States

this year in consequence of our having been unable to spend certain votes for new works last year.

Mr. HENRY WILLIS.—Is the Treasurer in favour of establishing such factories?

Sir GEORGE TURNER.—Personally I am in favour of the establishment of a small arms factory and a clothing factory. As regards the manufacture of small arms ammunition, I think that we have already made a very good bargain, and that it would not be wise to establish a Government factory at the present time.

Mr. WILKS.—What period does the contract cover?

Sir GEORGE TURNER.—It has about ten years to run.

Mr. WILKS.—For the whole of the Commonwealth?

Sir GEORGE TURNER.—No. It has about ten years to run as regards Victoria only; but the establishment in question is quite capable of supplying the needs of the Commonwealth. Another matter which has been brought under my notice during the course of this debate has reference to the employment of boys of tender years, late at night, in the Government Printing Office for a very small remuneration. I have made inquiries, and I find that lads who are in receipt of 7s. 6d. weekly work late a few nights in the week, for which they are paid a higher rate. However, I do not believe in boys being required to work overtime, and, wherever possible, I think that men should be employed. During the week I shall have a conference with the Government Printer upon the matter, and I am perfectly certain that I shall be able to make an arrangement which will be satisfactory to all parties. Concerning the supply of rifles to rifle clubs, it has been said that the Defence Department throws every obstacle possible in the way of these organizations. No doubt that is a matter into which the Minister in charge of the Department will inquire, because it is undoubtedly the feeling of Parliament and of the country that reasonable encouragement shall be afforded to these clubs. Then the Government have been challenged with regard to the supply of rifles to these organizations. From the observations of some honorable members one would imagine that no provision whatever had been made in that direction. As a matter of fact, we provided £35,000 for that purpose during the past two years. With this money we

have purchased 8,700 new rifles, 7,000 of which have been delivered, and 1,700 of which are now on their way from England. We have in the Commonwealth 19,764 magazine rifles, of which 11,704 have been issued, and 8,060 of which are still in hand.

Mr. KINGSTON.—Have the Government enough rifles to supply all that are wanted?

Sir GEORGE TURNER.—I do not say that. At the same time I see no reason why the 8,000 rifles which are now in hand should not be distributed. I understand that some little friction has existed in connexion with the purchase of these weapons by members of rifle clubs, but my colleague informs me that that difficulty has now been remedied. Last year I placed a sum of money at the disposal of the Defence Department, and converted it into a trust fund by providing that the amount derived from the sale of rifles should be placed to its credit, so that it might continually be replenished. Thus for every rifle which is sold by the Department the money is provided with which to obtain a fresh weapon.

Mr. THOMSON.—But no provision has been made for those who cannot afford to purchase rifles for themselves.

Sir GEORGE TURNER.—That is a very difficult subject to deal with. We have to choose between handing over to every person who joins a rifle club, a rifle which costs us nearly £4, and devising some means by which those who are not able to purchase a weapon for themselves can obtain one. I propose to have a conference with the Minister for Defence upon this matter with a view to see if it is not possible to make an arrangement by which those who cannot afford to pay down a lump sum to purchase rifles, shall be granted facilities to acquire them. In this year's Estimates we have provided £30,000 with which to provide rifles and accoutrements. The General Officer Commanding is strongly of opinion that at the present time we ought not to purchase more rifles, because the Imperial authorities are now engaged in testing what is alleged to be a superior weapon, so that it is quite possible that within twelve months a new type of rifle will be adopted by the British Army. Indeed, in connexion with most military matters, the trouble is that we frequently spend a large sum of money, only to discover in three or four years' time that it has been absolutely wasted.

Mr. THOMSON.—That remark is applicable to all military expenditure.

Sir GEORGE TURNER.—To a large extent it is. We must therefore let the people understand that they must be prepared to find this money without growling. The difficulty is that whenever a wave of enthusiasm passes over the land, a demand is made upon the Government to incur a large expenditure upon our Defence Forces, but a few years later, when hard times are being experienced, the people growl and insist upon our cutting down our expenditure in that Department. We have provided this year for the purchase of rifles and accoutrements, notwithstanding the opinion of the General Officer Commanding to the contrary. The Minister did not agree with the General. Out of the £30,000 set apart for that purpose, I promise that £20,000 will be expended in the purchase of rifles. That will provide more than 5,000 new weapons. These, in addition to the number which we already have in hand, will give us a total of about 26,000 rifles. During the current year I am not prepared to provide for any extra expenditure in that direction. I think that the States have troubles before them, and whilst the amount mentioned may seem small, it would be a serious matter to increase it after I have informed the States Treasurers of the amount which they may expect to be returned to them by the Commonwealth. It must be recollected that they have to base their calculations upon my statement. The £20,000, to which I have referred, can be spent as soon as the Appropriation Bill has been passed by both Houses. I believe that in the Defence Department economies can be effected. Indeed, large savings have already been made, but I believe that if the Minister puts his heart into his work—as I know he will—he will be able to make still further economies, without in any way impairing the efficiency of the forces. I do not think that much trouble will be experienced in effecting a saving of £20,000 or £25,000 during the year. That amount will not affect the balance which I have promised to return to the States, and I have not the slightest objection to allowing my colleague to devote whatever sum he may save in the Department to the purchase of new rifles. He will thus be placed upon his mettle, and will be given an opportunity to show what he can do. Next year, instead

of devoting £75,000 to the purchase of military requirements—which is the amount that I felt justified in providing upon this year's Estimates—the Treasurer will be able to set apart £125,000. By the time that vote is exhausted, I trust that we shall possess a sufficient supply of rifles for all our needs. That is the utmost limit to which I can go. In view of the manner in which the revenue is coming in, I do not feel justified in asking the House at the present time to vote any further sum for the purchase of rifles, and, in matters of this sort, I claim that honorable members should always be guided by the Treasurer. When they consider the number of rifles which are at present forthcoming, the sum which has already been allocated for the purchase of additional weapons, my promise that any future savings which may be effected in the Defence Department shall be applied to that purpose, and the increased sum which will be provided next year, I think honorable members will agree with me that everything practicable has been done. No doubt a number of those who have joined rifle clubs will purchase their own rifles.

Mr. THOMSON.—A number of them will do so.

Sir GEORGE TURNER.—The greater the number who purchase rifles the more weapons will there be available to those who are not in a position to do so. I trust that I have dealt satisfactorily with the various matters which have been brought forward during the debate, and I hope that the Committee will now allow the Supplementary Estimates to be passed.

Proposed vote agreed to.

Department of Home Affairs, division 17 (*Public Service Commissioner*)—£188; division 19 (*Public Works*)—£27; division 21 (*Miscellaneous*)—£312. Department of the Treasury, division 25 (*Unforeseen and accidental expenditure*)—£102. Department of Trade and Customs, division 30 (*Expenditure in South Australia*)—£800; division 31 (*Expenditure in Western Australia*)—£48. Department of Defence, New South Wales Military Forces, division 49 (*Ordnance Branch*)—£1; division 50 (*Royal Australian Artillery*)—£1; division 52 (*Submarine Miners*)—£30; division 57 (*Lancers Regiment*)—£1; division 59 (*Mounted Rifles Regiment*)—£3; Western Australia Military Forces, division 115 (*Allowances*)—£54. Postmaster-General's Department, division 132

(*Expenditure in Victoria*)—£4,263. Department of External Affairs, division 141 (*Federal Executive Council*)—£12; division 142 (*Administrative*)—£32; Department of Trade and Customs, division 160 (*Expenditure in Tasmania*)—£16; Department of Defence, division 162 (*Miscellaneous*)—£530; New South Wales Military Forces, division 170 (*Ordnance Branch*)—£3; division 175 (*Permanent Army Service Corps*)—£16; division 179 (*Mounted Rifles Regiment*)—£14; division 188 (*Partially-paid Forces*)—£23; division 190 (*Volunteer General Contingencies*)—£5; division 191 (*Miscellaneous Services*)—£211; Tasmanian Military Forces, division 229 (*Permanent Forces*)—£2; Postmaster-General's Department, division 241 (*Expenditure in South Australia*)—£235, agreed to.

#### ADDITIONS, NEW WORKS AND BUILDINGS (1901-2).

Department of Home Affairs: Division 1 (*Trade and Customs*)—£1; division 2 (*Defence*)—£1,003, agreed to.

#### SUPPLEMENTARY ESTIMATES, 1902-3.

Parliament: Division 1 (*The Senate*)—£11; division 2 (*House of Representatives*)—£10; division 3 (*Parliamentary Reporting Staff*)—£5; division 5 (*Refreshment Rooms*)—£650; division 7 (*Electric Lighting, Repairs, &c.*)—£197; division 8 (*Queen's Hall*)—£55. Department of External Affairs: Division 11 (*Administrative*)—£722; division 12 (*Federal Executive Council*)—£279; division 15 (*Miscellaneous*)—£335. Attorney-General's Department: Division 16 (*Secretary's Office*)—£41. Department of Home Affairs: Division 18 (*Administrative Staff*)—£965; division 20 (*Public Service Commissioner*)—£2,609; division 22 (*Works and Buildings*)—£1,345; division 23 (*Miscellaneous*)—£2,905. Department of the Treasury: Division 24 (*Treasury*)—£565; division 25 (*Audit Office*)—£212; division 26 (*Government Printer*)—£88; division 29 (*Refunds of Revenue*)—£644. Department of Trade and Customs: Division 31 (*Minister's Office*), £1,298; division 32—(*Expenditure in New South Wales*)—£2,827; division 33 (*Expenditure in Victoria*)—£3,038; division 34 (*Expenditure in Queensland*)—£3,109; division 35 (*Expenditure in South Australia*)—£1,295; division 36 (*Expenditure in Western Australia*)—£3,259; division 37 (*Expenditure in Tasmania*)—£676. Department of Defence: Division 38 (*Chief Administration*)

—£148; division 39A (*New Rifles and Maxim Guns*)—£25; division 39B (*Command Pay or Allowance*)—£736. New South Wales Naval Forces: Division 41 (*Permanent Staff*)—£20. Victorian Naval Forces: Division 42 (*Permanent Force*)—£228. Queensland Naval Forces: Division 45 (*War Vessels*)—£27; division 50 (*Head-quarters Military Staff*)—£232. King George's Sound: Division 53 (*Royal Australian Artillery*)—£956. New South Wales Military Forces: division 76 (*Infantry Regiments*)—£32; division 80 (*Sixth Regiment Volunteer Infantry*)—£16; division 86 (*General Contingencies*)—£100; division 87A (*Miscellaneous*)—£50. Victorian Military Forces: Division 94 (*Corps of Australian Engineers*)—£198; division 99 (*Scottish Regiment*)—£515; division 102 (*General Contingencies*)—£553. Queensland Military Forces: division 105 (*District Pay Department*)—£7; division 106 (*Ordnance Department*)—£179; division 121 (*General Contingencies*)—£280. South Australian Military Forces: Division 132 (*Rifle Clubs and Associations*)—£30; division 133 (*General Contingencies*)—£157. Western Australian Military Forces: Division 139 (*General*)—£120. Tasmanian Military Forces: Division 143 (*Head-quarters Staff*)—£20; division 145 (*Ordnance Department*)—£25; division 146 (*Instructional Staff for duty with partially-paid or Volunteers*)—£5; division 147 (*Royal Australian Artillery*)—£78; division—157 (*General Contingencies*)—£87; division 158 (*Compensation*)—£9,033; Postmaster-General's Department: Division 159 (*Central Staff*)—£16; division 160 (*Expenditure in New South Wales*)—£20,940; division 161 (*Expenditure in Victoria*)—£9,852; division 162 (*Expenditure in Queensland*)—£5,309; division 163 (*Expenditure in South Australia*)—£7,151; division 164 (*Expenditure in Western Australia*)—£7,612; division 165 (*Expenditure in Tasmania*)—£466. Department of External Affairs: Division 166 (*Administrative*)—£675; division 168 (*Miscellaneous*)—£1,450. Department of Home Affairs: Division 173 (*Electoral*)—£41; division 176 (*Works and Buildings*)—£2,517. Department of the Treasury: Division 179 (*Audit Office*)—£315. Department of Trade and Customs: Division 182 (*Expenditure in New South Wales*)—£1; division 184 (*Expenditure in Queensland*)—£26. Department of Defence: Division 19?

at this stage to detain the House with a more lengthy speech. I shall content myself by saying that whilst I am in general agreement with the provisions of the Bill as a whole, I am not in thorough accord with some of them, and trust that they will be amended in Committee.

Mr. GLYNN (South Australia).—As the late Prime Minister said in introducing this Bill, it is really a measure that might better be considered in Committee than dealt with elaborately during a second-reading debate. But as I had carefully looked through the Bill and considered some of its provisions in conference with representatives of the inventors as well as of the patents agents, I had intended at this stage to refer to certain amendments of which I have given notice in order that honorable members might form an opinion as to the expediency of adopting them before we came to the detailed work of Committee. On glancing at the list of suggested amendments which have just been circulated by the Prime Minister, it appears to me, however, that they cover some of the proposals which I had intended to bring forward. I certainly think that the Bill should be passed. Up to the present we have dealt largely with machinery measures that have led, perhaps unnecessarily, to a considerable amount of irritation, and it is just as well that some of the real benefits of Federation should be given to the public by the first Parliament of the Commonwealth. In my opinion this measure will have as good an effect upon our industrial development as any that has been passed since the opening of the first Parliament of Australia. The fees fixed by it are considerably less than those which obtain under the existing patent laws of the States. I think that the Minister mentioned that under this Bill the total fees which will be payable to the Government in connexion with the grant of a patent will amount to about £13 as against something like £96, the total charge for a separate patent in each of the six States. It must readily be seen that a great benefit will be conferred upon an inventor if, instead of having to file six applications, followed by six sets of specifications and drawings, in order to secure his rights throughout Australia he can obtain a patent for all Australia by one application. The United States of America leads the way in the matter of patents, not so much because

of the exceptional inventive genius of her people, or of any exceptional conditions drawing them into action, as perhaps because of the ease and cheapness with which patents can there be obtained. The total fees payable in connexion with an application for a patent in the United States of America are a little over £7. I believe they amount to 35 dol. or £7 5s. 10d.

Mr. O'MALLEY.—But that is in a country possessing 80,000,000 people.

Mr. GLYNN.—Quite so. Then there are no working conditions. It is just as well that the Government should remember that fact now that they propose to reinsert the clause which was omitted by another place, adding to the working conditions which they have adopted from the English Act—which I think ought to be retained—other provisions which are most exceptional and drastic. I refer to the provisions as to non-importation of an article four years after the issue of a patent in respect of it, and the obligation upon an inventor, as a condition of obtaining the privilege of the patent, that the manufacture of the article patented by him shall within five years be exclusively carried on in the Commonwealth. I do not think that there is any provision of this sort in America where the greatest number of patents have been issued. In the case of the United States of America, it is the cheapness of the system which has led to the fact that there are more than double as many patents issued there as there are in England. Novelties are generally patented in United States of America. In England the fees amount to about £150, and when those charges are compared with the fees amounting to a little over £7, which are levied in the United States, it at once becomes apparent that only comparatively rich applicants can obtain a patent in the old country. Hence, in America we find that little nick-nacks and comparatively small additions to labour-saving appliances are patented. It must be borne in mind that the manufacture of these patents gives rise to the greatest amount of employment. There are about 2,000,000 people engaged in the manufacture of patented articles in America, and if we allow that in that country the average number of children per family is three—I believe that the exact figures are 2·47—it will be seen that there are 10,000,000 people practically dependent upon the industries thus opened up. In view

of these circumstances, we ought to encourage the issue of patents with the least difficulty to applicants, and on payment of the lowest possible fees to the Government. I had intended to make a few suggestions with regard to the amendment of the Bill, but, as I have already mentioned, they have been largely anticipated by the Government. I desire, however, to refer to the question of appeal. I observe that clause 39 contains a provision that—

An appeal shall lie to the law officer from any direction of the Commissioner under the preceding section.

The preceding clause refers to clauses 35 and 36, which relate to the examination by the Commissioner to whom the patent is referred on the specifications being lodged. The examination is to cover the questions of whether the title has been stated as prescribed, whether the invention has been properly described, and whether the application and specification are as prescribed. Then there is the additional provision which was inserted by the Senate as to a search for novelty. Under clause 36, the examination must also extend to the work of finding out whether the invention fully described in the complete specification is substantially the same as that described in the provisional specification; and if the examiner reports adversely to the applicant in respect of any of these matters, clause 39 provides for an appeal to the law officer, "for any direction of the Commissioner." Honorable members will notice that that appeal does not cover, for instance, the case of the refusal of an application, which is a far more important matter than is the amendment of a specification as a condition to the issue of a patent. This omission appears to have been an oversight, but it is an exceedingly important one. There is no appeal from the refusal of an application, nor is there any appeal provided where under clause 43 of the Bill a patent is issued accompanied by a reference to previous specifications. Clause 43 is an adaptation of the provision inserted in the English Act of 1902. I believe that the Government have based the changes which they propose to make in the Australian patent laws on that Act, because I notice that the two chief provisions which led to the passing of the Imperial statute are really the chief innovations made upon our existing States laws by this Bill. One is that

which provides that if the examiner reports that a previous application or specification has been lodged in respect to the article in question, and that requisitions which he in consequence makes upon that application are not carried out, and he does not care to refuse the application, he may allow the patent to issue, but shall mark it with a notification to the public that it is liable to be challenged on the grounds that specifications in respect of the same invention have previously been lodged by another person. This is, as I have said, an adaptation of the chief amendment brought about in the English patent laws by the Act of 1902. But although in England the applicant can appeal against the decision of the Commissioner, should he direct that the patent be issued with such a notification, no such appeal is provided in this Bill. It is a matter of considerable importance, because the issuing of a patent, with a challenge on the face of it as to its validity, is an exceedingly important matter. There is a provision on the subject in sub-section 7 of section 1 of the Imperial Act, to the effect that an appeal shall lie from the decision of the Comptroller to the law officer. I need not quote the section, but it directs that the patentee must be supplied with a notification of the liability of his patent to be challenged on the ground of want of novelty, as provided for in clause 37 of this Bill. I think the Government must have overlooked the fact that until we come to clause 52, which deals with opposition, the appellate provisions of the Bill are not complete. An appeal is given only in some cases.

MR. DEAKIN.—I have observed that, and I propose to provide for it.

MR. GLYNN.—I notice that the honorable and learned gentleman is proposing to amend it, but not, I think, in the right direction. The amendments suggested provide for an appeal as regards the notification of want of novelty only to the Supreme Court. I think the English practice is much better and much cheaper, because under the English law the matter may be taken at once to the law officer and decided. If the decision of the law officer is adverse to the appellant, there is no reason why an appeal should not lie in the last resort to the Supreme Court; but to drive appellants at once to the Supreme Court, even of a State, might be to subject them to great delay, and, in some instances, to much greater expense than is

desirable. I hope the Prime Minister will carry out his amendment of the Bill in this respect in a more liberal spirit than he has indicated by allowing an appeal to the law officer in the first instance. In England the appeal in the first instance is to the law officer from the Commissioner's decision. In the United States, in Germany, and in some other countries in Europe, there is an appeal in the first instance from the decision of the Commissioner to Boards of Appeal before the matter is carried into the Supreme Courts of those countries. That is one of the suggestions I intended to make, and I hope the Prime Minister will be willing to allow an appeal to the law officer instead of to the Supreme Court in the first instance. I notice that there is no provision in this Bill under which an applicant for a patent may make an application to have a patent issued to apply only in a particular State. Under clause 43, on the Examiner having reported unfavorably to an applicant, the Commissioner is given power to declare that a patent may issue, but to confine its operation to any one State. I suppose the reason for that is that the specifications put in by the applicant may have been filed previously, and that therefore the application of the intended patentee is subject to be challenged on the ground of want of novelty. If under clause 43 the Commissioner holds that a particular application or specification is open to some of the objections mentioned to clause 37—the objection, for instance, that it has been already patented in the Commonwealth, or has been the subject of a prior application for a patent in the Commonwealth, or in a State—he may confine the operation of a particular patent to a State or States, in which it could not be challenged on the ground of want of novelty. I suppose that is the idea of the Bill, but I contend that a similar right should be given to the applicant in the first instance. He may know that an objection to his patent would lie in some States, and he may wish to avoid the expense and delay of the appeal, which would lie from the Commissioner's adverse report. He is given no right to indicate that in respect of particular States he is aware that his application is open to challenge, and I ask the Prime Minister whether it would not be better that some such right should be given to the applicant which would avoid the necessity for action on the part of the

Commissioner to limit the application of the patent to a particular State. I notice that it is intended to reintroduce a clause which was struck out in another place as regards the local manufacture of patented articles. I have looked through some of the Patent Acts of the Continent, and the Canadian Act, and I do not believe that the Prime Minister can instance a single State in Europe in which such a provision exists.

Mr. DEAKIN.—Germany.

Mr. GLYNN.—I doubt it. There are provisions as regards the working of patents, but they are not identical with the provision proposed to be inserted in this Bill requiring the compulsory manufacture of a patented article within the Commonwealth within a certain time. The general rule on the Continent is that the supply of the patented article must be adequate for the needs of the public, and for that reason there are some working provisions which must be complied with, but I think the Prime Minister will not be able to show a single State in Europe in which it is obligatory to manufacture a patented article within a certain time. I may be mistaken, but I could find no such provision. There is a provision of the kind in Canada.

Mr. DEAKIN.—In Canada, Newfoundland, and South Australia.

Mr. GLYNN.—Not in South Australia as regards the manufacture.

Mr. DEAKIN.—The patent is liable to be revoked on the application of any person, if after three years the article is not obtainable, or the patent is not being used either by the patentee, or his assignee for the public benefit.

Mr. GLYNN.—That is different from manufacture. The South Australian provision, I think, refers to the using of a patent, but does not refer to the manufacture of the article. I draw the attention of the Prime Minister to the fact that there is a great distinction between the mere working of a patent and the manufacture of a patented article. We have in the Bill a clause adopted from the English Act of 1902 dealing with the working of a patent, and under that clause if, after two years, it is shown that the requirements of the public are not properly met by the importation of the patented article, or its local manufacture, on application being made a compulsory licence may be issued for its manufacture. That is provided for under clause 83. That provision is a sound one. It was



the subject of a report from the Board of Trade under a Commission appointed under the Act of 1901. It was subjected to a considerable amount of criticism, and was finally passed in the Act of 1902, after the words of the provision had been very carefully considered. I regret that the Government have in this Bill departed from the wording of that provision in the English Act. I agree with the principle; but I cannot for the life of me see why, in adopting a wholesome and carefully considered provision from the English Act, the exact wording of that Act should not have been followed, in order that we might have the advantage of any decisions on the English practice. I indorse the principle of clause 83, and I say that it is adequate for the necessities of Australia. If there is an insufficient supply of a patented article the difficulty can be met by an application under that clause. But to say in addition to that, that after five years, there shall be no importation of the patented article, appears to me to be protection run mad. It is the following out of the fiscal policy of the Government which has led to the introduction of this provision. How could such a machine as Singer's sewing machine be manufactured here?

Mr. MAUGER.—Why not?

Mr. GLYNN.—Does the honorable member expect that the Singer's Sewing Machine Company will start a branch of their manufacture here in consideration of a local patent?

Mr. MAUGER.—They are manufacturing in Sydney now.

Mr. GLYNN.—Not in the way in which they are manufacturing in America and in Scotland. I think that Scotland is the only place outside of America in which the company has been able to establish a manufacturing branch. The reason is simply because the consumption is too small to justify the establishment of a huge plant. Do honorable members, for instance, think that it would pay the proprietors of the linotype machines to start the manufacture of those machines here to supply the demand in Australia.

Mr. TUDOR.—Why should their patent prevent any one else manufacturing them?

Mr. GLYNN.—It will not do that. Clause 83, dealing with the working of a patent, is adequate to meet the difficulty. There must be some privileges attaching to a patent wherever it is granted, and the only difficulty is as regards an adequate

supply of the patented article. I say that is met by the power to manufacture locally, and by importation, which will always be sufficient to meet the needs of the public. I therefore think it is a mistake to propose the re-insertion of the clause to which I refer.

Mr. MAHON.—Are not the public interested in seeing that they are not charged a ridiculously high price for a machine?

Mr. GLYNN.—That objection strikes at the principle of granting any patents at all, and it would not be met by local manufacture. Compulsory local manufacture would rather tend to increase the price of an article. If we obliged the Singer's Sewing Machine Company, or the proprietors of the linotype, to establish local factories here to prevent competition as regards the products of their factories in other countries, the tendency would be to increase rather than to reduce the price. So far as the public are concerned, it would increase the burden and effect of the privilege granted under the patent. I hope that before they consent to the re-insertion of the clause to which I refer, honorable members will consider what it really involves. There is a provision in the American statute which I hope the Prime Minister will agree to incorporate in this Bill. I have given notice of a clause covering it, to follow clause 119. A great many actions are taken for the sale of patented articles and against the manufacture of articles which are covered by a patent, the existence of which is to the public unknown. No notice of the issue of a patent covering the article is given to the public until an action for infringement is taken. This has led to a good deal of trouble in England and in various other countries. Two or three years ago a provision was passed in America, declaring, to give the substance of it, that no action for infringement of a patent could be taken unless the patentee had fixed on the article the word "patented," together with the day and year the patent was granted, to indicate the fact that it was patented. The clause I intend to submit is identical with the American provision, except that I have added that the number of the patent shall also be given, in order to facilitate search. This provision is working well in America, and has been favorably reported upon, and in an article on the Act of 1902 appearing in the *Law Quarterly* for July of this year, by a lawyer and

desirable. I hope the Prime Minister will carry out his amendment of the Bill in this respect in a more liberal spirit than he has indicated by allowing an appeal to the law officer in the first instance. In England the appeal in the first instance is to the law officer from the Commissioner's decision. In the United States, in Germany, and in some other countries in Europe, there is an appeal in the first instance from the decision of the Commissioner to Boards of Appeal before the matter is carried into the Supreme Courts of those countries. That is one of the suggestions I intended to make, and I hope the Prime Minister will be willing to allow an appeal to the law officer instead of to the Supreme Court in the first instance. I notice that there is no provision in this Bill under which an applicant for a patent may make an application to have a patent issued to apply only in a particular State. Under clause 43, on the Examiner having reported unfavorably to an applicant, the Commissioner is given power to declare that a patent may issue, but to confine its operation to any one State. I suppose the reason for that is that the specifications put in by the applicant may have been filed previously, and that therefore the application of the intended patentee is subject to be challenged on the ground of want of novelty. If under clause 43 the Commissioner holds that a particular application or specification is open to some of the objections mentioned to clause 37—the objection, for instance, that it has been already patented in the Commonwealth, or has been the subject of a prior application for a patent in the Commonwealth, or in a State—he may confine the operation of a particular patent to a State or States, in which it could not be challenged on the ground of want of novelty. I suppose that is the idea of the Bill, but I contend that a similar right should be given to the applicant in the first instance. He may know that an objection to his patent would lie in some States, and he may wish to avoid the expense and delay of the appeal, which would lie from the Commissioner's adverse report. He is given no right to indicate that in respect of particular States he is aware that his application is open to challenge, and I ask the Prime Minister whether it would not be better that some such right should be given to the applicant which would avoid the necessity for action on the part of the

*Mr. Glynn.*

Commissioner to limit the application of the patent to a particular State. I notice that it is intended to reintroduce a clause which was struck out in another place as regards the local manufacture of patented articles. I have looked through some of the Patent Acts of the Continent, and the Canadian Act, and I do not believe that the Prime Minister can instance a single State in Europe in which such a provision exists.

*Mr. DEAKIN.*—Germany.

*Mr. GLYNN.*—I doubt it. There are provisions as regards the working of patents, but they are not identical with the provision proposed to be inserted in this Bill requiring the compulsory manufacture of a patented article within the Commonwealth within a certain time. The general rule on the Continent is that the supply of the patented article must be adequate for the needs of the public, and for that reason there are some working provisions which must be complied with, but I think the Prime Minister will not be able to show a single State in Europe in which it is obligatory to manufacture a patented article within a certain time. I may be mistaken, but I could find no such provision. There is a provision of the kind in Canada.

*Mr. DEAKIN.*—In Canada, Newfoundland, and South Australia.

*Mr. GLYNN.*—Not in South Australia as regards the manufacture.

*Mr. DEAKIN.*—The patent is liable to be revoked on the application of any person, if after three years the article is not obtainable, or the patent is not being used either by the patentee, or his assignee for the public benefit.

*Mr. GLYNN.*—That is different from manufacture. The South Australian provision, I think, refers to the using of a patent, but does not refer to the manufacture of the article. I draw the attention of the Prime Minister to the fact that there is a great distinction between the mere working of a patent and the manufacture of a patented article. We have in the Bill a clause adopted from the English Act of 1902 dealing with the working of a patent, and under that clause if, after two years, it is shown that the requirements of the public are not properly met by the importation of the patented article, or its local manufacture, on application being made a compulsory licence may be issued for its manufacture. That is provided for under clause 83. That provision is a sound one. It was

the subject of a report from the Board of Trade under a Commission appointed under the Act of 1901. It was subjected to a considerable amount of criticism, and was finally passed in the Act of 1902, after the words of the provision had been very carefully considered. I regret that the Government have in this Bill departed from the wording of that provision in the English Act. I agree with the principle; but I cannot for the life of me see why, in adopting a wholesome and carefully considered provision from the English Act, the exact wording of that Act should not have been followed, in order that we might have the advantage of any decisions on the English practice. I indorse the principle of clause 83, and I say that it is adequate for the necessities of Australia. If there is an insufficient supply of a patented article the difficulty can be met by an application under that clause. But to say in addition to that, that after five years, there shall be no importation of the patented article, appears to me to be protection run mad. It is the following out of the fiscal policy of the Government which has led to the introduction of this provision. How could such a machine as Singer's sewing machine be manufactured here?

Mr. MAUGER.—Why not?

Mr. GLYNN.—Does the honorable member expect that the Singer's Sewing Machine Company will start a branch of their manufacture here in consideration of a local patent?

Mr. MAUGER.—They are manufacturing in Sydney now.

Mr. GLYNN.—Not in the way in which they are manufacturing in America and in Scotland. I think that Scotland is the only place outside of America in which the company has been able to establish a manufacturing branch. The reason is simply because the consumption is too small to justify the establishment of a huge plant. Do honorable members, for instance, think that it would pay the proprietors of the linotype machines to start the manufacture of those machines here to supply the demand in Australia.

Mr. TUDOR.—Why should their patent prevent any one else manufacturing them?

Mr. GLYNN.—It will not do that. Clause 83, dealing with the working of a patent, is adequate to meet the difficulty. There must be some privileges attaching to a patent wherever it is granted, and the only difficulty is as regards an adequate

supply of the patented article. I say that is met by the power to manufacture locally, and by importation, which will always be sufficient to meet the needs of the public. I therefore think it is a mistake to propose the re-insertion of the clause to which I refer.

Mr. MAHON.—Are not the public interested in seeing that they are not charged a ridiculously high price for a machine?

Mr. GLYNN.—That objection strikes at the principle of granting any patents at all, and it would not be met by local manufacture. Compulsory local manufacture would rather tend to increase the price of an article. If we obliged the Singer's Sewing Machine Company, or the proprietors of the linotype, to establish local factories here to prevent competition as regards the products of their factories in other countries, the tendency would be to increase rather than to reduce the price. So far as the public are concerned, it would increase the burden and effect of the privilege granted under the patent. I hope that before they consent to the re-insertion of the clause to which I refer, honorable members will consider what it really involves. There is a provision in the American statute which I hope the Prime Minister will agree to incorporate in this Bill. I have given notice of a clause covering it, to follow clause 119. A great many actions are taken for the sale of patented articles and against the manufacture of articles which are covered by a patent, the existence of which is to the public unknown. No notice of the issue of a patent covering the article is given to the public until an action for infringement is taken. This has led to a good deal of trouble in England and in various other countries. Two or three years ago a provision was passed in America, declaring, to give the substance of it, that no action for infringement of a patent could be taken unless the patentee had fixed on the article the word "patented," together with the day and year the patent was granted, to indicate the fact that it was patented. The clause I intend to submit is identical with the American provision, except that I have added that the number of the patent shall also be given, in order to facilitate search. This provision is working well in America, and has been favorably reported upon, and in an article on the Act of 1902 appearing in the *Law Quarterly* for July of this year, by a lawyer and

an expert in patent law, the suggestion is made that it should be adopted in English legislation. It is pointed out in that article that—

such a provision would cut at the root of the practice of obtaining bogus patents, in order to use the term patented *in terrorem*, and it would enable the public to reap the full advantages of the new investigation.

I hope the Prime Minister will consider the expediency of inserting such a provision in this Bill.

Mr. DEAKIN.—I do not quite see the application.

Mr. GLYNN.—The object is to enable the public at once to know that an article is patented. At present, at any time an action may be sprung upon a man for the manufacture of an article which has already been patented. According to the *Law Quarterly*, several actions have been taken in England in respect of patented articles, no notice of the patents for which had been given to the public. The suggestion is that on every patented article there should be something to indicate that it is covered by a patent. I have had printed some other amendments which I shall deal with in Committee, and of which I need not now indicate the scope. When the Bill gets into Committee any effort I may make will be simply with a view to improve the Bill, which, in my opinion, is one that should be passed in the first Parliament of Australia.

Mr. O'MALLEY (Tasmania).—This is, I think, one of the most important Bills the House has ever had to deal with. I should like to suggest to the Prime Minister the desirableness of adding a small clause which will enable any inventor, by sending £1 to the Commonwealth Patent Office, to secure the right of experimenting with his patent for a year.

Mr. CROUCH.—That is provided for by the provisional specification.

Mr. O'MALLEY.—But how much does that cost? That is the difficulty. The greatest inventors are generally the very poorest men. It is strange, but it is true, that poverty is no bar to progress. In fact, the great inventors of America and the great inventors of the world have nearly all been nurtured on the sad but loving breast of poverty. It seems to me that we should give every possible encouragement to poor men to utilize the products of their brains. If an Australian brings out an

invention, he must first go to a capitalist, who wants four-fifths of the profits before he will find the money for taking out a provisional patent; and then some other man improves upon it before the original inventor receives much benefit from his labours. I wish to ask the Prime Minister how long the fee of £1 will cover the provisional protection? Will it be for a year? Will it give the inventor an opportunity to experiment with his patent and to sell his invention?

Mr. DEAKIN.—When the complete specification does not accompany the application, it "may be lodged within nine months after the date of the application, or within such further time, not exceeding altogether one month, as the Commissioner, in writing, allows." If it is not so lodged, the application lapses.

Mr. O'MALLEY.—Will the patentee be protected for nine months?

Mr. DEAKIN.—Yes.

Mr. O'MALLEY.—So that he can utilize it or sell it if he likes?

Mr. DEAKIN.—Yes. What he will have to sell will not be much, but that will be his own business. It is only a provisional specification.

Mr. O'MALLEY.—I want to be sure that, in case the patentee disposes of his patent, the full amount of the fees will have to be paid to the Commonwealth.

Mr. DEAKIN.—Yes; if those interested in the invention go on with it, they will have to pay the full amount.

Mr. O'MALLEY.—Then the provisional patent will allow the inventor to sell it to any purchaser who chooses to buy. What will be the whole expense of a patent within the Commonwealth?

Mr. DEAKIN.—The total will be £13.

Mr. O'MALLEY.—Is that not pretty high for a country having only 4,000,000 of people?

Mr. DEAKIN.—That is including the renewal fee.

Mr. O'MALLEY.—That great sovereign Power, the United States, with 80,000,000 of people, all hustling and bustling and jostling for a living, charges much less; and is not £13 rather a large sum to make our patentees pay in a country where half the people are asleep?

Mr. DEAKIN.—They will only have to pay £8 in the first five years.

Mr. O'MALLEY.—Is there any provision to allow a man to send direct to the

Commonwealth Patent Office without employing an agent?

Mr. DEAKIN.—Yes; he need not employ an agent unless he likes.

Mr. O'MALLEY.—I do not want to prevent patent agents from getting a living, but a man ought to be able to get his patent direct from the Patent Office if he chooses.

Question resolved in the affirmative.

Bill read a second time.

In Committee:

Clauses 1 to 3 agreed to.

Clause 4—

In this Act, except where otherwise clearly intended—

"Commissioner" means the Commonwealth Commissioner of Patents.

"Patent Office" means the Commonwealth Patent Office.

Mr. DEAKIN (Ballarat—Minister for External Affairs.)—I move—

That, after the word "intended," the following words be inserted:—" 'Actual inventor' does not include a person importing an invention from abroad."

I move this amendment to remove any possible ambiguity arising out of the old English definition. Our words "actual inventor" are, as honorable members will find, afterwards used in reference to applications for patents under clause 28. The definition is the familiar one, and it will remove all possible doubt. It was not considered necessary to insert it in the first place; but, on further consideration, it appears to me that it can do no harm, and it may remove some obscurity.

Mr. BROWN (Canobolas).—I should like to know when the Prime Minister expects to be able to put this measure in proper working order—that is to say, when he expects to have established the machinery for the registration of patents? I understand that it will take some time.

Mr. DEAKIN.—Hear, hear.

Mr. BROWN.—Probably it will be nine or twelve months before the machinery can be got into proper working order. Is any provision made in the Bill to permit of persons who are desirous of coming under its provisions making an application to register now, and getting the full benefit of that registration when the machinery is established for carrying it out? Then, again, I should like to know, in the case of those patents that have been taken out in the different States, whether an opportunity

will be provided to allow of a cheap registration of those States patents under the present Bill? Say, for instance, that a patent has been taken out in New South Wales, but not applied for in one of the other States, will the patentee be able to register under this measure for the purpose of securing a Commonwealth patent?

Mr. DEAKIN.—My knowledge of the time likely to be occupied before this measure can be brought into full operation is derived only from such information as I have been able to obtain, and that I regret to say is rather of a vague character. It will not be possible to bring the Bill into effective operation until all the records of all the Patent Offices of the States are in such a condition as to be readily examined. One of the first duties—perhaps, the first and greatest duty—we impose upon the Commonwealth Patent Office under this measure is the task of consulting all the previous patents registered in all the States, in order to assure the applicant that he is not asking for something which has already been anticipated, and which therefore cannot be of any assistance to him.

Mr. WATSON.—Will that delay the receiving of applications from those who have not applied to any State office?

Mr. DEAKIN.—It need not as a matter of fact delay the applications of those who have not hitherto applied, but their applications must be fruitless, and it would be misleading to entertain them; because those applications cannot be considered effectively until all the registers of all the States have been examined. I do not want to reflect upon any of the individual States, but am informed that in some of them the registers are on their own confession defective, and the indexes insufficient and untrustworthy. It appears to be probable that the task may be cast on us of going through and remaking the registers of some of the States, and many of the registers of others.

Mr. WATSON.—It may take twelve months then.

Mr. DEAKIN.—It may take twelve months. As soon as this measure is passed it will be necessary to appoint a Commissioner. He will report upon the necessary assistance which he will require, and estimate the time to be occupied in bringing the State registers into proper form.

Mr. WATSON.—The Government are not going to take over indiscriminately all the staffs of the existing States offices?

Mr. DEAKIN.—No, indeed; there is no such proposal. But if applications were received the day after this Bill was passed they would have to wait until the work was completed, because until then applicants could not receive the benefits this Bill would give to them.

Mr. WATSON.—Is there not provision for provisional protection, that would allow a patentee to publish his invention?

Mr. DEAKIN.—A provisional application could be made. Its time is nine months, and is capable of a month's extension.

Mr. WATSON.—The honorable gentleman might be able to extend that, pending the proclamation of the Act.

Mr. DEAKIN.—I will look again at those clauses having in view the peculiar circumstances in which we shall commence, to see if they are ample enough to make it clear that provisional applications can be received and inventions protected for whatever time may be necessary until these registers can be brought into operation. One of the greatest reforms proposed by this Bill is the guarantee that is to be given to the inventor that he has not been anticipated. There can be no doubt that this country will be important enough as a field for patentees to insure the registration of all the valuable patents that can be utilized in the Commonwealth. The examination of the Commonwealth registers will afford a great security to every inventor that the invention which he possesses, whatever may be its practical value, is at any rate not forestalled. He will have every reasonable security for that. But we cannot give him that security until we thoroughly do the work of putting all the registers of all the States into that order, from which they should not have been allowed to lapse. That work will have to be done before any patent can be authoritatively granted.

Mr. BROWN.—What about incomplete patents in the various States?

Mr. DEAKIN.—There is nothing in this Bill to extend any patent beyond the State where it is granted. Indeed, the fact that a patent has been granted in one State will be some proof that the application is not novel. Nothing in this Bill

affects existing patents. We take away not a jot or tittle of what a patentee already has, but we give him nothing additional. What we give is to those who register under this measure, but to the States patents we neither add nor take away.

Mr. THOMSON (North Sydney).—I notice that the amendment merely states what an actual inventor shall not be. There is no definition of what an actual inventor is, or what is regarded as an actual inventor under the Bill.

Mr. DEAKIN. — That is practically established by a long series of decisions. But this is to make it perfectly sure that it applies here.

Mr. THOMSON.—Does not the Prime Minister think that it ought to be defined?

Mr. DEAKIN.—I think that the meaning of the phrase "actual inventor" is well understood. This is the one ambiguity which we thought might arise.

Mr. THOMSON.—I thought the words might be used, "the true and first inventor." If by excluding you include, then I should say that an actual inventor is any one except a person importing an invention from abroad.

Mr. DEAKIN.—Who has invented. "True and first inventor" is the other phrase.

Mr. THOMSON.—But a mere importer is not an inventor?

Mr. DEAKIN.—No.

Mr. THOMSON.—If we exclude only one class of individuals, do we not run the risk of including a good many others who are not defined here?

Mr. DEAKIN.—No. This definition was necessary in order to remove a former ambiguity in that regard.

Mr. THOMSON.—Is the Prime Minister satisfied with the provision as it is?

Mr. DEAKIN.—Yes. The importers were formerly included.

Mr. HIGGINS (Northern Melbourne).—I hope that the word "actual" will be retained. In the statute of James concerning monopolies and patents, the words "true and first inventor" are used, and the phrase has always been held to include those who import articles from abroad. The object in using the word "actual" is to get the benefit of the decisions in the United States. "Actual inventor" is the phrase used in the Act of Congress. It has a definite meaning, which it would be a pity for us to attempt to qualify. It means the person who has discovered a thing. The phrase "true and

first inventor" is held to include those who import. "Actual" is the best word to use.

Mr. WATSON.—It will 'cover the assignee.

Mr. HIGGINS.—In clause 28, a distinction is drawn between the actual inventor, and the assignee or his nominee. "Actual inventor" means the person whose brains have performed the work.

Mr. GLYNN (South Australia).—I desire to mention a suggestion which has been made to me by some representatives of the Inventors' Association. The suggestion is, that pending the coming into force of the Act—which would be by proclamation, and which might not be for twelve months or perhaps longer—applications might be made for Federal patents to come into force on the Act being proclaimed. I cannot see how it can be easily provided for, because the Act would not have been in force. I am afraid that a special clause will have to be inserted. Perhaps the Prime Minister may consider the suggestion before the Bill is taken out of Committee.

Mr. DEAKIN.—I shall make a note of it.

Amendment agreed to.

Mr. DEAKIN.—In the original draft of the Bill, the word "Commonwealth" was continually used before the word "Commissioner." The Senate struck out the word "Commonwealth" in a certain number of places, and omitted to do so in other places. In order to make the drafting harmonious, I move—

That the word "Commonwealth," line 3, be omitted.

Amendment agreed to.

Amendment (by Mr. DEAKIN) agreed to—

That, after the word "Patents," line 4, the following words be added:—"appointed pursuant to this Act."

Mr. HIGGINS (Northern Melbourne).—May I ask the Prime Minister whether he has considered the definition of the word "invention"? A very different definition is used in the United States, and it seems to answer the purpose better than that which we find in the British and Victorian Acts. I do not make this remark at all dogmatically, because I have not been able to consider the matter fully; but I wish to know whether the honorable and learned gentleman has considered, or will consider, the question of altering the definition of "invention," as it has raised in Great

Britain and these States a great many difficulties, which, so far as I understand, have not been met with in America.

Mr. DEAKIN.—The officers who laid down the main lines of this measure very carefully considered that question, and came to the conclusion that the inventors in all the States had become used to this particular definition and to the long line of decisions which are to be found in case law. Clumsy as it sounds, it ought to be retained, as it conveys to the minds of English people everywhere a clearer idea of what is intended than would the American or any other modern definition. The American definition has had to be expounded and expanded by a series of judicial decisions.

Mr. WATSON.—So would any definition.

Mr. DEAKIN.—Yes. Here we have a definition which, originally extremely diffuse and obscure, has by means of a long series of cases been rendered more precise and clear than any other which could be devised. It was for that reason, after careful consideration, that this undoubtedly antiquated terminology was retained.

Mr. O'MALLEY (Tasmania).—That a definition has stood for centuries is a very poor excuse for retaining. There is no reason why a custom should be followed. It does seem very strange to me that it is accepted by the Prime Minister because it was accepted by his great-grandfather and his great-grandmother's grandfather. The reason why our country is so much behind the age is because we are always ready to do what our grandfathers and grandmothers did. I am against that line of proceeding.

Amendments (by Mr. DEAKIN) agreed to—

That the word "Commonwealth," line 5, be omitted.

That, after the word "Office," line 6, the words "established under this Act" be inserted.

Mr. GLYNN (South Australia).—I observe that the term "Supreme Court" is defined to mean—

The Supreme Court of the State in which the Patent Office is situated or a Judge thereof.

Mr. DEAKIN.—Except where otherwise clearly intended.

Mr. GLYNN.—I had a slight doubt as regards clause 84. It does not necessarily mean in that clause the Supreme Court of the State in which the Patent Office is situated, because the action may be taken

where the defendant resides as well as where the infringement has taken place.

Mr. WATSON (Bland).—I do not know how many clauses the definition of "Supreme Court" will apply to; but I think it is well for the Committee to consider whether we should insist on dragging an applicant in Western Australia to the Supreme Court in Melbourne to defend his application against any opposition. Suppose that an application were opposed, and the Commissioner ruled in favour of the applicant, the latter—at an enormous expense—might be dragged by his opponent to the Supreme Court of the State in which the Patent Office was situated. It is probable that while we are pretending to give consideration to inventors by allowing them to have patent rights all over Australia for thirteen years, we may be involving them in legal expenses which may run into hundreds of pounds. I know that there are reasons in favour of having cases tried in the State in which the head office is situated; but now that we have a High Court constituted, I submit that any appeals should lie to the High Court rather than to the Supreme Court of the State in which the head office is situated. At any rate, I think that some cheaper method of appeal ought to be devised before the Bill is passed. I do not know a great deal about the detailed working of the States Patents Offices, and therefore I am not able at the moment to suggest a remedy. It must be remembered that in most cases the applicant for a patent is poor, and cannot afford to sustain any very large expense in defending an application. Necessarily, in those cases where a patent would be of the utmost advantage to the community, the inventor must "bump" up against large firms or monopolies, who have something to gain by opposing the application. I would urge the Prime Minister to consider whether it would not be possible to alter the definition so far as it relates to appeals.

Mr. DEAKIN.—I think that the honorable member for Bland has acted judiciously in raising this question, which of course could not be settled on this clause. I shall give the matter further consideration. In the first instance the Commissioner is a court to decide many questions. An appeal will lie from the Commissioner to a law officer in reference to certain simple matters. The law officer will in all probability be at the seat of government, wherever

it may be, and that will involve an appeal, perhaps, from a distance, when inventors arise, as they will do, in every part of this great continent.

Mr. WATSON.—The trouble is where the Commissioner refuses to grant the application.

Mr. DEAKIN.—The next stage which we come to is that in which the Commissioner refuses, and the appeal is from the Commissioner. The question is where such an appeal shall be heard. The Commissioner and all the records will be at the seat of government. The question is whether the Commissioner should be called upon to defend his decision wherever the applicant may be, or whether the applicant should not be required to come, and whether it would not be more in his interests to require that he should come, to the seat of government.

Mr. WATSON.—The Commonwealth now defends and prosecutes cases in the Supreme Courts of the States.

Mr. DEAKIN.—Yes; but it does so under disadvantages which would be repeated in this case. I admit that it is a choice of disadvantages. Whenever a plaintiff has a choice of Courts, he goes to that which is most convenient to himself, and probably most inconvenient to the defendant. One cannot please two persons whose interests conflict. Infringements of patents can be tried in any Court—there is no restriction in that respect—but in regard to the revocation of patents, we propose to give jurisdiction to either the High Court or the Supreme Court of a State. I have run through the different Courts provided in the Bill, so that honorable members may clearly understand the suggestion made by the honorable member for Bland. I shall be very glad to consider between now and to-morrow whether we can assist inventors by allowing these appeals to go to the High Court, so that when there is a circuit in the State where an inventor is, he may take advantage of it instead of going to the seat of government. We do not stand upon the strict letter of the Bill as drawn, and I shall be happy to accept any suggestions for its improvement.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6—

This Act shall not affect any proceedings pending under any State Patent Act. . . . and



any pending proceedings shall. . . . be continued and completed as if this Act had not been passed

Mr. DEAKIN.—I move—

That the word "shall," line 3, be omitted, with a view to insert in lieu thereof the word "may."

Cases may arise in which this provision should not be mandatory.

Mr. HIGGINS (Northern Melbourne).—If an application were pending in Tasmania, and the applicant succeeded in showing that the invention had not been used in Tasmania, he would, under the existing law, be entitled to a Tasmanian patent, although the invention had been used in Victoria or in New South Wales, but he could not obtain a Commonwealth patent. Some of the later clauses of the Bill, however, seem to throw doubt upon the point. Is it intended that an application for a Tasmanian patent shall proceed upon its merits, and that there shall be, even after the measure becomes law, a limited Tasmanian patent, which will operate only so far as Tasmania is concerned, and not interfere with rights acquired in New South Wales and Victoria?

Mr. DEAKIN.—Yes, so far as pending applications are concerned.

Mr. WILKINSON (Moreton).—If a patentee has taken out a patent under one of the States Acts, and wishes to extend it to the whole Commonwealth, can he do so?

Mr. DEAKIN.—He can make an application for an extension to the whole Commonwealth.

Mr. WILKINSON.—But will he have to pay as much as if he were taking out a new patent, since he has already paid patent fees in at least one of the States?

Mr. DEAKIN.—Yes. The matter, however, is one which is dealt with in a subsequent clause.

Mr. TUDOR (Yarra).—It is possible that a person may have held patent rights in a State for a number of years and not used them. Could such a person, or any patentee who had taken out a patent in one State, take out a patent for the other States?

Mr. DEAKIN.—No. Under the Bill it is possible only to take out a patent for the whole Commonwealth.

Mr. TUDOR.—If a person had taken out a patent in New South Wales, is there any clause in the Bill under which he could turn it into a Commonwealth patent?

Mr. DEAKIN.—He could not turn it into a Commonwealth patent, but he could apply for a Commonwealth patent.

Mr. BROWN (Canobolas).—The Bill contains very stringent provisions in regard to publicity. If a certain amount of publicity is inadvertently given to a patent before an application is lodged, that vitiates it. A patent might be taken out in one State, and, probably because of the financial straits of the inventor, not applied for in the other States. Of course, provision should be made to protect the public where they have acquired certain rights to the use of an invention in States where it has not been patented, but, at the same time, I think some amendment should be framed to prevent hardship being inflicted upon deserving persons who have patented an invention in one State, but who, because of their small financial resources, or, for other reasons, have hitherto been unable to patent it in the other States. They should not be debarred from obtaining a Commonwealth patent.

Mr. DEAKIN.—When we come to consider the clauses setting forth the conditions under which patent applications are to be considered and granted, an amendment such as the honorable member suggests may be considered, but he will find it an extremely difficult task to draw such an amendment. I shall, however, be glad to receive any suggestions from him on the subject.

Mr. WILKINSON.—Suppose an intending patentee has already made application?

Mr. DEAKIN.—He is protected under the clause.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8—

The Minister for Trade and Customs or other the Minister for the time being administering the Department of Patents shall be charged with the execution of this Act.

Mr. THOMSON (North Sydney).—I do not know why the Minister for Trade and Customs is mentioned in this clause. I should think that whoever is in charge of that Department will have sufficient to do without extra work of this kind. It seems to me that it would be enough to say, "The Minister for the time being administering the Department." I think that the Department should be under the control of the Attorney-General.

Mr. DEAKIN.—In the past there has been a strong objection to placing a legal Minister at the head of the Patent Office.

Mr. THOMSON.—In that case I should like to see the Minister for Home Affairs intrusted with the administration of the Act. The measure has no special relation to Customs administration.

Mr. DEAKIN.—It is placed under the administration of the Minister for Trade and Customs.

Mr. THOMSON.—That Minister is practically confined to the administration of the Customs; trade is largely controlled by the Minister for External Affairs. It is undesirable to place an Act which at times must give a considerable amount of trouble to the Minister in charge of it under a Minister whose time must always be fully occupied.

Mr. DEAKIN.—If the provision required the Minister for Trade and Customs to administer the Act under all circumstances I could understand the honorable member's objection to it, but, as it is worded, it leaves the Cabinet free to allot the control of the Patent Office to any Minister. In Victoria, and I think in the other States, it has been considered objectionable to have a law officer as the head of the Patent Office. It appeared to us that the subject of patents was most closely allied with those matters which have to be dealt with by the Minister for Trade and Customs. The Minister for Home Affairs deals with electoral and other matters not so distinctly commercial. It was as a concession to the feeling that a commercial man should be, as he possibly might be, at the head of the Department that the administration of patents was placed under the control of the Minister for Trade and Customs, but the provision is not obligatory.

Mr. GLYNN.—Should not the law officer be charged with the administration of matters relating to patents, seeing that he is the person who has to deal with appeals?

Mr. DEAKIN.—That certainly has been the practice.

Mr. WILKINSON (Moreton).—I agree with the view expressed by the honorable member for North Sydney, and I therefore move—

That the words "Minister for Trade and Customs or other the" be omitted.

Mr. GLYNN (South Australia).—Does not the Prime Minister think that it would be better to specify the Minister who is to have

control? It is usual to place every Act specifically under the administration of some Minister.

Mr. DEAKIN.—That is why the Minister for Trade and Customs was mentioned in this case.

Mr. GLYNN.—The law officer of the Commonwealth will have to familiarize himself with the Act, because he will have to deal with appeals from the decision of the Commissioner. There is no reason why the Attorney-General, as the law officer, should not be the administrator as well as, under certain circumstances, the Minister to whom an appeal would lie.

Mr. BROWN (Canobolas).—I think there is something in the contention of the honorable and learned member for South Australia. It has been the practice in the States to place the administration of the patents laws in the hands of the Attorney-General. I know that some objection has been taken to that course, because questions relating to patents are considered to be entirely different from those which usually occupy the attention of the law officer. I would point out, however, that the Act will be administered, for the most part, by the Commissioner, and that the Minister will be merely the nominal head. That fact to some extent removes the objection to the head of the Law Department being the Minister charged with the execution of the Act. The Minister for Trade and Customs has to administer a very large Department, and I am afraid that he will not be able to give much attention to matters relating to patents.

Mr. JOSEPH COOK (Parramatta).—I entirely agree with the amendment. I do not see why we should specify any particular Minister. I take it that it is always open to the Executive to change a Minister's functions as may be considered desirable. I find that we have so far followed the practice of specifying the Minister who is to be charged with the execution of an Act, but I am not aware of the reason for doing so. The ordinary exigencies of Government should determine the allocation of Ministerial functions. One can readily imagine that the Minister of Customs might be interested in some patents question to an extent which would render it undesirable that he should occupy the position of the administrator of the Act. If we were to tie that Minister down to particular functions, it might be necessary for

him in such a case to surrender the administration of the Customs Department and make way for some one less qualified. I think we should leave the matter open. If the Prime Minister intends to re-insert the clause confining the manufacture of patented articles to Australia, which was eliminated by the Senate, the Minister for Trade and Customs might be the proper man to police the patent laws. I hope, however, that no attempt will be made in that direction, and that it will not be necessary to tie any Minister down to particular functions.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 9—

There shall be a Commissioner of Patents who shall be appointed by the Governor-General, and who shall under the Minister have the chief control of the Department of Patents; and the Governor-General may appoint one or more Deputy Commissioners.

Mr. HIGGINS (Northern Melbourne).—This clause provides for the appointment of a Commissioner of Patents, and one or more Deputy Commissioners. The Bill does not contain any authority for the appointment of examiners.

Mr. JOSEPH COOK.—What is the difference between a Deputy Commissioner and an examiner?

Mr. HIGGINS.—A Deputy Commissioner would be called upon to take the place of the Commissioner, whereas an examiner would have to look into the conditions under which a patent was applied for. The Commissioner would have to hear applications for patents, whereas an examiner would have to fossick round in the various books and registers, in order to see that there was no previous disclosure of the patent applied for.

Mr. G. B. EDWARDS.—Then an examiner is only a search clerk, after all?

Mr. HIGGINS.—Yes, but he is a very important search clerk. An important question has been raised as to the advisability of asking persons engaged in trade, who may be rivals of the applicant, to examine an application for a patent, with regard both to its novelty and its utility. In some States it is the practice as soon as a patent is applied for to hand over the application to some expert in the trade, to examine it.

Mr. G. B. EDWARDS.—That is a very dangerous practice.

Mr. HIGGINS.—It is; and it appears to me that the Bill as it stands would permit

of that practice being followed. The course adopted in Great Britain and Victoria is to appoint permanent official examiners, not merely examiners for each particular patent.

Mr. DEAKIN.—It is proposed to appoint such examiners.

Mr. HIGGINS.—No power of appointment is provided for in the Bill. I am informed that in New South Wales it has been the practice to select as examiners persons engaged in the trade to which a particular patent may relate. In a small community that practice would very frequently result in applications being placed in the hands of a trade rival of the applicant. That system does not work well. Any one who has had experience with regard to patents knows that, although an examiner may not be an expert in machinery at the outset, he can very soon hit upon the readiest methods of obtaining information as to the prior publication. There are certain books and registers relating to patents to which persons always refer when they wish to obtain the means of opposing an application for a patent, and the official examiners very quickly adopt the best means of obtaining the necessary information. Clause 35 requires that the examiner shall report whether an invention is novel. That is a very important inquiry. Provision should be made to enable the Governor-General to appoint such examiners as he may deem necessary.

Mr. DEAKIN.—I think we already have that power.

Mr. HIGGINS.—It is not provided for in the Bill, and under clause 35 it would be competent for the Commissioner to ask John Jones, down the street, to examine an application for a patent.

Mr. DEAKIN.—That would be possible.

Mr. HIGGINS.—I move—

That the following words be added:—"and so many examiners of patents as may be necessary."

Mr. GLYNN (South Australia).—I suggest to the honorable and learned member that it would be wise to defer submitting his proposal until we have decided whether paragraph *d* of clause 35 shall be retained. If I am not mistaken, that is the provision relating to the novelty or otherwise of a patent which was inserted in the Senate, and which I understand it is the intention of the Government to endeavour to excise. If the paragraph in question be eliminated, there is really no necessity for special examiners, because the examination

will then be confined to a search through the index, with a view to ascertain whether any application has previously been lodged in respect of a similar invention. The search will be conducted under the provisions of clause 37, and if the index has been properly kept, it will be a comparatively brief one. I do not know what number of patents are issued annually in Australia, but in England they total about 15,000. In addition to reporting upon whether or not an invention is novel, the examiners are required to determine whether it conforms to the description which is given of it.

Mr. DEAKIN.—But they have to perform a number of other duties.

Mr. GLYNN.—They have to search the index to ascertain whether a previous specification has been lodged in respect of any particular invention. The other duties relate to following out the rules and to seeing whether the terms of an invention properly describe it. If we do not retain paragraph *d* of clause 35, the only elaborate search which will require to be made will be with a view to determine whether a previous specification has been lodged in regard to a similar invention. In that case there will be no necessity to appoint a special examiner at a fixed salary. In America, where the provision contained in paragraph *d* of clause 35 is operative—where there is a general search made as regards novelty—a regular examining staff is employed. There are twenty-four examiners and an examiner-in-chief who constitute an examining department.

Mr. CROUCH.—There are four or five examiners in Victoria.

Mr. GLYNN.—I am not quite sure whether there is an examination in Victoria as regards the novelty of any invention.

Mr. HIGGINS.—Yes, there is.

Mr. GLYNN.—Under those circumstances an examiner is required. In the other Australian States no examination is prescribed as regards novelty. Hence the reference to the ordinary expert. That officer cannot be biased very much, because his duty is simply to ascertain whether a previous application in reference to any particular invention has been lodged. I suggest to the honorable and learned member for Northern Melbourne that it would be wise to defer submitting his amendment until we have determined the fate of the Government proposal to excise paragraph *d* of clause 35.

Mr. DEAKIN.—Although it was not thought necessary to insert this provision in the Bill, in my opinion it was always necessary that official examiners should be appointed and sworn as is proposed by the honorable and learned member for Northern Melbourne. Therefore, I am not unwilling to accept his amendment to place the matter beyond all doubt. But, although I shall ask the Committee to excise the provision which was inserted in clause 35 in another place, I shall also ask them to accept in lieu thereof, the proposal which is printed immediately below. It has always seemed to me that any provision of the character which is contained in paragraph *d* of that clause should be inserted in clause 37, and it is there that I propose to introduce it. We are perfectly willing to meet the views of those who have agreed to that provision so far as to permit of an examination for "novelty." But I would point out that that word may cover a great variety and an enormous area of investigation, and it therefore appears to the Government desirable—for reasons which I shall offer when the clause is under consideration—to define what is meant by it a little more distinctly than has been attempted in paragraph *d* of clause 35. For the examination as regards the "novelty" of patents which we propose, sworn examiners will be necessary.

Mr. THOMSON.—May I ask if these officers will come under the provisions of the Public Service Act?

Mr. DEAKIN.—Yes.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 10 and 11 agreed to.

Clause 12—

The Commissioner may for the purposes of this Act . . . . .

(e) Delegate any of his powers under this Act to a Deputy Commissioner.

Mr. DEAKIN.—Upon consideration it appears that paragraph *e* of this clause which gives the Commissioner authority to delegate any of his powers to a Deputy Commissioner, is too important to be dealt with in this terse way. I therefore move—

That paragraph *e* be omitted.

At a later stage I shall move to insert in lieu thereof new clause 9A which honorable members will notice in the printed list of amendments.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 13—

No person who has been summoned to appear as a witness before the Commissioner shall, without lawful excuse, fail to appear in obedience to the summons.

Penalty : Fifty pounds.

Mr. WILKINSON (Moreton).—Under this clause, whilst the Commissioner has power to enforce obedience on the part of a witness, no provision has been made for defraying the expenses incurred by a witness in attending before him.

Mr. DEAKIN.—Witnesses always receive their expenses.

Mr. CROUCH (Corio).—I have been requested by the honorable and learned member for Darling Downs to submit an amendment, which I think will meet the objection of the honorable member for Moreton. Accordingly I move—

That, after the word "excuse," line 3, the words "and after tender of legal expenses" be inserted.

Amendment agreed to.

Mr. CROUCH (Corio).—I notice that proposed new clause 9A applies only to the delegation of powers by the Commissioner. It contains no provision which will allow a Deputy Commissioner to delegate his powers, and clause 13 does not provide that any person who fails to appear before a Deputy Commissioner shall be subject to a penalty.

Mr. DEAKIN.—I have taken a note of the point, and will look into it.

Clause, as amended, agreed to.

Clauses 14 to 17 agreed to.

Clause 18—

There shall be kept at the Patent Office, and at such other places as the Commissioner may direct, a register of patents wherein shall be entered—

- (a) The names and addresses of grantees of patents and of licences thereunder ;
- b) Particulars of additions to or amendments to extensions or revocations of patents or licences, and notices of assignments or transmissions thereof ; and
- (c) Particulars of any other matters affecting the validity or proprietorship of patents or licences which are prescribed.

Amendment (by Mr. DEAKIN) agreed to—

That the words "and at such other places as the Commissioner may direct," lines 1 and 2, be omitted, and that the following words be added:—"A copy of the Register of Patents shall be kept at such places as the Commissioner may direct."

Mr. GLYNN (South Australia).—My attention has been called to the wording of clause 20. Objection has been taken to the use of the words "registered patent or

licence." It is thought that the clause ought to read "interest in a patent or licence," as no provision has been made for the registration of an interest. I think that the scheme of the Bill is that nobody shall be allowed to register anything in the nature of a mortgage or charge upon a patent.

Mr. DEAKIN.—Exactly.

Mr. WILKINSON (Moreton).—This is one of the most important portions of the Bill, and it appears to me that we may be centralizing matters too much.

Mr. DEAKIN.—We must have one central register, but we are providing that a copy of it shall be kept wherever the Commissioner may direct.

Mr. WILKINSON.—I should like to have the assurance of the Prime Minister that this provision will be very liberally interpreted.

Mr. DEAKIN.—It will be. It is intended to keep a register in each of the capital cities of the States.

Mr. WILKINSON.—But the capital cities are not always the manufacturing cities. For instance, Melbourne is the capital of Victoria, but Ballarat is almost as big a manufacturing centre. The same remark is applicable as between Sydney and Lithgow, and as between Brisbane and Maryborough, Ipswich, or Toowoomba. No doubt, to give effect to my suggestion will considerably increase the cost of administering the Department, but the experience of America is that by expending money in stimulating the inventive genius of the people the Patent Office has been made to pay ; consequently America has become one of the chief manufacturing countries in the world.

Mr. DEAKIN.—I hope that this Government and future Governments will deal liberally with the Patent Office ; but the proposal of the honorable member for Moreton involves an expense of which he can have no estimate. A complete copy of the Patents Register, as constituted, would consist of thousands of entries and sets of plans ; and it is not possible to hope that copies will be provided outside the capitals, except in the case of very large States like Queensland. Ipswich, for instance, is a manufacturing town within two or three hours' train journey of Brisbane, and it is not asking too much of the inventive genius of Ipswich, when in doubt, to undertake the trip. Geelong, to take another instance, is an

important manufacturing city of Victoria, but it is within two hours by rail from Melbourne, and is also within easy distance by boat, and it is not too much to say that one copy of thousands and tens of thousands of entries in Melbourne would suffice. But in great States like Queensland and Western Australia, if they develop, as we hope, it will be requisite to provide more than one copy. In Victoria and Tasmania one copy may suffice, but in other States more than one copy will be necessary. The proposal of the honorable member involves great expense; and I cannot promise that at the commencement the register can go beyond the capital cities.

Mr. WILKINSON (Moreton).—How does the Prime Minister propose to obtain the copies of the register he suggests shall be on exhibition in some of the larger States? Let us put aside Ipswich, Geelong, and Ballarat, and take Rockhampton, Townsville, and other places which are not within easy reach of the metropolis.

Mr. DEAKIN.—I have referred to those places, and, ultimately, copies will have to be sent there.

Mr. WILKINSON.—How are the copies to be produced?

Mr. DEAKIN.—They will be printed, probably—that is, when we can afford it.

Mr. WILKINSON.—If the copies are in type, there is only the difference of the cost of the paper between the expense of printing 10 copies and printing 10,000. If half-tone blocks have to be used for the drawings and diagrams, they have to be photographed on zinc, and once the blocks are prepared, there is, as I say, only the cost of the paper to be considered. We are trying, by a policy of protection, to make Australia a manufacturing as well as a producing country, and one of the essentials to that end is the stimulation of the inventive genius of the people. In my own town there are inventors who have been waiting for a Commonwealth Patents Act. It is two years since I placed a notice on the business-paper asking for a Bill of this nature; and I am agreeably impressed by the liberal nature of the measure before us. There are many mechanics of an inventive turn of mind who cannot afford the fees demanded under the separate States Patents Acts, and they wish to be able to examine specifications without the intervention of patent attorneys, agents, or other intermediaries, whose costs amount to much

more than the proposed charges under the Bill. A working man cannot afford to lose two or three days' work and pay railway fares in order to make necessary examinations, and the desire is to have the necessary documents at hand. If the documents are to be written, or even type-written, I can recognise that there must be a great deal of extra expense, but the added cost cannot be very great if they are once put in type.

Mr. GLYNN (South Australia).—I hope the Prime Minister will consider the suggestion made by the honorable member for Moreton. I had a suggestion not going quite so far, but somewhat in the same direction, and it has been indorsed by three Fellows of the Institute of Patents, who tell me that they believe it has the approval of the Institute itself. The suggestion is that the States offices should contain a good deal of information—that copies of all applications, at all events, ought to be lodged there. Those States offices ought to be the means of collecting applications, copies of which could be kept there, while the originals were sent by post or telegraph on to the head office. To facilitate the local working of a Patents Act, it is advisable that at least the copies of all applications, of the index, and of the register, should be kept in the States offices. The expense would not be very great; and I think that after a time, it will be found that the Patent Office will more than pay its way. The index in America has been improved at tremendous expense, and the Patent Office buildings are the finest in the world—all paid for out of the profits. There is a very large accumulated fund invested in public stock, and the net profits are over £30,000 per annum. From the last balance-sheet of the English Patent Office, I see that the profit made there was £130,000 net last year. If the Australian Patent Office has anything like the degree of success which has been attained in England and America under varying conditions, it ought in a few years more than pay its way, and the benefit of that ought to be given to those of the community who have inventive skill. I hope the Prime Minister will consider the suggestion of the honorable member for Moreton, and see to what extent he is able to carry it out.

Mr. DEAKIN.—This particular question is not really before the Committee at the

present time. I have spoken with hesitation, because there must be an examination of all the States' records before we can speak with definiteness. For the future it will be a comparatively easy matter with the Commonwealth office to provide that all applications and specifications shall be printed and circulated. But there are thousands and tens of thousands of applications and specifications already lodged in the different States offices, and to print them would cost an enormous sum. It is because of the possible immense cost such a course would involve that I have spoken with hesitation; but when in the future such documents are printed the course suggested by the honorable member for Moreton is the one to follow. I hesitate to speak more definitely until the present States records are examined, and we have before us an authentic and carefully framed estimate of the cost of printing them.

Mr. BROWN (Canobolas).—I support the suggestion made by the honorable member for Moreton, which, I am pleased to note, the Prime Minister is prepared to consider, though he hesitates in the matter of bringing the present records up-to-date. America has shown us how to work a Patent Office, and the more we bring our legislation into line with that of the great Republic the more the Commonwealth will be benefited. There is no use in having a Patent Office and regulations unless these be effective in operation. Some little time ago a case came under my notice in which a man had designed an appliance which was considered to be a very valuable invention, and he decided to endeavour to secure patent rights throughout the world. At considerable expense he applied for patent rights throughout Australia, and also in England and America. After all the formalities had been completed within the Commonwealth, and, I understand, patent rights secured in England, he received an intimation from the American Patent Office that in one important particular his appliance infringed an old patent granted many years ago in England. The excellent system of indexing in America enabled this information to be readily obtained, and the man was able to visit the Public Library in Sydney and there see a description of the old English patent. He found that the American office had raised a very important point, and that practically his claim, in view of the way in which

it had been lodged, was vitiated. This was a case in which a man had very little money to spare, and had considerable difficulty in financing his patents, and he was put to great cost in obtaining patent rights, the futility of which was discovered only by the American Patent Office. There is a great opportunity now to assist the inventive genius of the people of the Commonwealth, and no one can over-estimate the importance of the work. Our Patents Department must be up-to-date; and, as I say, we cannot do better than follow the American example. There may be some difficulty in dealing with all the present documents in the States' Patent Offices, but that is no reason why a proper start should not be made in the Commonwealth office with modern methods. Seeing that the information has to be filed and put into type, the extra cost as between 100 copies and 1,000 will be very little, and it will be a penny wise and pound foolish policy to impair the efficiency of the Department for the sake of a little money.

Mr. THOMSON (North Sydney).—The register provided for in the Bill does not mean the furnishing of plans and abridged specifications to which the Prime Minister has alluded.

Mr. DEAKIN.—To be of any service for the purpose of which honorable members are speaking there must be those plans.

Mr. THOMSON.—I quite recognise that what is suggested goes beyond the purport of the clause at the present time, but I, with other honorable members, think that it is worthy of careful consideration whether it would not be desirable, at sufficiently small expense, to issue a digest of patents in an abridged form. That is done in Great Britain, and the United States Commissioner of Patents, Mr. C. E. Mitchell, says of such a digest that:—

In the first place, it would be of the greatest value in facilitating the labours of this office by lessening the work of examiners . . . . It would also be the means of preventing the granting of worthless patents through the failure to discover apt references—a failure which must result in a certain small percentage of cases so long as examiners are deprived of the most efficient means of conducting their investigations. It would enable the patrons of the office to prepare their cases intelligently, and by enabling them to readily ascertain the state of the art pertaining to a supposed new invention, would, in a vast number of cases, cause the withholding of applications which now take up the time of examiners to no useful purpose . . . .

If we could prepare such a digest we should effect a saving in that direction—

It would enable patentees and manufacturers to definitely understand the extent of their rights as secured by patents, and by disseminating knowledge of what has been done in all the various arts would prevent inventors from traversing the ground occupied by predecessors in their noble pursuit. It would be remunerative to the Government—

This remark might not apply to the same extent in Australia—

because such a digest would meet with a ready sale among inventors and manufacturers, and the entire cost of its preparation and publication would soon be reimbursed. And finally it is indispensable if the United States would keep pace with other nations in whatever pertains to the development of its patent system.

This statement was written in 1890, and as undoubtedly the publication of a digest giving an abridged description of the inventions, together with small plans sufficient to indicate their nature would effect a saving by preventing many applications being sent in which would otherwise reach the office, and, as a certain amount of revenue would also be derived by way of subscriptions, I think that it would tend to the advantage of the system. It might do much to encourage our people in the direction of invention. I quite admit that there are other considerations, such as that of cost, but if the Prime Minister finds that this proposal could be carried out at a cost which would not be altogether excessive, I think that effect should be given to it, even if we make no provision to that end in this measure.

Clause, as amended, agreed to.

Clauses 19 and 20 agreed to.

Clause 21 (Trusts not recognised).

Mr. CROUCH (Corio).—I would ask the Prime Minister what purpose will be served by this provision? There is a similar clause in the Transfer of Land Act, but it invariably leads to confusion, and as a matter of fact the Registrar and the Examiner of Titles cannot give effect to it. It simply means that it would be impossible for an executor to prove his right of assignment. No power of attorney could be received by the Commissioner. It appears to me that the closing words of the clause "or be receivable by the Commissioner" are very strong.

Mr. DEAKIN.—This clause, or a similar one, appears in most of the Patents Acts, because it is found that when any question of this nature arises, it is dealt with

and settled by the Courts outside. The Patent Office is simply aware of the name of the proprietor. It cannot know anything else.

Mr. CROUCH.—Powers of attorney are constantly given; outside patents have to be registered here.

Mr. GLYNN.—The name of an executor would be registered under clause 20. He would become entitled to registration under that provision.

Mr. CROUCH.—But under clause 21 the Commissioner cannot accept notice of that.

Mr. GLYNN.—The executor would be registered under clause 20.

Mr. DEAKIN.—He would become registered under that clause. I raised the same query myself, and was informed that not only was a provision of this kind not found to be inconvenient, but that it was a very necessary protection, and occurred in all the Patents Acts.

Clause agreed to.

Clause 22 agreed to.

Clause 23 (Exception in case of fraud).

Mr. GLYNN (South Australia).—I presume that a declaration of trust might be filed under this clause. There is some anxiety that notices of charges or interests in patents which are not entitled to be registered under this Bill should be indicated in some way. Perhaps the Prime Minister will consider whether what is allowed under the land transfer systems, namely, the deposit of a declaration of trust, should not be permitted in this case. It would not interfere with the registration, and would not give the details. It would amount to a notice, and this clause deals with notices.

Mr. DEAKIN.—I shall look into the matter; but I know that the officers do not favour anything of the kind.

Clause agreed to.

Clauses 24 to 27 agreed to.

Clause 28—

3. Any of the following persons may make application for a patent:—

(a) The actual inventor, or

(b) his assignee or nominee . . .

Mr. HIGGINS (Northern Melbourne).—There is very grave doubt whether it is advisable to allow any patent to issue except in the name of the actual inventor, or of the actual inventor in conjunction with some one else. The experience of Patents Offices shows that the principle with regard to assignees or nominees is greatly abused, to



the prejudice of inventors. I have heard of some extraordinary cases, especially in relation to the Marconi invention, in which the assignee or nominee rule has been found to work ill. I am informed that in the United States of America the authorities invariably insist upon the name of the actual inventor, or of the actual inventor in conjunction with somebody else, or of the executors or administrators of the actual inventor being inserted in the invention grant.

Mr. THOMSON.—Is that so?

Mr. HIGGINS.—That is the information which I have obtained from an expert. I do not speak from any personal knowledge of this matter, but I think we may take the statement to be correct. There is some probability of the observance of such a rule. I agree with the view which some honorable members have expressed, that we have a great deal to learn from the experience of the United States of America. I do not assert that the extraordinary industrial progress of that country is due wholly to her patent laws, but I say that they are at the root of a great deal of her industrial prosperity. I have spoken to some men in America about their difficulties in dealing with inventions, and I find that they laugh to scorn the rules that obtain in England. There is far more life in the inventive world of America than there is in England. That is due to various causes, one of them being that in the States a man feels confident that he will obtain the best price for his invention. If we compel a patent to be issued in the name of the inventor, or in the name of the inventor coupled with that of a second party for protection, we thus enable him subsequently to obtain a better market price for his invention. The capitalist is entitled, of course, to his share of the profit; but the inventor obtains a very small allowance indeed if he has to approach the capitalist before his own name has been put into the grant. There are several difficult rocks of which the inventor has to steer clear. He has to pass the patent agent, the Patent Office, and finally the lawyer. The whole tendency of the patent agent is to get an invention through, so as to earn his fees, and then to leave the poor inventor to the mercy of the law courts in proving that the invention is novel or useful, as the case may be. I am getting somewhat afield, but I wish to ask the Prime Minister—

Mr. DEAKIN.—This is practically the Victorian law, which allows assignees to apply for a patent.

Mr. HIGGINS.—I am aware of that, but I do not think the practice works well. I suggest to the Prime Minister that he should consult the officers of the Victorian Patent Office and see whether it is well to allow an assignee or nominee to take out patents.

Mr. DEAKIN.—They were consulted on that point, but if the honorable and learned member desires it, I will question them again on the subject.

Mr. HIGGINS.—I am surprised to learn that the Victorian Patent Office approves of this system. I have been informed on very good authority that it is not observed in the United States of America, and that it has worked ill elsewhere. If a capitalist is financing an inventor, all that he has to do is to see that the inventor's name appears in the patent, and to take care that there are sufficient caveats or other precautions taken to prevent any transfer of the patent to any one else. If inquiry has been made on the subject, I have nothing further to say on the point.

Mr. DEAKIN.—I will make further inquiry.

Mr. WILKINSON (Moreton) —There is a point in relation to this clause which I desire to see elucidated. Certain conditions are laid down as to who shall apply for and who shall be granted patents; but in most of the States laws, there is a provision that the introducer of a patent from a foreign country, which has not been patented in the State, shall have the right to obtain a patent for it.

Mr. DEAKIN.—We do not grant that right.

Mr. WILKINSON.—The Government propose to regard patent rights granted in other countries where our patent rights are not recognised. A man who takes out a patent here will not have his rights respected in Germany or America.

Mr. DEAKIN.—We do not regard patent rights granted there.

Mr. WILKINSON.—If a patent were granted in America, and someone other than the inventor brought it out here, could he take out patent rights in respect of it?

Mr. DEAKIN.—No; the applicant must be the actual inventor, or his assignee or nominee.

Mr. WILKINSON.—Then we are proposing to handicap Australian inventors. If an American could come to Australia, take away drawings of the Victorian harvester, cause that machine to be manufactured in Canada according to those drawings, and then undersell the Australian manufacturer in the Australian market, Australian inventors and manufacturers must be given at least an equal chance with foreign competitors. My point is that if an Australian, whilst travelling in Canada, inspected, for example, the Massey-Harris or Baldwin Motor Works, and saw a device which had not been patented here, he should have a right to patent it in Australia.

Mr. DEAKIN.—The honorable member thinks such a man should have the right to patent the device in Australia, although he would be only the importer, and not the inventor of it.

Mr. WILKINSON. — Yes. If that system were adopted, it would compel foreign inventors to take out letters patent in Australia.

Mr. DEAKIN.—The inventor will be able to take out a patent here. We propose to allow an inventor or his assignee to do so.

Mr. WILKINSON.—This is what I object to. A foreigner may come to the Commonwealth, and take away our inventions, and use them in other lands.

Mr. DEAKIN.—There can be no objection to that if our own people are not sufficiently enterprising to patent their inventions in other lands.

Mr. WILKINSON.—But we do not protect our people against them.

Mr. DEAKIN.—Yes, certainly we do.

Mr. WILKINSON.—There is a provision in this Bill which I like very much, to the effect that after four or five years a patent shall lapse, unless the patented article is manufactured in the Commonwealth.

Mr. THOMSON.—That provision is not now in the Bill.

Mr. WILKINSON.—I know that the honorable member for North Sydney will not as a free-trader agree with that provision, but I think it a very wise one. A patent should not remain in force beyond a limited time unless the patented article is manufactured in the Commonwealth. We know that the Massey-Harris Company have produced some of the finest agricultural machinery in the world, but Victorian

invention has improved even upon their work in connexion with harvester and binders. The result has been that the Victorian improvements have been copied in Canada. They were not patented in that country, and the Canadian manufacturers, conducting their operations on a very much larger scale, have been enabled by copying the Victorian inventions to undersell the local manufacturers and patentees.

Mr. THOMSON.—They could not if the article were patented there.

Mr. DEAKIN.—Some of the improvements were not patented. The patents for this machinery had got into such a tangle that it was impossible to patent them.

Mr. WILKINSON.—It is my desire to protect the Australian inventor and manufacturer against that kind of thing. I say that if we are to be subjected to that kind of competition, any Australian who is able to pick up in other countries an idea which is novel in Australia, though it may not be novel in Canada, the United States, Germany, or Great Britain, should be entitled to a patent for novelty if he introduces it here for the benefit of the community.

Mr. DEAKIN.—But he should not have the monopoly.

Mr. WINTER COOKE (Wannon).—I should like the Prime Minister to explain paragraph *e* of this clause in relation to the amended definition of "actual inventor." In clause 4 we have decided that the actual inventor shall not include a person importing an invention from abroad, whilst in paragraph *e* this clause amongst the persons who may make an application for a patent we have—

Any person to whom the invention has been communicated by the actual inventor, his legal representative or assignee (if the actual inventor his legal representative or assignee is not resident in the Commonwealth).

It seems to me that that paragraph is in conflict with our definition of "actual inventor." In view of the definition of actual inventor which has been decided upon, I am puzzled to discover how the actual inventor cannot be resident in the Commonwealth.

Mr. DEAKIN.—It is true that this paragraph may appear at first sight to be in conflict with the definition of "actual inventor" agreed upon, but I think the

intention is that under the new definition we have put in of "actual inventor" it is not to be competent for any person going through America and seeing an invention of a clever kind, which is not patented here, to come here and by patenting it obtain a monopoly. Under paragraph *e* of this clause, although the actual inventor may not have made the honorable member for Moreton or myself his assignee or nominee, if he communicates his invention to either of us we are entitled to obtain a patent, on the ground of agency and as appearing in a representative character, so to speak, in regard to the inventor.

Mr. THOMSON.—The distinction is as between "imported" and "communicated."

Mr. DEAKIN.—That, as I understand it, is the whole distinction.

Mr. WILKINSON.—Apply the argument to copyright.

Mr. DEAKIN.—The actual inventor is abroad, his legal representative or assignee is also abroad; but he chooses to communicate his discovery, whatever it may be, to some person. He says—"Although I do not choose to make you my legal representative in the Commonwealth, here is the secret of my invention, you are at liberty to use it." Under the clause, if that person satisfies the Commissioner that that communication has been made to him, he is entitled to obtain a patent. I admit that the honorable member for Wannon has been quite justified in calling attention to the apparent conflict between this paragraph and the definition of "actual inventor," because, unless the matter is looked into closely, there does appear to be a contradiction.

Mr. GLYNN.—Would not paragraph *c* have been sufficient for the purpose?

Mr. DEAKIN.—I find that in the opinion of the patents officers of the States it would not. If by my own unassisted and incomplete knowledge of the subject I had drafted the Bill, I should have drafted it differently. There is a good deal in the Bill which has been included in deference to the opinions of men whose lives have been passed in dealing with these matters, and to whose judgment I bow; otherwise I should not have adopted some of the phraseology here used.

Mr. THOMSON (North Sydney).—I suggest to the Prime Minister that as we shall shortly come to clause 35, on which

there may be a good deal of discussion, as there are some matters in this clause which the honorable gentleman has promised to consider, and there may be some questions raised as the result of its consideration, he might postpone this clause until to-morrow.

Mr. DEAKIN.—I do not propose to go beyond clause 34 to-night. I do not think that any further difficulty is likely to be raised upon this clause. Before we reach clause 35 there are only two amendments, submitted by the honorable and learned member for South Australia, to be considered, and should any difficulty arise to make it necessary, I shall have no hesitation in recommitting clause 28.

Mr. THOMSON (North Sydney).—The honorable member for Wannon has alluded to an apparent contradiction between the definition of "actual inventor," or rather the exclusive provision in the definition of "inventor," and paragraph *e* of this clause. If I understood the Minister aright in the definition of "actual inventor," he meant to convey that the goods should not be imported. That is to say, the provision is that the "actual inventor" does not include the person importing the invention from abroad.

Mr. DEAKIN.—It does not mean the goods; it means the invention itself, because under the old English statute the "true and first inventor" was held to include the person who imported the invention. We prevent that, but we put in paragraph *e* of this clause a qualification that if the inventor and his representative are outside the Commonwealth, and he communicates his invention to some person who then comes into the Commonwealth, that person may obtain patent rights.

Mr. WATSON.—If he communicates with a man and tells him to take our letters patent?

Mr. DEAKIN.—If he communicates his invention to some person. I was asked before what was the difference between a nominee and the person to whom a communication of an invention has been made. I pointed out that the distinction was one drawn by the patent officers, and I admit that it is a very fine one.

Mr. THOMSON (North Sydney).—I agree with the Prime Minister as to the prevention of what is practically the pirating of an invention not invented by the individual or firm obtaining a patent for it, but seized upon by them in their own interest, and very often to the injury

of the public. If the original inventor does not see fit to patent his invention in Australia, I quite admit that his rights should belong to the public here, but I do not believe this clause clearly defines what the Prime Minister has stated to be its meaning.

Mr. DEAKIN.—This is the officers' way of defining it, not mine.

Mr. THOMSON.—The honorable gentleman should reconsider it in order to see whether it is not necessary to make it clearer than it is. When the Minister in charge of the Bill, as well as members of the Committee, see some objection in the drafting of a clause it certainly requires reconsideration.

Mr. DEAKIN.—The officers have already passed this through two or three examinations, and they have declared that in the experience of the Patent Office the provision, as it stands, represents the idea to which they desire to give effect. I shall have it looked at once more to see whether it cannot be improved.

Mr. THOMSON.—It should be possible to draft a clause so explicitly that there would be no doubt of its meaning.

Mr. DEAKIN.—This has come to have a special meaning with patent officers, and they appear to be satisfied with it.

Mr. THOMSON.—I think that special meaning could be preserved and the position sought to be established by the clause made evident on the face of it.

Mr. WILKINSON (Moreton).—At the risk of being considered tedious I again take exception to the wording of the clause. We have a right to place our people on at least an equal footing with those of other countries. When our inventions may be taken to other countries and machinery including them may be sent here to undersell the locally manufactured article, we have a right in the interests of our manufacturers to provide that a man who introduces into Australia a novelty which the inventor has not seen fit to patent in Australia, should be considered as the inventor. A similar provision is included not only in most of the Patents Acts of the Australian States, but in the Acts of many other countries in the world. A man who introduces a novelty in art, science, or machinery to America is there considered an inventor, and the utmost use is made of the right. I do not see why we should not avail ourselves of a similar privilege. If we do so

we shall compel the patentee in another country either to establish the manufacture of his patented article here, or to take out patent rights here and farm out the royalty for its manufacture.

Mr. THOMSON.—Why should not the public get the benefit if the inventor does not patent his invention here?

Mr. WILKINSON.—The honorable member for North Sydney and I will not agree on this point, because he is an arrant free-trader, and I probably go as far in the other direction. I would protect our workmen from the cheaper labour of other parts of the world, and I would extend similar protection to our inventors.

Mr. THOMSON.—That policy does not affect this matter.

Mr. WILKINSON.—It is on the lines of protection I am arguing; protection for ourselves against the competition of other parts of the world. When people elsewhere avail themselves of the inventive genius of Australians to manufacture in other parts of the world, with the special facilities they have for manufacture on a large scale, articles which have been invented in Australia, and then send them here, underselling the local manufacturer and patentee, we should have a similar right to take their inventions, bring them here, and secure the monopoly of their manufacture.

Mr. THOMSON.—We need not take out a patent to do that. We shall be free to manufacture the articles here if the inventors do not take out patents for their inventions here.

Mr. WILKINSON.—We shall be free to manufacture in competition with them, but, as I have already said, they possess superior advantages in the possession of large manufacturing plants, and we desire that they should be compelled to manufacture the patented articles here, or that we should be enabled to set up our factories for the manufacture of those articles. I think that the introducer of a novelty has the right to be regarded as a patentee if the original inventor does not think it worth his while to patent his invention in the Commonwealth.

Mr. GLYNN (South Australia).—I look upon this provision as a sort of compromise between the old rule regarding the introducer and the new one regarding the actual inventor. We desire to grant a patent only to the actual inventor where a disclosure has not been made, or has only been made

locally. If there has been a disclosure outside the Commonwealth we do not protect the inventor. I think it would be better to strike this clause out altogether, as it is inconsistent with the amendment carried in clause 4. It violates the principle of the amendment.

Mr. CROUCH.—Is this provision in any State Act?

Mr. GLYNN.—I think it is in the Victorian Act.

Mr. DEAKIN.—Yes, word for word.

Mr. GLYNN.—The Victorian Act provided for the actual inventor.

Mr. DEAKIN.—The Victorian and Western Australian Acts have this provision exactly.

Mr. GLYNN.—I suppose that Victoria, following out her principle of not encouraging the foreigner, does not protect the foreigner if he happens to be the actual inventor, and "blabs" a little too soon about it. I think the provision should be struck out. It may not be necessary for me to move the amendment upon clause 29, of which I have given notice, if the Prime Minister can satisfy me on this point. My amendment is to allow the agent of the inventor to make an application. The clause provides that the actual inventor or his nominee or assignee may make the application. Who is the nominee?

Mr. DEAKIN.—A person to whom the inventor has not assigned any property in his invention, but whom he has authorized to take out a patent in his name. I should say it really means an agent.

Mr. GLYNN.—If it means an agent I should say the clause could be amended with advantage. It may mean the person nominated after an application has been made. I would ask the Prime Minister whether it would not be well to amend the clause by saying—"His agent, attorney, or assignee," to prevent any doubt as to the extent to which the word nominee goes? If that amendment were made there would be no necessity for my amendment upon clause 29. I move—

That after the word "or," line 4, the words "agent attorney or" be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 29 (Form of application).

Mr. GLYNN (South Australia).—I have given notice of an amendment upon this clause. I have circulated many of these amendments by way of suggestions to help

the Prime Minister, and if there is any reason why they should not be inserted I shall not press them. There is a provision in the latter part of the Bill for the Commissioner to limit the application of a patent to a particular State.

Mr. DEAKIN.—I am going to take that out. I do not think it is constitutional.

Mr. GLYNN.—As two unconstitutional provisions cannot constitute one constitutional provision, I shall not in that event move the amendment I intended to propose. The applicant himself may ask that the patent shall be limited to a particular State, so as to save the expense that would otherwise be incurred.

Mr. DEAKIN.—Paragraph *b* of clause 43 is the provision which I intend to strike out.

Mr. CROUCH (Corio).—Do I understand that the Prime Minister is going to accept the principle of that provision?

Mr. DEAKIN.—No, I think it is unconstitutional.

Mr. CROUCH.—Suppose that a man in Victoria has invented a new pea-thrashing machine, and can only afford to pay the patent fees in Victoria, and does not want to patent his invention in any other State. In the meantime, a man in New South Wales who has seen the machine at work describes it in an agricultural journal in that State. That would constitute publication. It is only fair that if the machine has not been described in Queensland or South Australia the inventor should have the right to apply there, although his rights had gone in New South Wales.

Mr. DEAKIN.—He could only apply under the States Acts. After we once commence to issue Commonwealth patents, we cannot go back and allow State patents to issue. An inventor in the position referred to must take out his State patent before we proclaim this measure, or he will probably lose his chance.

Mr. CROUCH.—Then the effect of this Bill, although intended to save expense to patentees, will be that such a man will be forced to take out a patent in every State in which there has not been publication?

Mr. DEAKIN.—Probably.

Mr. CROUCH.—That strikes me as being harsh.

Mr. DEAKIN.—How can we help it? How can the Commonwealth discriminate?

Mr. CROUCH.—It cannot, except to this extent—that the amendment of the

honorable member for South Australia, Mr. Glynn, may be amended so as to provide that an application may be made for a patent to be limited to a particular State in the Commonwealth to which it can legally apply.

Mr. DEAKIN.—That would be granting a patent only for part of the Commonwealth. The Commonwealth can only give a patent for the whole of the Commonwealth.

Mr. CROUCH.—The difficulty I have suggested will arise, and it appears to me that it is just as well that patentees should know what is going to happen. I know of a man who has got something to patent, and I am sure that he has lost his right in one State through publication in a trade journal there. He has been waiting for this Commonwealth measure so as to obtain a cheap patent. He has lost that chance now.

Mr. BROWN (Canobolas). — What is meant in this clause by the word "one"? It says "an application for a patent shall be for one invention."

Mr. DEAKIN.—Each patent is for one invention. If an inventor has two inventions he must have two patents.

Mr. BROWN.—That means additional fees. It means that if an invention is made up of several parts the probabilities are that each of those parts will be considered a separate invention requiring a separate application.

Mr. DEAKIN.—We have power to allow inventors to get patents for improvements upon their own inventions. That is what the honorable member is speaking of probably.

Mr. BROWN.—I am not exactly thinking of improvements. I understand that in America the principle is that, where an inventor applies for a patent for a new device that contains several different parts, it is possible for him to apply for a patent for each part, in case one part may afterwards be discovered to be an infringement of a patent in connexion with some other device.

Mr. DEAKIN.—If the honorable member looks at clause 81 he will see that an additional patent can be obtained for half the fees. Where a man has one patent he can patent an improvement upon it.

Mr. BROWN.—What I rose to elicit information about is this. Suppose a person applies for a patent for a device made up of several different parts—for instance, a chaff-cutter or a shearing machine. Can the inventor cover the whole of those parts by

one application for a patent, or must he lodge applications for each of the several parts?

Mr. DEAKIN.—He can take out a patent for the whole, because the machine is all intended to serve one end. It is a shearing machine or some other machine. But an inventor cannot put in an application for a patent for a shearing machine mixed up with a patent for a new kind of broom, and with a patent for a new kind of sausage cutter. He must confine himself to a patent for one purpose.

Clause agreed to.

Clauses 30 to 34 agreed to.

Mr. DEAKIN.—As we have now reached the clause which was debated in the Senate—involving the novelty question—upon which the character of this measure will to a considerable degree depend, I propose to move to report progress, in order that we may commence at that part to-morrow.

Progress reported.

House adjourned at 10.29 p.m.

## Senate.

Wednesday, 30 September, 1903.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### PETITION.

Senator DOBSON presented a petition from eighty-one electors of Tasmania, praying the Senate to delay the erection of a Federal capital.

Petition received and read.

Senator MCGREGOR.—Is there any rule, sir, by which we can have the names of the petitioners read?

The PRESIDENT.—I do not know that there is a rule to that effect.

Senator MCGREGOR.—The petition is not really read unless the names are given.

The PRESIDENT.—Suppose that there are 1,500 names to a petition? If the Senate desires the names in this case to be read, I am not going to say that it cannot be done.

Senator MCGREGOR.—It will not take long for the Clerk to read eighty-one names.

The PRESIDENT.—Does it matter what the names are?

Senator MCGREGOR.—I should like to hear the names read.

The PRESIDENT.—I do not think it is a desirable course to adopt, because we might have 15,000 names to a petition. Does the Senate desire the names to be read?

HONORABLE SENATORS.—No.

### SUPPLY BILL (No. 3).

Royal assent reported.

### FEDERAL CAPITAL SITE.

Senator DOBSON.—I desire to ask the Vice-President of the Executive Council, without notice, whether, when he is moving the motion regarding the selection of a site for the Capital, he will give us the best indication he can of the policy of Ministers with regard to three points—first, when they propose to commence the construction of the capital; secondly, the sum of money per annum which they propose to expend in its construction; and, thirdly, is the money to be paid out of general revenue or out of loan account?

Senator PLAYFORD.—I think that the honorable and learned member will find all that information in a speech by the late Prime Minister.

Senator DOBSON.—Not the whole of it.

Senator PLAYFORD.—The Attorney-General has charge of this business, and therefore it will devolve upon him to make any statement of the kind desired.

### REPORT ON DEFENCE.

Senator MATHESON.—I desire to ask the Attorney-General, without notice, whether he has taken any steps to get from the General Officer Commanding the return for which the Senate called a month ago. I understand that he could furnish a portion of the return immediately, if asked.

Senator DRAKE.—I have specially requested that a report may be made as early as possible.

Senator MATHESON.—Has the honorable and learned senator received an answer?

Senator DRAKE.—I have communicated with the General Officer Commanding to that effect.

### PAPERS.

Senator PLAYFORD laid upon the table the following paper:—

Temporary Public Service Employés.

The CLERK laid upon the table the following returns to orders:—

Rent for Ministers' offices and for departmental offices.

Applications for patents and patents issued.

### VACANT SEAT.

The PRESIDENT.—I have to acquaint the Senate that I have received the resignation of Senator O'Connor in a letter, which reads as follows:—

The Senate,  
27th September, 1903.

Dear Mr. President,—

I beg to resign my place as senator.

I am, yours sincerely,

R. E. O'CONNOR.

The Honorable the President, The Senate.

I have also received from Senator O'Connor a letter, which, considering that he was leader of the Senate for a long time, I think it may not be inappropriate that I should read. It is as follows:—

The Senate,  
27th September, 1903.

Dear Mr. President,—

I enclose the formal resignation of my seat in the Senate.

In doing so, I cannot refrain from expressing my regret at ceasing to be a Member of the House whose deliberations I have had the honour of leading in the first moment of its existence, and during the strenuous and eventful years which have since passed by.

I have ever felt a pride in my position, and a keen interest in its duties, the discharge of which was made a pleasure, not only by the loyal and warm-hearted support of my friends, but by the generous consideration of opponents. Circumstances have made it impossible for me to take my farewell of my fellow Members in the House, and I beg that you will convey to all of them my best wishes.

For yourself, the Chairman of Committees, and the Officers of the House, accept my deepest gratitude for counsel and guidance in many difficulties, invaluable to me in the discharge of my duties, and ever freely and loyally given.

With kindest regards, I am,

Ever yours sincerely,

R. E. O'CONNOR.

The Honorable the President, The Senate.

I lay the letters on the table. In pursuance of that notification, and of the provision of the Constitution Act, I have to inform the Senate that I intend to acquaint the Governor of the State of New South Wales of the vacancy which has occurred.

### INCOME TAX: VICTORIA.

Senator WALKER.—I desire to ask the Attorney-General, without notice, if it is the intention of the Government to protect the members of the Senate from being called upon to pay income tax to the Government of Victoria when they are not resident in that State? I have been asked to pay.

Senator DRAKE.—I cannot say that it is the duty of the Government to protect an honorable senator from a claim of that kind

I believe that there are cases pending in regard to claims which have been made against Ministers.

Senator Lt.-Col. GOULD.—Is the honorable and learned gentleman aware that it was generally understood that there was to be a test case in connexion with the claims made against the present Prime Minister, in order that the liability to pay or otherwise might be ascertained by a decision of the Supreme Court, without individual Members of the Parliament being worried, when only small amounts were involved in each case?

Senator DRAKE.—I believe that there have been two test cases—one in regard to a permanent officer of the Commonwealth and one in regard to a Minister. If the honorable and learned senator will give notice of his question I have no doubt that I shall be able to ascertain for him exactly how those cases stand.

Senator Lt.-Col. GOULD.—What Minister is the honorable and learned senator referring to?

Senator DRAKE.—The present Prime Minister.

Senator DAWSON.—That is not a test case, because he is a Victorian.

## POST AND TELEGRAPH ACT AMENDMENT BILL.

### SECOND READING.

Debate resumed from 23rd September (*vide page 5361*), on motion by Senator DOBSON—

That the Bill be now read a second time.

Senator DOBSON (Tasmania).—When my second-reading speech was interrupted by virtue of the sessional order, I was quoting from the report of a committee, which was specially appointed by the Board of Trade to inquire into the causes which led to the employment of a large and increasing number of lascars and foreigners in the mercantile marine. Senator McGregor and his followers ought to pay a very great deal of deference to the report, because it was unanimously arrived at by a committee of ten members, which included Mr. Thomas Burt, M.P., and Mr. Walter J. Howe, practically labour leaders, and very experienced ones, too.

Senator STEWART. — Back numbers. Obsolete!

Senator DOBSON.—At all events, I place some reliance on a report of this kind. It

is about the latest report on the subject that is available. In paragraph 19 the committee say—

It seems to us unlikely that, in the event of any great naval war, it would be practicable to draw men to any considerable extent from the crews of the sea-going vessels of the mercantile marine. At present the great mass of the Naval Reserve men come from the fisherman and yachtsman class, and from the seamen on coasting vessels, and in case of war it is upon these classes that reliance must mainly be placed. We were, however, struck with the comparatively small number of seamen from foreign-going ships in the Royal Naval Reserve, and we would recommend improved inducements and more active recruiting, which would doubtless result in an increase of this number.

I have read that paragraph in order that my honorable friends may understand that so great is the scarcity of men available for the Royal Naval Reserve that this committee advised that further inducements should be held out to foreigners as well as Britishers to join the reserve. It goes to show what I have said more than once—that certain ship-owners, if they wish to carry on a trade in tropical regions, are practically compelled to employ both foreigners and lascars in large and increasing numbers. Therefore it should be apparent to the Senate that it would be a grave error to exclude from our mercantile marine these coloured men. The committee also state in their report—

We regard both failure to join, and desertion, as serious evils, and as often causing inferior seamen and foreigners to be shipped at the last moment in order to meet a pressing emergency. As regards desertion, we can look for a remedy mainly in the improved condition of seamen. There is no doubt that in some foreign ports, notably in San Francisco, as to which we have had clear and valuable evidence, desertion is encouraged not only by the prospect of higher wages, profitable employment on shore, but also by the direct action of crimps. . . . We think, however, that there is a better prospect of obtaining an increase of British seamen by means of the employment of boy sailors than by means of training ships; and we recommend ship-owners to take boys of good character on their ships, with a view to their becoming seamen.

The whole of the evidence goes to show that further inducements must be offered and further efforts made to increase the number of sailors who are willing to serve, not only in the mercantile marine, but in the Naval Reserve. I desire next to quote some remarks which Lord Dudley made in the House of Commons, and which may have



very practical bearing on the question before the Senate—

It was obviously impossible to rely upon the merchant marine as a reserve for the Navy in anything like the same proportion as in days gone by. At present there were 247,000 sailors in the mercantile marine and 119,000 in the Navy; but thirty years ago the figures were 197,000 and 88,000 respectively. If all the merchant seamen were British, they would not constitute a source of supply to meet the wastage of a great naval war in anything like the proportion of past times.

He then goes on to say—

At the present time we owned 51 per cent. of the gross steam tonnage of the world, and employed in our merchant vessels 247,448 seamen, of whom 36,123 were lascars, and 36,893 foreigners, leaving about 175,000 British born. Taking the estimate of the male population in 1898 as 21,000,000, that gave one in 112 as the proportion of those who went to sea. Then, adding the 119,000 men in the navy, it appeared that in every sixty-eight of the male population there was one afloat in one service or the other. Comparing these with the figures of thirty years ago, the result, worked out in the same manner, gave the proportion of one in every sixty-seven of the male population in the merchant or naval services. No doubt the increase since 1871 of the men employed in the navy from 48,000 to 119,000 had had a considerable effect on the supply of seamen to the merchant service.

Honorable senators will thus see that about 60,000 men have been added to the naval forces, and that to a very considerable extent must have diminished the number of men available for the mercantile marine. That is an additional consideration in the argument as to whether the men who have to undertake the strenuous work of stoking in the tropics should be our own citizens or whether we ought to object to the employment of lascars and others. Lord Dudley says—

The conditions of life in the British merchant service were better than those in any other mercantile marine in the world, and, as a consequence, foreign sailors were always ready and anxious to engage on board British ships.

Then the Sydney correspondent of the *Daily Mail* mentions that the Orient Company is about to employ lascars as firemen, and he goes on—

It should be added that in these days of steam the fireman is just as important a member of the crew as the deck hand. The company, which carries mails, has been caused a good deal of trouble by the incurable propensity of the firemen to desert. Immense inconvenience is caused by this practice. A steamer carrying mails is bound to time, and the greatest possible difficulty has often been experienced in replacing the deserters at a necessary short notice. The step so far is, I understand, an experiment. The company has

for a year or two tried Scandinavians in the engine-room, but the heat in the Red Sea is more than some of them appear to care to face. Therefore, the company is driven as a last resource to fall back upon lascars. The P. and O. and other companies trading to the East had to take this step years ago; the Orient Company has stuck to European crews, until it has found, as the P. and O. Company found long since, that the men were not to be relied on.

There it is pointed out that the men who are not to be relied upon are those who are enduring this enormous strain in the stoke-hole; and I shall come by-and-by to one or two quotations which will show that other nations, while trying to restrict employment in their mercantile marine to men of their own stock, still admit that it is desirable to employ coloured men and foreigners in the stokehole. I think we shall do well to take notice of what our friends in Calcutta think of us, as they belong to the great country whose coloured inhabitants have been grossly insulted and treated with cruelty by this Commonwealth in taking the grave step which would deprive some thousands of them of their living if any one line of steamships got rid of their lascar crews. Let me direct attention to what is stated by the *Englishman*, a leading newspaper published in Calcutta. I find this passage in its comments—

Unhappily there is no disguising the fact that the Australian attitude upon every question into which the element of colour enters is one of the strongest cases of popular prejudice of recent years. The Bill to which the Chamber of Commerce refers passed the Senate amid cheers for a "white Australia." Nor is it easy to see what the Government of India or the Imperial Government can do. It would undoubtedly be a mistake to speak severely to the Commonwealth, because the only notice which the Commonwealth would take would be to get angry and talk of "cutting the painter"—a favourite expression of certain Australian politicians. Nor, it is to be feared, would the tone of "sweet reasonableness" prove very effectual in the face of the grotesque stupidity which can identify the carrying of the mails by non-lascar labour with the idea of a white Australia.

Then, if we turn to the opinion of the Bengal Chamber of Commerce, we find that a protest has been made by those men who are carrying on an enormous trade between Great Britain and India. They know better than any one the unwisdom of doing anything to check that trade, or to offend our coloured subjects. In point of fact, they know that practically the prosperity of the Empire is at stake in what we are doing if we insult these coloured subjects. The

Committee of the Bengal Chamber of Commerce point out in their protest—

The committee of this Chamber are quite at a loss to understand the motives which have prompted the inclusion of this section in the Bill, or on what principle of right and equity it is based. The committee have had the opportunity of perusing another Bill introduced into the Australian Parliament which, they understand, has since been passed, the object of which is to place certain restrictions on immigration, and to provide for the removal from the Commonwealth of prohibited immigrants. The provisions of this Bill appear to the committee sufficiently far-reaching and drastic to protect the interests of the Australian Commonwealth (if it is considered they need protection) from the importation of foreign elements or cheaper labour from abroad. The provisions of the section of the Postal Bill now under reference, on the other hand, appear to have no well-defined object, as the fact of mail steamers bringing coloured crews into the ports of Australia and carrying them away again cannot possibly interfere in any way with the internal conditions of the Commonwealth. The committee . . . would point out that the interests of the Australian Commonwealth cannot possibly derive any benefit at all from the provisions of this section of the Postal Bill, which would also be in favour of foreign as against British lines of steamers. It is obvious that under the conditions which the Australian Senate seeks to impose it may become impossible to conclude mail contracts on the terms hitherto obtained, with the result that increased rates for postal communication would have to be paid by British subjects in different parts of the empire. The committee cannot but regard the policy which is indicated by this section of the Bill as distinctly retrograde and utterly unworthy of the legislation of any part of His Majesty's dominions.

Then the Chamber of Commerce goes on to say—

The committee would now turn to the injury which, if this Bill receives Imperial sanction without amendment in this particular direction, will be inflicted on a large number of British subjects in India who gain their livelihood by maritime service. The number of Asiatic seamen and firemen who are at present employed on ocean going steamers may be estimated probably at 70,000. These men are among the most deserving and law-abiding of His Majesty's subjects, and it appears to the committee more than unreasonable that any section or number of them should be excluded from earning their living on the high seas by reason of their colour. As pointed out above, the Australian Parliament have taken sufficiently effective steps to prevent the immigration of Asiatics into Australia, and it appears to the committee incomprehensible that any Government should seek to dictate to the owners of steamers which visit their shores, but which are owned outside of their dominions, how their steamers are to be worked, or what description of labour they shall employ on board.

The protest of this committee is based upon the fact that hardship and injustice is inflicted upon these men. What they point

out is that under our Immigration Restriction Act we can do everything which is required to maintain the policy of a white Australia, and keep the work of Australia for those who are, strictly speaking, part of our industrial life. I could produce quotation after quotation to show that all persons who are capable of thinking and forming an opinion on this subject say that they cannot conceive how in any way our endeavour to exclude lascars from the stokehold can affect the policy of a white Australia. I may mention that when Lord Lonsdale came to Australia the other day, he expressed himself as decidedly against this policy; and Lord Lonsdale has travelled round the world, and understands something about practical politics.

Senator O'KEEFE.—Does he know something of Australian politics?

Senator DOBSON.—It is not a question of Australian politics; it is a matter of carrying our mails from Australia to the old country, and from England to Australia. It is a question of the commerce of the world. What my honorable friends do not seem to understand is that we are poking our nose into other people's affairs, and at the same time damaging our own interests. Lord Lonsdale pointed out in very terse and emphatic language how this and other Commonwealth legislation is doing harm to Australia. If my honorable friends would only read the financial articles in the *Argus* and *Age*, they would see what is the effect of some of our legislation.

Senator STEWART.—What nonsense!

Senator DOBSON.—I believe it is not nonsense. Our legislation is one determining cause of our financial position. I could give my honorable friend who interjects quotations from scores of men who are better able than he is to tell us most definitely that our legislation has had a disastrous effect upon Australian stocks at home. Does my honorable friend think that we can borrow another £200,000,000 odd for the purpose of carrying on works in Australia, if we enact legislation which is based upon injustice and gross wrong to men who, recollect, belong to the British Empire? That is a fact which we sometimes forget. This Commonwealth will be tried by the legislation which it passes, and by that only. It is not merely our talk, but it is the legislation which we place upon our statute-book, which has an effect in the old

Senator Dobson.

world. We shall not be tried by the chatter in this Chamber or upon the platform at election times, but by our own acts. Senator McGregor and others think they know all about this subject, but they should obtain a little more information. I have already called their attention to the fact that bodies like the Bengal Chamber of Commerce have condemned this legislation. Let me now give the result of the proceedings of the Steam-ships Subsidy Committee of the House of Commons. We all know that it has been found to be a very difficult thing for some of the great steamship companies of England to hold their own against the competition of America, Germany, and France, on account of the excessive subsidies granted by those nations. Therefore a Committee of the House of Commons was appointed to inquire into this very matter.

Senator MCGREGOR.—Do the shipping companies of America, France, and Germany employ lascars?

Senator DOBSON.—They permit the employment of coloured labour in the stokeholes. I am now pointing out that this Committee of the House of Commons, appointed to inquire into the effect of subsidies upon the carrying trade of the world, point out how steam-ships are handicapped, and where they think the handicap could be removed or modified. They say—

In the Admiralty subvention there is a condition that a special number of reserve men are to be carried according to the amount of the subvention, but the companies have not been able to quite fulfil what the Admiralty require as regards engine-room staff, and the penalties which were to be enforced have had to be waived, because the companies, one by one, said they could not see their way to insure having enough naval reserve men.

Here we have another committee pointing out that it is impossible even to carry out the Admiralty regulations, as the men are not to be obtained.

There is a growing difficulty in securing that these ships, which are reserve ships, should be manned by people of British allegiance.

Here is a second inquiry which has come to exactly the same result. Then the committee go on to say—

The next condition of subsidies to be considered relates to the nationality of the crew. Importances are attached to the manning of ships by national officers and crews in Germany, Russia, Italy and Japan, and the British Admiralty hold that no postal or other contract should be given unless all captains and officers are British

subjects, and a certain proportion of the men, while British born apprentices and boys should be carried according to the size of the ship. This is also the opinion of your committee. As to the precise proportion of men it is worth notice that France has, in the law of 1902, very considerably relaxed her regulations for vessels engaged in tropical waters, allowing the employment of crews composed almost entirely of foreigners, with the exception of the officers and petty officers, and that American proposals in this respect, in the Subsidy Bill of 1902, were very moderate. The provisions appear in the appendix. The article with regard to crews (31) of the North German Lloyd Company runs as follows:—"All adult deck hands and members of the engine-room staff engaged in Germany are to consist of men belonging to the naval reserve of Germany, or of persons engaged in writing, to serve under the Imperial Navy if steamers are requisitioned, hired or bought by the German Government. Coloured men are only to be employed in the engine and boiler rooms when the employment of European firemen and stokers is ill advisable for sanitary reasons."

Germany, Italy, Russia, and Japan all have similar laws, showing that although they desire to encourage the employment of men of their own nationality they permit the employment of coloured firemen in the stokeholes.

In Austria-Hungary, however, there is no stipulation as to nationality, treatment, or accommodation of the crews of subsidized vessels except that the master and the mate must be Austrian or Hungarian subjects. The British Admiralty point out that it is apparent that if this question of nationality is not recognised in time, British vessels, whenever the occasion for their use by the Admiralty arises, will be extensively manned by foreigners who would have to be largely, if not entirely, replaced by British subjects on the outbreak of war.

This is a very important matter. The Committee of the House of Commons find that unless we try to employ fewer foreigners, and to get more Britishers into our mercantile marine, particularly on those vessels which under a subvention to the Admiralty are bound to give their services in time of war, we shall be in serious difficulties when trouble comes. This is the most important reason for employing coloured labour in the stokeholes, and for retaining the services of the 36,000 lascars who are proud to serve under the British flag, rather than the 37,000 foreigners of all descriptions who may or may not have a grudge against Great Britain, and who may in time of war cause endless trouble. One sentence in this report furnishes an unanswerable argument in favour of my Bill. It is as follows:—

It is also necessary to observe that ship-owners have repeatedly stated that British seamen of the

class they desire are no longer always procurable'. . . . The deficiency of supply of good British seamen has been attributed, among other causes, to the better and more varied character of employment on shore, and to the circumstance that Great Britain makes a demand upon a population of less than 40,000,000 to supply seamen for 15,000,000 tons, whilst Germany, for instance, makes a demand upon a population of 45,000,000 or 46,000,000 to supply seamen for 3,000,000 tons.

Here, again, is a point which honorable senators ought to take into consideration. It is one of the facts of Empire. How can we carry on the enormous carrying trade that we have got—51 per cent of the world's carrying trade—if we are to obtain our men only from our own population of 40,000,000? Germany has 3 per cent. of the world's carrying trade, and has 46,000,000 of people from whom to take her seamen.

Senator MCGREGOR.—We could hire out our carrying trade just as we hire out our naval defence.

Senator DOBSON.—The report goes on—

Though the difficulty no doubt exists, it is considerably lessened in respect of Oriental and tropical traffic, because the lascar, a British subject, is also accepted as a British seaman.

This very committee points out that the employment of lascars will help us to get rid of the difficulty, but that it will be accentuated if their employment is discontinued.

Senator HIGGS.—Would the honorable senator like to have a lascar marrying into his own family?

Senator DOBSON.—That remark has just about as much to do with the subject as it would be if I asked my honorable friend if he had been to the moon.

We have been foremost at sea with the finest mercantile marine in the world; we are meeting with severer competition than we have ever experienced, and our efforts must therefore be proportionately greater if we are to maintain our supremacy.

The last remark of Senator Higgs leads me to suppose that nothing I or the foremost men in the world can say will ever knock out of the heads of the members of the Labour Party the idea that the lascar question is mixed up with the question of a white Australia. We all desire to keep our blood pure, and to insure that these men shall not assimilate with our civilization and drag it down. But the employment of lascars in the stokehole who do their work and look over the bows of the vessel in

their leisure time, or wander harmlessly about the streets when they are in port, and go away again, does not affect the white Australia policy. There is no one fact that I have heard in regard to a white Australia that can justly and reasonably be applied to the employment of lascars in the stokehole.

Senator BEST.—But the honorable and learned senator's Bill does not restrict the employment to the stokehole.

Senator DOBSON.—My Bill could hardly do that. It is simply a Bill to revoke absolutely an unjust section of the Post and Telegraph Act. But, if I cannot carry the Bill in its present shape, or if, as I venture to prophesy will be the case, the Postmaster-General is not able to obtain a successful tender for the carrying of mails, and a modification of the section is desired, then I think there might be some alteration of the absolute restriction of the carrying of our mails in ships employing black labour. We could provide that there might be a certain proportion of British seamen and a certain proportion of foreign seamen upon our vessels, and that the men should be kept to certain specified duties. I am not prepared to say that such a modification would be right or wrong, but I should be prepared to take it if I could not get anything better. I now come to a very important matter, to which I refer with considerable regret. I shall have to allude to an act of the late Prime Minister, which has laid him open to the very gravest criticism. The Prime Minister had to justify this legislation to the Imperial authorities.

Senator DAWSON.—Did the honorable and learned senator not say that a Judge was above criticism?

Senator DOBSON.—I do not know and I do not care what I said in that relation. I withdraw nothing of what I said. I take it that, in his political career, a man may do an act which lays him open to the gravest criticism; and I feel it my duty in the present instance to give the facts to the Senate. On the 27th January, 1903, the Prime Minister sent this memorandum to the Governor-General—

Mail contract. Should be glad if you will inform Secretary of State for the Colonies by telegraph that your Ministers regret that His Majesty's Government cannot agree to stipulate that coloured crews shall not be employed on grounds that such crews may be British subjects. Your Ministers are bound by laws of Commonwealth. His Majesty's Government intimates

that it will be necessary to abandon joint contract and make other arrangements for Australian service, unless Commonwealth condition can be modified. I am bound to say that I can see no prospect of modification suggested, and, in absence of such, your Ministers must enter into arrangements by which employment of coloured crews after 31st January, 1905, will be sanctioned. Your Ministers therefore adhere to determination expressed in your despatch to Secretary of State for the Colonies on 9th December, 1902.

That was the ultimatum by the Prime Minister—that the provision could not be modified. The despatch of Mr. Chamberlain on this subject is of the gravest importance, and I shall read certain paragraphs. Writing to the Governor-General, Mr. Chamberlain said—

In the telegram from this Department of the 9th January you were informed that, with the exception of your Government, the Postal Administrations which are interested in the present contracts were generally in favour of their extension, if increased speed could be secured, and that the Postmaster-General thought it possible that the desired acceleration could be obtained for the present subsidy; but that as regards the proposed exclusive employment of white labour on the mail packets, His Majesty's Government were unable, in accordance with the policy indicated in my despatch to the Government of Victoria of the 10th November, 1896, to agree to introduce into a mail contract to which they were a party stipulations intended to exclude certain classes of British subjects from employment in the contract vessels.

If Sir Edmund Barton and his Ministers had remembered the purport of the despatch of the 10th November, 1896, they never would or could have agreed to this provision in the Act; at any rate, they could not have agreed without a most stubborn fight, and after it had been forced on them by a division. There can be no justification for the provision, but the excuse of the Ministry must be that they had forgotten the important despatch to the Government of Victoria in November, 1896. Mr. Chamberlain went on to say—

You were further informed that the condition as to the exclusive employment of white labour thus rendered it impossible for His Majesty's Government to co-operate with your Government in a new contract, and that, unless that condition could be modified, it would be necessary to abandon the idea of a joint arrangement, and to make other plans for an Australian service, and you were asked to report whether, having regard to these considerations, your Ministers still desired the existing contracts to be terminated at the earliest possible date, or whether the Postmaster-General should, without terminating the contracts, endeavour to secure an improved service.

In your telegram of the 27th January you reported that your Prime Minister could see no prospect of being able to modify the condition as to the exclusive employment of white labour, and that your Government consequently could not enter into arrangements by which the employment of coloured crews, after the 31st January, 1905, would be sanctioned, and therefore adhered to the determination expressed in your despatch of the 9th December last. This announcement left the Postmaster-General no alternative but to give formal notice to both the contracting companies to terminate the existing contracts on the 31st January, 1905, and, as you are already aware, from my telegram of the 15th instant, such notice was accordingly given.

Although Sir Edmund Barton tried to get out of this point, he, by his unyielding reply to the effect that there could be no modification, and that the law must be carried out, compelled, rightly or wrongly, the Postmaster-General of England and the Secretary of State for the Colonies to cut themselves off from any union with us in the carrying of these mails—he compelled them to give notice that the contracts must cease and could not be renewed if coloured labour were employed. Mr. Chamberlain proceeded—

His Majesty's Government much regret that the legislation which has recently been passed in Australia has made it impossible for them to be associated in future with the Government of the Commonwealth in any mail contract. They recognise the importance to the cause of Imperial unity of joint action in such matters as postal communication between the mother country and the great self-governing colonies, and they would not on slight grounds withdraw from such co-operation; but the legislation in question, affecting as it does principally Indian subjects of His Majesty, leaves no other course open to them. By the Mutiny Proclamation of 1858, the Crown declared itself bound to the natives of its Indian territories by the same obligations of duty which bind it to all its other subjects, and undertook faithfully and conscientiously to fulfil those obligations. It would not be consistent with that undertaking for His Majesty's Government to become parties to a contract in which the employment of His Majesty's Indian subjects is in terms forbidden, on the ground of colour only. His Majesty's Government have shown every sympathy with the efforts of the people of Australia—

Do my honorable friends of the labour corner believe that? I hope they do.

Senator MCGREGOR.—Go on; it does not matter.

Senator DOBSON.—Mr. Chamberlain's reply proceeded—

—to deal with the problem of immigration, but they have always objected, both as regards aliens and as regards British subjects, to specific legislative discrimination in favour of, or against, race and colour, and that objection applies with even greater force to the present case, in whi

the question is not of the rights of the white population of Australia as against an influx of foreign immigrants, but merely of the employment of His Majesty's Indian subjects on a contract to be mainly performed in tropical or sub-tropical waters. Even if the service were one upon which His Majesty's Indian subjects had not hitherto been employed, it would destroy the faith of the people of India in the sanctity of the obligations undertaken towards them by the Crown if the Imperial Government should become in any degree whatever parties to a policy of excluding them from it solely on the ground of colour. But where they have already been employed in the service for a long period of years, to proscribe them from it now would be to produce justifiable discontent among a large portion of His Majesty's subjects. His Majesty's Government deeply regret that their feeling of obligation in this matter is not shared by the Parliament of the Commonwealth, and that in regard to a matter which cannot affect the conditions of employment in Australia, and in no way affects that purity of race which the people of Australia justly value, they should have considered it desirable to dissociate themselves so completely from the obligations and policy of the Empire. In the circumstances, it now devolves upon His Majesty's Government to consider what arrangements they should make on their own behalf on the expiry of the existing contracts, but at the outset they are confronted with a difficulty.

Mr. Chamberlain then went on to allude to the question whether or not, under section 69 of the Post and Telegraph Act, mails could not be placed on board any steamer, regardless of whether it carried lascars or other coloured labour either in the stokehole or out of it, and be paid for in poundage according to weight. The present Prime Minister, as Attorney-General, on two occasions asserted that it would be no breach of section 16 of the Act for the Postmaster-General to place tons of mails on every steamer which leaves port, with or without coloured crews, and pay for them according to poundage.

Senator MILLEN—Rather curious morality, is it not?

Senator DOBSON.—It is a question of law, and not a question of morality. The question is whether section 69 can be read with section 16, and the present Prime Minister, when Attorney-General, said that the word "arrangement" referred only to section 16, and not to sections 69 and 70, under which the Postmaster-General has the right to compel ship-owners to carry mails.

Senator MILLEN.—Does it not seem absurd to decline to make a contract with the very ships which the Postmaster-General may compel to carry mail matter?

Senator DOBSON.—It does appear to be absurd, and that is one of the difficulties

which senators in the labour corner have to face. Those honorable senators assisted in passing an Act which compels any shipping company, even those which may employ a great majority of coloured men in their crews, to carry mails, and yet when it is proposed to enter into a contract with the P. and O. and the Orient Companies, who have served us so magnificently in the past, and promise us quicker and cheaper facilities in the future, section 16 is quoted; and that is the section which I want eradicated. There is a statesman-like letter from Mr. Chamberlain regretting that he has been forced to give notice to terminate the existing contracts, and stating that under no circumstances can the Empire even indirectly be a party to such legislation. Mr. Chamberlain points out that such legislation would be a breach of faith with our Indian subjects, who would lose all respect and confidence in the British Crown. To that statesmanlike letter, Sir Edmund Barton, in a letter addressed to the Governor-General, replied as follows:—

While, however, your Excellency's Ministers regret that the co-operation which has so long existed between the mother country and Australia in respect of the carriage of mails is to be brought to an end, they are prepared to accept the position as stated in the despatch. It may be here mentioned that the insertion of the clause which is now section 16 of the Post and Telegraph Act 1901 was dealt with as a matter quite apart from those proposals of the Government which had for their object the preservation of the purity of race of the people of the Commonwealth.

I hope that Senator McGregor and others will notice that the late Prime Minister said that this section was inserted quite apart from the question of the preservation of the purity of the race. It must be apparent to everybody that this section does not enter into that question, and therefore we ought to get rid of the suggestion that it has any relation to the policy of a white Australia. Sir Edmund Barton continued—

A perusal of the debates in both Houses of Parliament makes that fact abundantly clear. Various motives influenced those who were favourable to the amendment, one of which might have been expected to commend itself to His Majesty's Government, but to which no reference is made in the despatch now under consideration. The motive to which I allude, and which found expression in the speeches of many members, was the desire to encourage the employment of seamen of British race in the British mercantile marine, and thus to recruit the diminishing class of trained seamen, to whom the nation looks for the manning of its war-vessels in time of trouble.

This is the part of the letter which I think is open to the very gravest criticism. Sir Edmund Barton ought to have known that it is impossible to get those seamen, whether Britishers or foreigners, so that it was absolutely nonsense—all moonshine—for him to tell Mr. Chamberlain that section 16 was an effort to encourage the employment of British sailors. At the other end of the world, from which these sailors must come, the evidence is that they cannot be obtained, so that the whole of the late Prime Minister's argument falls to the ground. So far as I can make out, however, Sir Edmund Barton tried to show that his policy, under section 16, was more Imperial, more generous, and more statesmanlike than the policy of Mr. Chamberlain. As a matter of fact, section 16 was put in for no such purpose; and, even if it were, it would be perfectly futile, as the sailors are not to be obtained. Sir Edmund Barton was running in the face of the two reports which I have read, and both of which must have been known to him. The evidence in those reports is completely ignored in Sir Edmund Barton's letter, which continued—

So far, therefore, from deserving the strictures which the Secretary of State for the Colonies casts on the Parliament of the Commonwealth, its members may justly claim that they have acted with a far truer regard to the real interests of the Empire than if they had continued to encourage shipping companies to employ, for their own profit, a race of people not equally adapted to maritime pursuits, and who could not conceivably be regarded by the Admiralty as material from which the crews of war vessels might be replenished if they became depleted. It does not, however, appear that the feeling of obligation to treat the Indian and white subjects of the Empire on terms of equality is shared by the Lords of the Admiralty. Many of His Majesty's ships spend long periods in tropical or sub-tropical waters, periods extending far beyond the few weeks occupied in those seas by mail vessels trading to Australia, but your Excellency's Ministers are not aware that the services of the British seamen employed even in the stokehole are so inadequately rendered that these men need be supplanted, or even supplemented, by the inhabitants of India or any other of the Asiatic provinces of the Empire.

The Prime Minister here credits himself with a greater Imperial policy than even that of the Board of Admiralty, and rather twits the Secretary of State for the Colonies that the coloured subjects have not been compelled to go into the stokehole and serve in time of war. We all know what a very delicate question is raised by the employment of our coloured or Indian subjects in the wars of

the Empire. A few years ago such a thing would not have been thought of, and we know the great comment there was throughout the Empire and the world when Lord Beaconsfield did employ a few in a very peaceful affair. The committee, whose report I have read, point out that they believe from the evidence, that the lascars are now ready, willing, and able to serve in the stokehole in time of war. The question, however, is developing, and it is not for the Prime Minister to throw in the teeth of Mr. Chamberlain and the Board of Admiralty the fact that these coloured men have not hitherto been employed. It would be quite sufficient to employ these men in the stokehole of mail steamers, and allow some of the white stokers and sailors to go to the naval vessels, when we have a great maritime war, and the regular seamen have been destroyed or drowned. Sir Edmund Barton's letter continued—

Considering then, the policy which influences the actions of the Imperial Government in regard to its own vessels, Ministers are unable to agree with the Secretary of State that the action taken by the Federal Parliament evinces the desire to "dissociate themselves so completely from the obligations and policy of the Empire."

Sir Edmund Barton then refers to the late Attorney-General's opinion on clause 69, which was asked for by Mr. Chamberlain, and was as follows:—

In my opinion the word "arrangement" in section 16 (1) refers to arrangements under section 14. The enforcement of the statutory obligation imposed by section 69 on the master of a vessel is not an "arrangement" within the meaning of section 16 (1). See my opinion of 20th May, 1902 (No. 339102), given to the Postmaster-General in connexion with mails placed on board the Japanese mail steamers in pursuance of Act 4 of the Universal Postal Union Convention,

Consequently mails may, under section 69, be placed on board an outgoing vessel with a coloured crew without any breach of section 16 (1).

That is exactly what I believe it is coming to. At Adelaide, the Chambers of Commerce of all Australia had a conference, and resolutions were passed and protests made, which, I think, are worthy of the consideration of the Senate, because mercantile men ought to know a great deal more about the carriage of mails than any other persons. It was moved and carried—

That the restriction in sub-section 1, of clause 16, of the Post and Telegraph Act 1901, limiting the carriage of mails to conveyances on which only white labour shall be employed, must prove not only a serious menace to the commerce of the

Commonwealth, because it imperils the securing of satisfactory contracts for the conveyance of oversea mails, but it is a violation of the existing obligation of the British Government to a large section of its subjects, and should therefore be repealed.

The Chairman of the Conference, Mr. Phillips, said—

After many years they had brought the mail service up to something like an excellent standard, but the large companies had found it absolutely necessary to employ coloured labour, men who by their birth and constitution could stand the great strain of working in the stokeholes of the vessels. White men suffered so much that it was positive cruelty to force them to do the work, yet the Postmaster-General seemed to think it would be the easiest thing in the world to secure contracts with white labour. They found that large steamers like those of the Orient Company, which had been running for years, even with its subsidy was scarcely paying its way; the previous year's balance-sheet had, in fact, shown a material loss. Was it therefore probable that other companies would rush into what had apparently been to a well-organized company an unprofitable trade?

Mr. Meeks, M.L.C., of Sydney, said—

He did not know whether the Postmaster-General proposed making a mail contract with foreign companies, but the Commonwealth was facing a great danger. They knew that the two great competing lines—the German and the French—received large subsidies, and that was largely the reason of their having developed their trade and increased their fleets. He believed the North German Company's subsidy was £300,000 (or at any rate nearer that figure than £200,000), and as a result of that they were able to offer a service to Australia. It would be a disgrace to the Commonwealth to offer a subsidy to a foreign line to compete with British lines. As to the idea of a new line being started to carry the mails, it was altogether out of the question unless the company received a large subsidy. Australia had done nothing to open up new markets by giving subsidies. They had to face a good deal of opposition on the Eastern lines, because the Japanese Government gave a large subsidy to their steamers to carry mails. If the Government could not come to terms with foreign companies, he supposed they would fall back on the poundage system, which would result in the disorganization of banking and commerce. He felt sure that any system of that kind would be insupportable. They must have a fixed time for the arrival and departure of the mail boats, and they should be prepared to pay a large subsidy for an efficient service.

Senator Macfarlane made some useful and practical remarks which probably he may repeal, and Mr. Alcock, of Melbourne, said—

It seemed to him a very unfair thing to attempt to deprive fellow subjects of the right to earn their living, and that was what the Bill would do. The P. and O. Company had always engaged lascars, and the Orient had been driven to do so because they found them more reliable than the white firemen. If the clause were carried out, it would result in the engagement by the great lines

of foreign seamen, as it had been proved that there were not sufficient British seamen to man the vessels, and, therefore, from coloured labour they had to go to foreign labour. He did not think there was much difference between them. (Senator Macfarlane.—“It is better to have a coloured, peaceful British subject than one of a nationality which is likely to be at war with us.”) It would not interfere in any way with the fetter of a white Australia—for the reason that they were prevented from landing at the various ports by the provisions of another Bill—if the lascars were employed. A numerous signed petition had been presented to both Houses by the Melbourne Chamber urging the repeal of the clause, and he thought it would help the matter if similar steps were adopted by the other States.

Mr. Paxton, of Sydney, said—

It was only during the previous two or three years that the Orient Company had been forced into the employment of black labour in self-defence, inasmuch as they could not get a sufficient number of sober white stokers on leaving port. It was a matter of great importance to the whole Commonwealth. The mail steamers were used to a large extent for the carriage of perishable products from Australia to the markets of the world, and, therefore, they should be careful lest anything was done to affect the producing interests. If the producers were deprived of the regular means of transit, by which they could now regulate the despatch of supplies to the London market, it would mean that they could not prevent the glutting of the market, nor could they help the continual upsetting of their prices. That was a most serious matter. He could not imagine that the Postmaster-General had given the matter consideration when he suggested the subsidizing of a line as far as Colombo and no farther. The subsidy which would be required to warrant a company undertaking the business with steamers would be much greater than the price given to the lines which had served Australia so well.

Some time ago a deputation waited upon the late Prime Minister, and I think I am justified in quoting the remarks which Mr. Sawers, the President of the Melbourne Chamber of Commerce, made on that occasion. He said:—

The restriction imposed by section 16 of the Post and Telegraph Act would prevent the continuance of a joint contract with the Imperial Government, and it was felt that, despite our protestations of loyalty, we were ill requiting the British Government for all they had done in the past for Australia by placing this vexatious and unnecessary obstacle in their way. The point had really nothing to do with the question of a White Australia, as the Prime Minister himself admitted in his latest letter to the Secretary of State for the Colonies. The work of stokers in tropical seas was specially suited to a coloured race. It was not a suitable employment for Englishmen, and only the waifs and strays of white humanity could be got to undertake it. (Hear, hear.) He also understood that a sufficient supply of Englishmen was not available even as seamen, so our present position was that we flouted



the British Government merely to give employment to men of other nationalities, to the detriment of our own coloured fellow subjects.

Senator DE LARGIE.—That is a libel.

Senator DAWSON.—Does the honorable and learned senator believe that?

Senator DOBSON.—I have given evidence of the truth of the statement. My honorable friends in the Labour Party seem to have got into their heads some extraordinary notions, which nothing, I am afraid, will remove. It is a question of absolute fact; not a question of belief at all.

Senator DAWSON.—It is absolute nonsense.

Senator DOBSON.—If my honorable friends will refer to the police records, to the water police, or to the agents of the Orient and P. and O. Companies, they will find that it is a positive fact. I do hope that, if they intend to debate the second reading of the Bill, they will accept these verified statements.

Senator HIGGS.—The honorable and learned senator is defaming the British workman.

Senator DOBSON.—I heard that cry when the Bill was introduced, but I am no more defaming the British workman than is the honorable senator.

Senator DAWSON.—Not when the honorable and learned senator says that a white stoker cannot work in a stokehole near Sydney Heads?

Senator KEATING.—And white stokers are employed in the British Navy.

Senator DOBSON.—Does not Senator Keating know that the men in the Royal Navy are picked, subject to discipline, well looked after, and entitled to a pension? Does he not know that many of the white stokers in other ships are waifs and strays of humanity? I do not mean to say that white men cannot do the work, but I submit that it imposes upon them such a strain that when they have the slightest inclination to drink they are tempted to become absolute drunkards.

Senator KEATING.—Why do not Senator Dobson's friends get men similar to those in the Royal Navy? Are there none to be had?

Senator DOBSON.—I have been quoting extract after extract to show that the men cannot be got, because employment ashore is more attractive than life at sea.

Senator STYLES.—The men can be got if the pay is offered.

Senator DOBSON.—It is quite apparent to me that my honorable friends perceive that the facts of the case are opposed to their theory. No more startling fact could be cited than the experience of the Orient Company. They gave up employing white men in the stokeholes because they could not get men to do the work.

Senator STYLES.—How long did they employ white men?

Senator DOBSON.—After an experience of twenty years they gave up the employment of white stokers, because they found it was hopeless to go on with them.

Senator KEATING.—Because they could not compete with the P. and O. Company.

Senator DOBSON.—It is all very well for the honorable senator to repeat parrot cries; but they are disposed of by absolute facts.

Senator KEATING.—It is the honorable and learned senator who is repeating the parrot cries.

Senator DOBSON.—When I quote the late Prime Minister's reply to the deputation honorable senators will see that he had nothing better to tell the Chamber of Commerce of the first city in this part of the world than the whole thing is an experiment, and that the Government can be expected to give up this position until it has received a fair trial. The word "trial" occurs in almost every sentence of his reply. He said—

He scarcely thought the deputation expected from him a promise that he would endeavour to obtain the repeal of the section before any trial had been made.

What a nice thing it is to experiment with the trade and mail service of the Commonwealth, to get rid of our coloured fellow subjects in order to ascertain whether a dozen Australian men can be induced to go into a stokehole and become drunkards.

It was inserted in the Act only after very full discussion. Up to the present there had been no opportunity of giving it any effect, but in the early part of 1903 the existing contract for the Suez mail service would terminate. The deputation seemed convinced out of hand that the section was bad and inoperative, but he, with others, was inclined to think that it would work when tried. While he was told that white labour was unreliable, that it was frequently drunken, and that the question was not one of economy, he nevertheless did not take so bad a view of our own people as to come unreservedly to that conclusion. Moreover, any member who before a trial of the section would propose its repeal to Parliament would fir-

himself opposed in such a way that his hope of being successful would be not only shadowy, but non-existent. He did not believe there was a man in Parliament who thought he would get the support of anything but an insignificant minority in an attempt to repeal this clause without trial. It was not the habit of Parliaments to pass legislation and then destroy it before it had been tried.

We are not asked to employ lascars in this country, but we are simply asked to leave the great carrying companies of the world to do their business in their own way. We were asked by Mr. Chamberlain not to put him in a position which would compel him either to break away from the Postal Union, or to do injustice, and ignore a treaty with the King's Indian subjects.

At first he was an opponent of this section, because he thought we would have difficulty in making our contracts, but after giving it considerable thought he had come to the belief that it was worth while trying under what conditions we could run a service without employing those whom in this country we did not wish to employ. He felt bound to test the operation of the section and he felt he would be wanting in fidelity if he did not do so.

The answer of Sir Edmund Barton to the deputation was that the section of the Act must receive a trial. We have a little evidence which indicates how the trial is likely to result. The Canadian Government called for tenders for a very fast line of steamers to carry their mails across the Atlantic. One tender was illegal and the other was for the sum of £300,000. No tender was accepted, and fresh tenders have been called for. What subsidy do my honorable friends in the labour corner think that any shipping company will demand for carrying our mails for a distance of 12,000 miles, calling at various ports, and being bound down to time, and to run good steamers with cool chambers at an enormous speed, when a shipping company required a sum of £300,000 from Canada for carrying the mails across the Atlantic, a distance of 2,000 miles? No one can foresee what trouble and expense may be caused by this miserable provision in our Post and Telegraph Act. I am quite certain that honorable senators will be surprised to find how many foreign ships will be included in the combine, and how many foreigners will be employed. They will then realize that it would have been better and wiser to pay our money to the P. and O., and Orient Companies, even though they employed some lascars, than to employ other steamers with a large proportion of foreigners in their

*Senator Dobson.*

crews. The practical aspect of the matter is that we shall find that an enormous subsidy will be required, that the contract will be unacceptable because of the large number of foreigners who will be employed, that we shall have to revert to the employment of lascars. But as a stop-gap for a few months, we shall put our mails on board the steamers and pay poundage fees, and in the next session the Government will proceed to repeal section 16 of the Act. The political aspect of the matter is that the provision is no part of the policy of the Government. We all recollect that when Senator Glassey moved the insertion of the clause, he was defeated by a vote of seventeen to nine. The Bill was sent down to the other House. After a very brief discussion, and without Sir Edmund Barton pointing out, as he ought to have done, that it would conflict with the Mutiny Acts and treaties with Indian subjects, or how it would embarrass and vex the Colonial Secretary, the clause was accepted by the Government, and, without a division, inserted in the Bill. When the Bill was returned to the Senate the clause was carried by a majority of four votes, owing to the fact that the two Ministers here were bound to support the action of the Government. I know that Senator O'Connor said that he only voted for the acceptance of the clause because the Government in another place had agreed to its insertion. In one sense the late Prime Minister may have been right in telling Mr. Chamberlain that the Parliament approved of the provision, but in another sense it did not approve of the provision. It was only because of the Government giving way in another place, without proper debate and without being seized with the facts, that the clause was passed at all. In the last number of the *Review of Reviews* there is a paragraph headed "Painting the Seas White," which reads as follows:—

The clause in the new mail contracts forbidding ships carrying Australian letters to employ coloured labour, shocks the common sense of the Empire exactly as does the case of the six hatters, and for precisely the same reasons. It represents a policy of an almost unspeakable foolishness, worthy of children rather than of statesmen. It is an attempt to paint the seas of the planet white. It is certain to cost us, directly and indirectly, enormous sums. An independent mail service must be more expensive than one in agreement with Great Britain. Any service, too, which involves the transhipment of mails either at Colombo or Vancouver will practically destroy all those great natural industries which are beginning to find a rich market in the old world.

But the worst element in this new policy is its contempt of Imperial interests and obligations. It represents an attempt to boycott, on mere grounds of colour, one great section of the subjects of the Empire. Mr. Copeland's account of how this affects English opinion may be accepted:

"How was the Commonwealth proposal received in England that no coloured labour should be employed on the mail boats?"

"Most adversely. The English people failed to see what possible objection there could be to the employment of coloured people, and British subjects too, in the stoke-holes of the mail boats. The deprivation imposed on these people on account of the colour of their skin was, as they regarded it, most unfair, especially in view of the fact that the British Empire holds India."

The London *Spectator*, perhaps the most friendly of all British journals to Australia, puts the matter with an emphasis which is none the less effective for its mildness:

"As the lascars [employed as stokers] are British subjects, as no one complains of their conduct, and as they do not settle in Australia, the Australians' restriction is unreasonable. Nobody wishes to interfere with their policy in their own continent, but to deny to the mother-country the right to man her ships as she pleases cannot be called friendly, or good Imperialism."

The tenders for the new mail contract, it is to be noted, do not limit the service to the British flag; but it may be taken for granted that Australians generally, wiser than their politicians, would not tolerate the actual payment of subsidies to foreign ships as against a service flying the British flag.

I think these are very strong quotations indeed. I have no more to quote, but I should like to point out that the Chairman of the P. and O. Company, in a speech at one of the annual meetings, pointed out that his company had to earn about two and a half millions of money before it could possibly pay any dividend whatever. I have already shown that at the last meeting of the Orient Company no dividend was declared, because none was earned. Even with our subsidy that company is earning no dividend for its shareholders.

Senator DE LARGIE.—Has the employment of lascar labour driven the company into bankruptcy?

Senator DOBSON.—I am only stating the fact—that the company paid no dividend because it earned none. If we are going to take away from the companies their share in this subsidy, and give it to other companies which employ no lascars but hundreds of foreigners, I am sure that my honorable friends will see that we shall be making a mistake and doing a wrong thing. Sir Thomas Sutherland points out that it is not a question of economy or of wages, but

simply one of getting the right and proper kind of men to do most onerous work, which white men ought not to be expected to do in the tropics. It is admitted that when white men can be obtained to do the work they are much better than coloured men, but the effect of this labour is to turn decent white men into drunkards, and perhaps to convert them into the scum of the earth.

Senator DAWSON.—The honorable and learned senator ought to be ashamed to say so.

Senator DOBSON.—What I am contending is that it is the Labour Party whose policy it is to turn honest, sober white men into such a class by putting them into the stokeholes of vessels. By reason of sending him into the stokehole, a decent white sailor is liable to become classed, as I said, with the scum of the earth.

Senator DAWSON.—Is the honorable and learned senator going to stand by his language?

Senator DOBSON.—I am not going to give in when I know that I am right; and when I know that my honorable friend and those associated with him are, by their policy, bringing down the character of the white man. But what is the use of my reading these reports hour by hour, and showing that it is impossible to expect white men to bear the strain of work in the stokehole?

Senator STYLES.—Do they bear it in the German boats?

Senator DOBSON.—We know how the Germans stick to one another, and the efforts they have made to subsidize their steamers and to extend their trade. But I have already pointed out that the Germans make an exception of the stokehole, and do admit black men there. Therefore, any argument that my honorable friends can adduce from the pages of history, or from considerations of humanity, will not disprove my point. I submit my Bill to the Senate with every confidence. I believe that every thinking man will know that its principle is right. We have by our legislation struck a blow at the commerce of the Empire by this condition which we have imposed with respect to the most important contract—the naval contract not excepted—into which we can ever enter. We are doing that, in the language of the ex-Prime Minister, to "give a trial" to what I contend will prove to be a very foolish piece of legislation.

Senator DRAKE (Queensland—Attorney-General).—This subject has been discussed in all its phases, and from every stand-point, during the present session, but nothing has arisen to make it necessary or desirable that Parliament should reverse the decision to which it came in 1901. We have certainly heard a great deal of controversy upon the subject since that time, but that controversy has not brought out any fresh facts whatever. The arguments used against what Senator Dobson has been pleased to call this “miserable” section—though an epithet of that kind can hardly amount to an argument—seem to me either to mean that our action in putting the section in the Act was inimical to the British Government, or else that by reason of it we shall have to incur very large extra expenditure in connexion with the conveyance of our mails. Sometimes one of those arguments is put before the other, and on other occasions we are treated to a mixture of the two. I think that the argument that our action is inimical to the British Government is entirely unfounded; and that a heavy increased cost is going to fall upon the Commonwealth is a gratuitous assumption. We are told that our action is in some way hostile to the British Government, because we are dictating our policy to them. We are doing nothing of the kind. It is simply that the policy adopted by the Commonwealth is, in the opinion of this Parliament, such as to make it desirable that when we pay a subsidy for the conveyance of mails we should insist upon the condition that the crews of the vessels carrying them shall be white crews. I do not attach so much importance to this matter as does the honorable and learned senator who has moved the second reading of the Bill; nor can I see that there was any very great inconsistency in 1901 between the attitude taken up by those who opposed the section of the Act in question and the attitude of those who favoured it. The difference of opinion was really only very slight. Most of us were agreed that in cases where we paid a subsidy to a company we should insist upon the mails being carried by white labour, as they had been carried previously in every case of a contract. I am speaking of every case where we made a contract within the meaning of the Post and Telegraph Act; that is to say, where we had paid the subsidy ourselves we had always insisted that the mails

should be carried by steamers employing only white labour. We had previously made an arrangement by which we participated in a contract entered into by the British Government, and I felt, as Postmaster-General, that it was not inconsistent with our policy of a white Australia that we should allow that arrangement to continue. However, there were others in the Parliament who held that it was inconsistent, and that we should decline to enter into another arrangement to participate in any contracts that did not contain the white labour condition. That was the difference of opinion that existed between us, and it was emphasized by the passage of the section by which it was decided that we should not participate in such contracts. That decision was communicated to the British Government, and the Postmaster-General in England decided that his Government must continue their contracts as before without the white labour condition. That only meant that the British Government felt that it was called upon to pursue a line of policy in that respect that was somewhat different from the line of policy adopted by Australia. Surely because we act according to the policy deliberately adopted by the Commonwealth, we are not endeavouring to dictate to the British Government. The British Government is still perfectly free to make its own contracts for the conveyance of its own mails under whatever conditions it pleases. What can we do to prevent that? My honorable and learned friend says we are depriving the coloured man of his right to earn his living by insisting upon the employment of white crews.

Senator DOBSON.—Of course we are.

Senator DRAKE.—We are not interfering in the slightest degree.

Senator PULSFORD.—Not interfering!

Senator DRAKE.—No. We simply say that in consequence of the policy adopted by the Commonwealth we cannot participate in the contracts entered into by the British Government, and that we cannot enter into any contract that provides for the carriage of mails on ships employing coloured crews.

Senator Lt.-Col. GOULD.—The Government want to run in absolute rivalry to the ships of Great Britain.

Senator DRAKE.—How can that be?

Senator FRASER.—What else can it be?

Senator DRAKE.—At the time that section was passed we had not the means of

knowing that the British Postmaster-General would adhere to the old condition in connexion with the carriage of mails; but certainly by adopting it we did not in any way dictate to the British Government, nor did we interfere in the slightest degree with the employment by the British Post Office of vessels carrying coloured crews.

Senator CLEMONS.—What about the cost to the Commonwealth?

Senator DRAKE.—Probably the conveyance of mails under a condition of that kind will involve increased expenditure.

Senator CLEMONS.—How much?

Senator DRAKE.—That is a question the future will determine. I cannot even give an estimate. What we are doing now is to call for tenders. I do not know what it will be necessary to pay, but we know that other contracts entered into by the Australian Government for the conveyance of mails have always been subject to the condition necessitating the employment of white crews. That condition is in every contract entered into by the Australian Government; and it is only in the case of one contract entered into by the British Government, and in which we participate, that coloured crews have been permitted to be employed.

Senator PULSFORD.—We have had no other contracts.

Senator DRAKE.—Yes, we have.

Senator PULSFORD.—Nothing to speak of.

Senator DRAKE.—We have the Vancouver line, the ships carrying the mails on the Queensland coast, and those carrying mails on the Western Australian coast. There has never been coloured labour upon those ships, and we have never heard any complaint as to the amount of the subsidy we have had to pay. Senator Clemons asks what the extra cost will be, as though the amount was going to break the Commonwealth. My answer to that is that our contracts in the past have been subject to the white labour condition, and the only exception has been the contract entered into by the British Government, in which we participated.

Senator CLEMONS.—We have no British service but that.

Senator DRAKE.—We have paid a subsidy for a service *via* Torres Straits. The ships on that line are now running without any subsidy. It is now a cargo service. We have nothing to show that the white labour condition will involve a large extra expenditure. I anticipate that it will

involve some extra amount, but we have nothing to show that it will involve such an expenditure as the Commonwealth will not be prepared to bear, to secure the employment of white instead of coloured crews. I think my honorable friend, Senator Dobson, is a little bit wrong in quoting from the minute of the ex-Prime Minister in this respect. What I understood him to say was that Sir Edmund Barton had stated that the reasons contained in the minute were the reasons why the section was inserted in the Act. I speak only from memory, but I believe that if my honorable and learned friend looks at the minute again, he will find that those were not given as the reasons which induced the Parliament to put that section in the Act, but that what Sir Edmund Barton stated was that the presence of that section in the Act would have the effect of encouraging the employment of white instead of coloured labour. The late Prime Minister very rightly put that forward as a most important circumstance, worthy to be urged as a reason for the adoption of the condition requiring white crews. It is our duty, and it is to our highest interests to encourage the employment of white labour on these lines of steamers. If we can, as a result of the tenders which are now being invited, get a line of steamers to carry our mails at a reasonable cost, and at the same time employ white labour only, we shall do a very good thing, and the action of Parliament will be thoroughly justified.

Senator CLEMONS.—Yet Senator Drake and the Government opposed section 16 when it was first proposed to the Senate.

Senator DRAKE.—The honorable and learned senator cannot have been listening. I admit that I opposed the section, and I have given my reasons for my action on that occasion. I was in charge of the Bill, and when the provision was first proposed I opposed it. I hold very much the same view now, namely, that it was not a matter of very great importance. So long as any contract directly made by the Australian Government for the payment of a subsidy contained a condition that the crews should be white, I regarded as comparatively unimportant the continuance of the arrangement with the British Government by which we made use of their contract. I myself then made some remarks in regard to the poundage; and seeing that we now place, and intend to continue to

place our mails on board any steamer, whether the crews be black or white, and pay poundage, I considered that it would be no derogation from our white labour policy to continue our present arrangement with the British Government. I may have been wrong, but at all events, that was my opinion. It was not, however, the view taken by the whole Parliament. Parliament inserted section 16, thereby deciding, as I take it, that the policy of a white Australia required us not to enter into an arrangement with the British Government to participate in their contracts on the former conditions.

Senator CLEMONS.—Why not bar the importation of tea unless it is grown by white labour?

Senator DE LARGIE.—So we should if tea could be grown here.

Senator DRAKE.—We must abide by the law as it is, and we have asked for tenders, subject to the condition that the crews be white. It remains to be seen what the result will be, and, until we know the cost, it is entirely premature to argue that the provision will involve us in expenditure beyond our means. It would be most unfortunate if we were to alter our law when the present contracts are running out, and we are asking for fresh tenders. With the exception of the one arrangement with the British Government, all our mails are carried on steamers with white crews.

Senator MATHESON.—What about the mails to Japan?

Senator DRAKE.—They are not carried under contract.

Senator MATHESON.—But they are carried. Does the honorable and learned senator quibble about the word "contract"?

Senator DRAKE.—I have already dealt with the matter of poundage, which we all understand. If we alter the law, in the way proposed by Senator Dobson, we shall be practically inviting the shipping companies to tender for the conveyance of mails in steamers worked with coloured labour, instead of, as hitherto, on steamers worked with white labour—that is, we shall invite tenders without any condition as to colour.

Senator DOBSON.—Mr. Chamberlain asks us only to modify the provision.

Senator MACFARLANE.—There might be alternative tenders.

Senator DRAKE.—We do not desire to call for alternative tenders. We have adopted what we call a white Australian

policy, and by that policy we should abide. It would be very unfortunate if, when we are calling for tenders, we were to alter the law in regard to the white labour condition.

Senator DOBSON.—That is a boggy; we are only asked to modify the Imperial contract.

Senator DRAKE.—It would be unfortunate if now we were to repeal the law or to ask for alternative tenders with coloured labour. We have adopted for good and all a white labour policy, and we ought not to do anything which would show to the world a weakening in our position. It is inadvisable on any ground to make any alteration, and therefore, the Government must oppose the Bill.

Senator DE LARGIE (Western Australia).—It is quite unnecessary for me to say that I am entirely opposed to the Bill. It is a great pity that at the tail end of the session, when so many important matters are awaiting attention, a whole afternoon should be a little short of wasted in the discussion of a question which has already been debated at great length. I am quite sure that no honorable senator who helped to pass the present law will reverse his vote. No new light has been thrown on the question; I feel convinced that public opinion in Australia has not altered. I may go further, and say that during the last eight years public opinion has not altered. Senator Dobson has accused the Labour Party of forcing this white labour policy on the Government; but he ought to remember that it was a live question long before the Labour Party was represented in the Senate. At the Postal Conference, representative of the whole seven Colonies, held in Hobart in 1895, a resolution in favour of the employment of white labour on the mail-boats was unanimously passed. In the face of that fact how can Senator Dobson declare so boldly that the Labour Party are now pushing the principle to extremes. As a matter of fact, they were not members of the Labour Party who actually moved in the matter years ago. From the Victorian Parliamentary Papers, I find that the Postal Conference at Hobart, in 1895, was presided over by Mr. J. G. Duffy, of Victoria, and attended by Mr. Joseph Cook, of New South Wales; Sir John Cockburn, of South Australia; Sir Philip Fysh, of Tasmania; Mr. Thynne, of Queensland; Sir John Forrest, of Western Australia; and Sir

Joseph Ward, of New Zealand. The motion, to which I have referred, was submitted by Mr. Cook, who was at that time Postmaster-General in the Ministry of Mr. G. H. Reid. The action of Mr. Cook on that occasion may appear somewhat inconsistent with remarks which have been made by Mr. G. H. Reid on section 16 of the Post and Telegraph Act, seeing that Mr. Reid has expressed his readiness, if opportunity offers, of repealing the provision. The resolution was as follows:—

That it be a condition in any future contract that mail-boats be manned by white labour only.

To that resolution an unfavorable reply was given by the Imperial Government, but those who had agreed to it were in earnest, as was shown by the following resolution passed at the next meeting of the Conference:—

This Conference, having considered the reply of the London Office to the stipulation of the Hobart Conference with regard to the manning of the mail-boats by white instead of coloured labour, recognises fully the force of the reason given by the Imperial Government against insisting on the exclusion of coloured labour, viz., the necessity of discriminating between various classes of British subjects, but in reply would respectfully point out that by some steam-ship companies the labour of the contributing colonies is excluded from employment, and an invidious preference given to the labour of countries which do not contribute to the maintenance of the service. No injustice would thus be done by the stipulation that the labour of the countries subsidizing the service only should be employed. And, therefore this Conference is of opinion that the mails to and from Australia and Great Britain should be carried by ships manned by white crews only. The Conference concurs with the London Office in the other points raised in connexion with the new mail tenders.

That resolution was signed by Mr. Reeves, on behalf of New Zealand, and by Mr. Thynne, Sir John Cockburn, Mr. Duffy, and Mr. Joseph Cook. It will be seen that the employment of coloured labour on the mail-boats is an old standing grievance, and it was always contemplated that one of the first effects of Federation would be the manning of the boats by white labour exclusively. It was quite impossible, at the time to which I refer, to put the policy into operation, but in the face of all that has occurred since, it must be evident that section 16 is quite in accord with Australian public opinion. I am sorry that Senator Dobson should go out of his way to libel the character of the British seamen. It is deplorable that a gentleman, who poses

as a strong Imperialist, and is ever playing on such words as "the dear old mother country," should have such contempt for the working classes at home. If I had such an opinion of the people of the old country—and I do not pose as an Imperialist or a jingo—I should be ashamed to be associated with them in any way. I can, however, quote authorities which show the different character which is borne by the men whom Senator Dobson has so glibly defamed. First, there is Admiral Fremantle, who is one of the greatest authorities on seafaring matters in the United Kingdom, and then there is the Marquis of Graham, who takes a very great interest in British seamen, particularly those connected with the mercantile marine. The latter gentleman goes into statistics, dealing with the relative criminality amongst British and foreign seamen in some of the leading British ports, and he entirely disproves the libel which has been cast on the sailors of our own race. The article I am about to quote from appeared in the *National Review* of 1902, and there it is said by the Marquis of Graham:—

As a derelict goes voyaging about the ocean with no one in charge, sometimes submerged, sometimes awash, and sometimes afloat, its true position in the sea known definitely to few, so drifts along from year to year the question of the disappearance of British merchant seamen, unsolved as regards the truth and unessayed with a solution. It was not long ago insinuated in the columns of the *St. James' Gazette* that British merchant sailors represented the scum of the cities:—

That sounds very like Mr. G. H. Reid's remark.

—and were nothing more nor less than a set of drunken rascals:—

That reminds me of Senator Dobson's utterances.

—while seaman hailing from foreign lands were patterns of obedience and sobriety. Never was a delusion more hard to blot out from the public mind; not because the man in the street is unwilling to hear the truth of the case, but because the matter has never been properly thrashed out, or given unreservedly to the country. That British seamen are not as saintly as could be wished is freely acknowledged, but they are no worse than their neglected surroundings make them. So long as the law regards with nonchalance the existence of dens of vice in the neighbourhood of docks and wharves, and permits to go unrestricted the evil practice of the harpy and crimp, so long must people not be surprised if simple and uneducated seamen sink to the level in morale and physique of those who corrupt them on shore. The fallacy that Dutchmen (foreign seamen) are more economical to employ than are British sailors

may be controverted at once. It has many times been stated, both by ship-owners and authorities on shipping affairs, that all seamen "sign on" their ships at the current rate of wages existing in the port, which statement can be verified by reference to the books kept by the superintendent of seamen at any shipping office. Foreign seamen are not more economical to employ as regards wages, than British seamen; though it may be possible they are found more cheap in another way; and that is that a low-class foreigner is not so particular regarding what he eats as a British sailor, and therefore in the absence of a statutory dietary scale, it may be found a profitable investment to ship the un-self-respecting foreign seamen in preference to the more particular and more polished British sailor. To refute the idea that foreign seamen are more sober and more amenable to discipline than British sailors, it becomes necessary to put the matter to a statistical test; let us therefore examine the figures of crime standing against the seamen who visited the port of Glasgow (the port with which the author is best acquainted) during the three years, 1899, 1900, 1901.

These were the words of a man who knows his subject, and who thus conclusively proves that the British seamen is actually more sober and better behaved than the foreign seamen. It is quite sufficient to give a general idea as to whether the statistics dealt with can be relied on. We find that in the year 1899, at the port of Glasgow, the percentage of offences connected with insobriety was 53 amongst British sailors, and 41 amongst foreign sailors. In the following year, however, 1900, the percentage was 40 amongst British sailors, and 56 amongst foreign sailors, while in 1901, the percentage was 27 and 35 respectively. Over the three years the average percentage was 40 amongst British sailors, and 44 amongst foreign sailors. It will therefore be seen that for the three years a greater percentage of foreigners were convicted at the port of Glasgow than of British seamen. If there be anything in figures, this should go to disprove Senator Dobson's rash statements as to the insobriety of British seamen, and to throw discredit upon his statement that crews of British seamen leave the port of Sydney half drunk. The figures would appear to show that if there were any truth in such statements they might be applied with even greater force to foreigners. The Marquis of Graham says—

Having traversed the insinuations most frequently put forward as an explanation of the disappearance of British seamen from the mercantile marine and found them void of any real truth, one must look somewhere else for facts to form a basis of the cause. About the

year 1840 it became apparent to legislative authorities that British seamen for the mercantile marine were becoming scarce, and, in order to prevent the total extinction of the British sailor, they enacted, in 1844, that British ship-owners be compelled to carry apprentices in their ships according to a certain manning scale, with the result that the number of apprentices indentured annually to a sea career rose in one year from 6,259 to 15,704. After this date the normal rate of apprenticeship maintained a steady increase until the year 1853, when the navigation laws were wholly repealed.

I direct the attention of my free-trade friends to this, because protectionists always urge that it has been the navigation laws of Great Britain that have placed the British mercantile marine in the prosperous position it occupies to-day.

Senator PULSFORD.—Nonsense.

Senator DE LARGIE.—I shall give the honorable senator authorities presently, and amongst them political economists of such eminence as Adam Smith himself. If Senator Pulsford desires to combat these authorities, he will have his work cut out to do so, even if his figure factory machinery is in full swing. The quotation continues—

After this date the normal rate of apprenticeship maintained a steady rate of increase until 1853, when the navigation laws were wholly repealed, with the consequent result that the number of boys—29,970—then employed at sea, steadily decreased until to-day, when their number is no greater than 5,617. In the same period, 1853–1900, the annual rate of apprenticeship has fallen from 5,845 to 1,215 of the present year, which is the smallest number of apprentices ever known to have been enrolled.

Those are pretty strong remarks, and they give us a good idea of the decline in the number of British seamen. It naturally follows that if fewer boys are going to sea, there must be fewer seamen of British nationality engaged.

Senator PEARCE.—There are more seamen engaged, but a very great many are coloured seamen.

Senator DE LARGIE.—Senator Dobson's contention is that there are not enough Britishers to supply the places of those who are leaving the service of the sea, quite forgetting the constant stream of immigration that is all the time leaving Great Britain to cross the Atlantic and to go elsewhere. It is really the objectionable conditions of employment and the lack of encouragement that supply the cause for the decline in the number of British seamen. I propose to quote from so high an authority as Admiral Fremantle on this question. He condemns the unpatriotic action of



British ship-owners in selling their fleets to foreigners, as was done in the case of the Navigation Trust, of which we heard so much recently. Senator Dobson, when denouncing in a wholesale way poor seafaring men, did not refer to this, for what reason I do not know. When the honorable and learned senator has such strong words to use in denouncing the poor British seamen, he might give some attention to the actions of the great ship-owners of the old country, who are prepared to play the enemy's game by handing over fleets of vessels to foreigners to be made use of, if the occasion should arise, against British interests.

Senator PEARCE.—The honorable and learned senator could not be expected to speak against capital.

Senator DE LARGIE.—I am aware that Senator Dobson avoids that aspect of the question. Admiral Fremantle, in an article in the *National Review*, says—

It is generally admitted by all connected with shipping that "something is rotten in the state of Denmark," but whereas both the undue expansion and precarious position of our mercantile marine is mainly due to too little supervision, too feverish a haste to get through a voyage somehow, everything, crew included, being regulated on free-trade principles—

Is Senator Pulsford listening?

the ship-owner is only anxious to be relieved of all safeguards and restrictions which hamper him, as he believes in his competition with his rivals.

Senator BEST.—What does Senator Pearce think of that?

Senator DE LARGIE.—Senator Pearce is quite prepared to apply the remedy, and I wish our other free-trade friends in the Senate were prepared to take as sensible a view of the matter. Admiral Fremantle writes—

Government interference may not have been always judicial; but the fault lies not in its being too great, but in its being too limited, and not always in the right direction.

Are we not proposing Government interference really in the direction of fostering the mercantile marine and preventing the total extinction of the British seamen? Admiral Fremantle is advocating this very thing in the article from which I am quoting, and we hear Senator Dobson, who, in comparison with this great authority, knows absolutely nothing about navigation, condemning what Admiral Fremantle advocates. The Admiral further writes—

"In naval and military matters we hear much of 'the man behind the gun,' or, as Captain Mahan

expresses it in his recent work, *Types of Naval Officers*, "the artist is greater than his materials, the warrior than his arm." Yet in the British mercantile marine this has been almost entirely ignored. True the Board of Trade insists on masters and mates' certificates, and on certain provisions as to sleeping accommodation and food for the crews, but there the supervision of the personnel ends, and as the result ships are frequently dangerously undermanned, notwithstanding reports of numerous manning committees; the British seaman is being rapidly eliminated—

And this is the gist of the quotation—

as being an expensive and troublesome article.

That is really the cause. The British seaman is too expensive. He is not prepared to work for the same wages as the lascar. He requires a white man's rate of wages and conditions of comfort not to be found on board these boats. Any one need only go into the lascars' quarters on boats carrying those seamen to find that five seconds is about as long as he cares to stay there, because the stench and insanitary conditions are such that no white man could be expected to put up with them.

Senator DOBSON.—There is twice the space provided that is required by the Indian Navigation Act. That is where the honorable senator is wrong in his facts.

Senator DE LARGIE.—Then the regulations under the Act must be extraordinary. Admiral Fremantle further writes—

The British seaman is being rapidly eliminated as being an expensive and troublesome article, and it has been truly said of many "British" ships that the only British thing about them was the ensign. These diseases are becoming more serious yearly; especially is the British seaman disappearing.

Senator PEARCE.—The ensign is at times "made in Germany."

Senator DE LARGIE.—Even the very flags will come in time from Germany. These are facts stated by a man who cannot be called a labour advocate. Admiral Fremantle's leanings, if he has any, are more likely to be in favour of the Conservative than of the Labour Party, but he speaks out clearly and boldly on a question on which he should be an authority, and his words should have some weight with honorable senators like Senator Dobson. The Admiral gives figures which show the increase in the number of lascars employed. He shows that the number of lascars employed in 1860 in the mercantile marine of Great Britain was only 335, and up to the year 1900 the number had increased to no less than 36,023. That is surely an alarming rate of increase when we consider that.

in the past, a very large number of Britishers found employment of a profitable kind in a seafaring life. The Admiral comments upon the figures in the following way :—

The increase of foreigners and lascars is very evident from these figures, but if we were to eliminate stewards, stewardesses, and other persons of nominal British nationality, we should probably find a far larger proportion than is shown above of the working crews to be composed of men not of British race. I have only space here, in concluding this part of my subject, to call attention to two papers by Commander Caborne, R.N.R., read before the Shipmasters' Congress in London in 1897-1899 respectively, Sir Charles Dilke being in the chair, and to the discussions following the reading of the papers, in which men well acquainted with the mercantile marine took part. From these papers I take the following :—Captain Froud, in the discussion on Commander Caborne's first paper, gives statistics of the crews of twenty-nine sailing vessels from various ports of England and the north of Europe. Of these he says that : " Nearly 8 per cent of the officers, one-third of the petty officers, and rather more than half of the other deck hands were foreigners. In two of the vessels, with the exception of two or three of the officers, the crews were all foreign." Captain Blackmore, in the same discussion, says :—" It is quite possible for a set of foreigners to come over to this country, put up an office in Cornhill, buy ships and register them as private ship companies, and have masters and officers and seamen, without a British subject having anything to do with the matter ; and we know that there are ships sailing under these conditions. They are not the slightest value to Britain as a nation, and all the money earned in them is carried away and spent in foreign countries."

Admiral Fremantle comments upon this in the following way :—

The statistics in certain ports abroad, such as the River Plate and San Francisco, are simply appalling. The missions to seamen have done good service for some years past in calling the attention of the Board of Trade to these subjects, and in endeavouring to supply the lack of good influences among British crews. Commander Caborne gives some interesting details as to how crews are supplied and got rid of. He tells us a shipmaster reports that the shipping agents of Baltimore put the crews on board at the last moment " like prisoners," and you take your chance as to whether they are " tinkers, tailors, soldiers, or sailors " Commander Caborne quotes letters which were read in the House of Commons from ship-managers to captains, as follows :—" Give your crew salt beef only, and keep them hard at work. They will never agree to forfeit." . . . " We should like you to get rid of as many more men as possible." Naturally under such conditions men desert, and good men are scarce in the merchant service. We may well blush for such dealings, as Rudyard Kipling, with his poetical insight, tells us, " We may not speak of England, her flag's to sell or share." It is important to note that Sir Charles Dilke, in his concluding remarks on Commander Caborne's first lecture, said—" I am a strong free-trader, but . . . we should not be prevented from

taking measures which might, on any other grounds than national defence, savour of protection."

Perhaps Senator Pulsford will undertake to refute the great Sir Charles Dilke's remarks as to his views of fiscalism being applied to the navigation laws of the old country. Admiral Fremantle continues :—

In this, as is well known, he is following the example of Adam Smith, who consistently supported the navigation laws as necessary from a national point of view, although contrary to free-trade theories.

These are the remarks of a man who has written as a free-trader.

Senator PULSFORD.—Is the honorable senator arguing from the free-trade standpoint ?

The PRESIDENT.—The honorable senator ought not to enter into a discussion of the merits of free-trade and protection.

Senator DE LARGIE.—I feel that unless the navigation laws are considered in a discussion of this kind, honorable senators cannot fully understand the purport of section 16 of the Post and Telegraph Act.

The PRESIDENT.—I should not prevent the honorable senator from discussing the navigation laws, but there ought not to be a discussion on the merits of free-trade and protection.

Senator DE LARGIE.—I shall keep as close to the point as possible. I desire to draw Senator Pulsford's attention to these remarks, and if the honorable senator can contradict the statements made I shall be interested to hear him do so. Admiral Fremantle further writes—

The letter of Mr. Munro, who writes from the Merchant Service Guild, Liverpool, in the *Times* of 24th April, gives instances of the scandalous way in which our flag is used at times by foreigners, who, as he says, " hate us in their hearts," and he concludes : " Let our British mercantile marine be strictly and genuinely British, and however unpalatable the truth, we shall then be able to the more correctly estimate the correct position, and deal with it accordingly." I have, however, dwelt long enough on this subject, but it is an all-important one, as it is a principal item in the denationalizing of so-called British ships. So that speaking generally, though there are some bright exceptions, the mercantile marine is a sham, sailing under false colours. In former days, when Commodore Dance with his East Indiamen beat off the French Admiral Linois, the British merchant captain felt some pride in his nationality ; he commanded a British ship with a British owner, and she was manned by English seamen. There could be no question then of a change of nationality. Now, when, as I have shown, the so-called British ship is only English in name, the transfer

is easy to another flag, and patriotism has no part in the transaction. Unless there is a change in these matters, ship-owners, bred up in cosmopolitan liberal ideas, will neither be debarred by scruples or by other considerations from selling to the highest bidder; but the danger is evident.

I think we may fairly give our deepest consideration to the words of warning from the authorities I have quoted. They are not political partisans who may be trotted out to suit a particular occasion. They are men who have given this matter serious consideration. As every one knows, the Marquis of Graham has long been the friend of British seamen, and the figures he supplies prove the sobriety and reliability of the British seamen when compared with the foreigner. He gives a complete answer to Senator Dobson's contention that British seamen are not reliable, and that ships manned by British seamen are manned by drunken crews. I hope that he will have the manliness to withdraw the charges now that I have furnished the disproof. We need have very little doubt as to the fitness of white men to do this work. Do we not see white men employed in every ship on our coast? The Australian mercantile marine is manned wholly by white crews. Ship-owners experience no trouble in getting white men to work in the stokehole; they could get more men than they needed by paying a decent rate of wages. The same result could be obtained in the ports of Glasgow, Liverpool, and London, if fair conditions and good wages were offered to the men. It is not reasonable to expect any white men to join a boat which is manned to a certain extent with lascars and coolies. If we wish to remove the disease which has taken possession of the British mercantile marine, and which I may describe as a kind of galloping consumption; if we wish to improve the lot of the British sailor, we must be prepared to extend this kind of legislation. It was the navigation laws which placed the mercantile marine of the old country in a proud position; and she will have to revert to such legislation if she desires to regain her old position. I think that the time of the Senate this afternoon could have been devoted more reasonably to the consideration of some other question. I believe that public opinion would be outraged if the Senate were to read this Bill a second time. I hope that the motion of Senator Dobson will be defeated by such a

decisive majority that he will not think of bringing the subject before the Senate again.

Senator PULSFORD (New South Wales).—I rejoice very much to have another opportunity of saying straight out how greatly I regret the placing in an Act of Parliament of a provision such as that which Senator Dobson desires to see repealed. I do not hesitate to say that it is very regrettable; that it is a disgrace to Australia and to the Empire. I notice that Senators Drake and De Largie very carefully avoided the real objection to the provision. The latter made a long speech, which really had nothing to do with the question at issue. He tried to put into the mouth of Senator Dobson wholesale charges of insobriety against the whole of the British mercantile marine.

Senator DOBSON.—Which never were made.

Senator PULSFORD.—I did not understand the honorable and learned senator to malign the whole of the British mercantile marine.

Senator DE LARGIE.—He maligned as many of them as he could.

Senator PULSFORD.—If anything of that kind had been done I should have had to fall foul of Senator Dobson, because I, as a Britisher, have a very high opinion of the British mercantile marine. I think that it is composed of too good men to be forced into the stokeholes of steamers when passing through the Suez Canal. I have seen passengers doing their best to withstand the heat of the tropics. If, with the aid of fresh air and refreshment, passengers could hardly pass the day on deck, what must have been the position of the men in the stokeholes? The statement which has been made with regard to the character of the work in the stokeholes certainly cannot be contradicted, but the main point about this legislation is the insult it offers to India. I think that Great Britain's duty to India is the greatest and most solemn responsibility which has ever rested on a nation. In what way does this provision affect the white Australia question? I do not think it can be honestly claimed to even touch the fringe of that question. I am in favour of a white Australia, but because I hold that belief I am not going to do evil to the natives of India, my fellow subjects. Tens of thousands of them

have for centuries found a living in seaman-ship, and because some of them are employed in the vessels which occasionally come to Australia from Europe—it is not quite true to say that they are employed on our coast—I am I to set to work to hunt them away and to say to them, “You may be British subjects, but you shall not come on the coast of Australia”? Are we to initiate a crusade to hound our coloured fellow subjects out of all ships on the coast of India itself? There are ten times as many white men to be found on the coast of India as there are coloured men to be found at any time on the coast of Australia. A love of fair play, which is the strongest element, I believe, in the British character, leads me to say that this policy will be repudiated by the working men of Australia. There are two ways of speaking to the working men of Australia. We can appeal either to their prejudice or to their honour, their instincts, their belief in that which is right and true. I have to go up for election in the course of a few weeks, and I shall not hesitate to ask the working men of New South Wales to support me in my effort to get this provision repealed, and to do justice to our fellow subjects in India. I hope that if any other honorable senator rises to oppose the Bill he will endeavour to reply to the arguments which have been used. Neither Senator Drake nor Senator De Largie mentioned that important despatch from the Colonial Secretary. It was a statesmanlike document, which was entitled to a reply from any opponent of this measure. The speeches of those two honorable senators, such as they were, had nothing to do with the real kernel of the subject. I hope that the second reading of the Bill will be carried. I do not know that it would have any immediate effect, but it would mark the feeling of the Senate, and, I believe, the feeling of Australia, in regard to legislation of this kind.

Senator MACFARLANE (Tasmania).—I was very much disappointed with the speech of the Attorney-General. It seemed to me that in raising the boggy of a white Australia he was quite wide of the mark. Section 16 of the Act has nothing to do with that question. He admits that it will probably cost much more money to carry the mails with white crews than with mixed crews. And yet the late Prime Minister asked the Governor-General to telegraph to the Colonial Secretary that it was hoped that by the new contract we should get

greater speed at less cost. The Attorney-General has discovered that we are not likely to get greater speed at less cost. To imagine that we shall shows an entire ignorance of the commercial position. I am quite sure that the cost will be very largely increased.

Senator DRAKE.—It may or it may not.

Senator MACFARLANE. — Eighteen steamers with a speed of 16 or 17 knots will be required for the service, and that will leave a very small margin. The Orient and the P. and O. Companies have nine steamers each, and they cannot run the service with a less number.

Senator DOBSON.—Would either company require more vessels if Brisbane were made a port of call?

Senator MACFARLANE. — I understand that an extra boat would be required to go to Brisbane so as to give time for refitting at Sydney. There is no doubt that if the conditions laid down in the advertisements calling for tenders are insisted upon the expense will be very largely increased. For that reason, if for no other, we ought to hesitate to retain section 16 in the Act. What possible good can it do to Australia? Senator De Largie has read a long extract to show that British seamen are becoming more difficult to get. One of Senator Dobson's arguments in favour of this Bill is that the mail companies are compelled to take lascar seamen. Senator Pearce has said that the companies can get plenty of men at £6 a month. In my speech on the address in reply at the beginning of this session I urged the Government to bring in a repealing measure for the very reason which was given by Mr. Chamberlain in his despatch of 17th April—

His Majesty's Government much regret that the legislation which has recently been passed in Australia has made it impossible for them to be associated in future with the Government of the Commonwealth in any mail contract.

That of itself ought to make us pause—

They recognise the importance to the cause of Imperial unity of joint action in such matters as postal communication between the mother country and the great self-governing colonies, and they would not on slight grounds withdraw from such co-operation; but the legislation in question, affecting, as it does, principally Indian subjects of His Majesty, leaves no other course open to them.

We seem to consider that the grounds are very slight, and of no importance to us.

What is our remedy? We propose to employ not British seamen but cheap foreigners. Spaniards, Norwegians, Danes, and Italians—often starving in London—seek employment in the mail-boats. They will take positions for which physically they are often unfit. It is difficult for mail steamers to keep up the rate of speed when the services of these stokers have to be depended upon. A steamer which did not require to coal on the way out actually took two days longer than she need have done, simply because she could not get the stokers to keep up the fires; they were physically unfit, and very unwilling.

Senator PEARCE.—I shall cite the case of a ship which carried a lascar crew, and which had the same experience.

Senator MACFARLANE.—It has been proved that lascars make very good helps. Our contention is that the British sailor cannot be got very easily to assist the British Navy. There surely cannot be any objection when we can pass a law to prevent them from landing in the Commonwealth. Sir Edmund Barton, in his reply to Mr. Chamberlain, seems to me to have made out a very weak case indeed. His reply was dated 19th June, He says :—

It is a fact that was well known to the members of the Federal Parliament that of the lines of steamers trading to Australia, some of those coming *via* Suez, and practically all those coming *via* the Cape, are manned exclusively by white labour; and it cannot be considered unreasonable that Parliament should have directed that in the distribution of Government subsidies raised by Australian taxpayers, preference should be given to those vessels which employed men of a kind at any rate most likely to be of service to the Empire in time of need.

Who are most likely to serve the Empire in time of need? Italians, Spaniards, Norwegians, and Danes, or British subjects like the lascars? They are very independent men, and in spite of what we have heard, very cleanly in their habits. Mr. Chamberlain asked Sir Edmund Barton for his interpretation of the word "arrangement." I remember that this question arose when the Post and Telegraph Act was being considered. I think it arose in reference to an interjection of my own, and the Attorney-General then stated that an "arrangement" could be made with vessels carrying black crews under the section.

Senator DRAKE.—The honorable senator means by paying poundage? That is right. It is provided for under another section of the Act.

Senator MACFARLANE.—The interpretation of the word "arrangement" given by the present Prime Minister, who was then Attorney-General, was that our mails could be put on board any vessels and paid for at poundage rates. Is it to be the policy of the Government to put the mails on foreign ships?

Senator DRAKE.—We shall continue to do it, no doubt.

Senator MACFARLANE.—Will the Government do that in preference to carrying the mails on British ships?

Senator DRAKE.—Not in preference.

Senator MACFARLANE.—The Government are going to debar British ships from doing what they allow German ships to do.

Senator DRAKE.—We are not going to debar British ships.

Senator MACFARLANE.—They are going to pay poundage rates for carrying mails on foreign ships employing coloured crews.

Senator DRAKE.—Also on British ships with white crews.

Senator MACFARLANE.—It must be remembered that when we pay a subsidy to a mail steamer, we pay it under a contract, which binds the steam-ship company to do things which they would not do otherwise in a commercial sense. But if we are merely going to pay poundage, and have no contracts, we cannot expect the companies to do for us what they have done in the past.

Senator PLAYFORD.—The American Government pays poundage on mails from New York to England.

Senator MACFARLANE.—But Great Britain has not adopted that policy.

Senator DRAKE.—It seems to me that it would be a very good thing to have all our mails carried without paying any subsidy.

Senator MACFARLANE.—I think we ought to look at what commercial men say with regard to this subject. I will only read one extract from the proceedings of what is called the commercial Parliament—the General Council of Chambers of Commerce, held in Adelaide in June last. They passed the following resolution :—

That the restriction in sub-section 1 of clause 16 of the Post and Telegraph Act, 1901, limiting the carriage of mails to conveyances on which only white labour shall be employed, must prove not only a serious menace to the commerce of the Commonwealth, because it imperils the securing of satisfactory contracts for the carriage of over-sea mails, but it is a violation of the existing

obligation of the British Government to a large section of its subjects, and should therefore be repealed.

Senator PEARCE.—Was that resolution moved by the Tasmanian representative?

Senator MACFARLANE.—No; but I was there, and heartily concurred in it. A good number of other Chambers of Commerce have also passed resolutions, and have forwarded petitions to the Senate, dealing with the same subject. I really hope that the Government, during the recess, will see their way to take steps for the repeal of the section to which we object.

Senator FRASER (Victoria).—I am sorry to see that the reconstructed Government are pinning their faith to the same old policy.

Senator O'KEEFE. — The Australian policy.

Senator FRASER.—I deny that it is the Australian policy, and I deny *in toto* that the people of Australia will tolerate it. They are not in favour of subsidizing foreign ships as against British ships. They want to help British ships.

Senator PLAYFORD.—Ships manned by British sailors.

Senator FRASER.—If we can, by turning thousands of white men, who are not British subjects, into British ships, convert them into British subjects, are we not increasing the power of the nation? Why should any man with British blood in his veins be opposed to the exodus of Europeans into British possessions? Does not the Vice-President of the Executive Council, who is a very capable man, know that in his own State there is a large population of Germans, who are now as loyal as any Britishers on the face of the earth?

Senator PEARCE.—Why object to their employment on ships?

Senator FRASER.—We do not object to their employment. It is the Labour Party that objects. That party would subsidize foreign ships to a greater extent than British ships; because by handicapping British ships, we indirectly benefit foreign ships. The United States, which has been mentioned, does not pursue this policy. That country helps the ships of its own people. I hold that any honorable senator who has any pretence to representing the people of this country ought to be in favour of helping British ships. But section 16 of the Post and Telegraph Act is the direct negative of that idea.

Senator MCGREGOR.—How do we help British shipping by subsidizing vessels manned by coloured crews?

Senator FRASER.—Some of the finest British ships on this earth are manned by coloured crews. There is no comparison between voyages across the Pacific and voyages through the Red Sea. I have crossed the Pacific several times to San Francisco and Vancouver. There are no hot latitudes on that journey such as there are in going through the Red Sea. The two voyages are as dissimilar as night is from day. In crossing the Pacific, coloured labour is not required in the stokehole. But in the Red Sea it is not possible for white men to work satisfactorily in the stokehole and retain their health and longevity. Why should the Labour Party desire to compel white men to do work that is not suitable for them?

Senator MCGREGOR.—Because we think we can do anything a black man can do.

Senator FRASER.—They cannot. Nature has not given us a black skin, and until white men have black skins they cannot do what black men can do. If honorable senators who interrupt me go and live in the tropics, their descendants in a few centuries will be black men, and they might be able to do black men's work. Coloured men are inured to this work, and can do it easily; but it is utterly unfit for white men to do. We have disorganized our postal contracts at the dictation of a minority. I do not want to be too hard upon the new Government, but if they adopt the policy of the old one my face will be as dead against them as it was against the old one. We have handicapped ourselves in making postal arrangements instead of increasing the facilities to the people of this country. The large vessels of the P. and O. and Orient companies ought to have been encouraged to go to Brisbane, and to take frozen meat, butter, and fruit and other perishable stuff to London in their refrigerating chambers. They ought to be encouraged to take away to European markets produce that at present is running to waste. The steamers ought to be made Federal steamers now, and employed in such a way as to suit the whole of Australia, being compelled to call at Brisbane for cargo such as butter and fruits, and then to continue their journey *via* Sydney and Melbourne to London. But the very proper representations made by Mr. Philp to the

Government have not been listened to, though all our legislation and administration ought to be of a Federal character, designed particularly to help the producers.

The PRESIDENT.—Does the honorable senator think that his remarks have anything to do with the question of the employment of coloured labour on mail steamers?

Senator FRASER.—I do; and I am contending that the mail steamers which now end the voyage at Sydney ought to go to Brisbane. Instead of calling for alternative tenders, the Government ought to impose the condition that the vessels must go to Brisbane. The British Nation's only protection consists of British ships belonging to both the navy and the mercantile marine, and anything that stands in the way of the progress of shipping is contrary to British interests. The people of Australia are in favour of maintaining the sea power of Great Britain, and that end should be kept steadily in view.

Senator O'KEEFE (Tasmania).—I have not the least doubt that Senator Dobson and those who support him are actuated by motives as sincere as are the motives of those who oppose the measure. I have no intention of dealing with the question at length; but I desire to refer to one phase of it which was dealt with at great length by Senator Dobson, and was also mentioned by Senator Fraser. It is contended that the work performed by the lascars on board mail steamers is not fit for white men. I take it that that forms the principal cause of the opposition to section 16 of the Post and Telegraph Act, and I do not know but that to a certain extent I agree with that view. The work is not fit for white men in the fullest sense of the word, but it is the misfortune of thousands of white men to have to do work for which, in the fullest sense of the word, they feel they are not suited. Honorable senators who base their main objection to section 16 on that plea have never signified any intention of relieving white men of other classes of work for which they are equally unfitted. We must remember that there are tens of thousands of white men in the British Dominions who have to do such work in order to earn a living. I have no doubt that many of the stokers would prefer other work if they could obtain it at a reasonable rate of wage. Senator Fraser knows, if Senator Dobson does not, that to-day there are thousands of miners in the State of Victoria working at a

depth of 3,000 feet or thereabouts in a temperature which, if not higher, is at any rate as high as that of any stokehole on a mail-boat. I believe that the greatest depth in the gold mines of Victoria is 3,200 feet, and that the atmosphere is most impure is shown by the fact that, except within a few feet from where the machinery is working, there is absolutely no fresh air. That is hardly fit work for white men, but they do it in order to maintain themselves and their families; and it is one of the misfortunes of our social system that each man cannot follow the employment he would like. When honorable senators base their objections to section 16 on the ground that the work in the stokeholes of mail steamers is not fit for white men, it is just as well to remind them that similar objectionable work has to be done in Australia. We who support section 16 did not do so on the ground that under it the best kind of work can be afforded for white men; we support the section on the patriotic ground that, in the first place, it may assist in increasing the number of British sailors. That is a motive which I am astonished does not appeal to Senator Dobson.

Senator Sir WILLIAM ZEAL.—Why not confine the section to Australian shipping? Why interfere with the British mercantile marine?

Senator O'KEEFE.—We are paying our share of the cost of carrying the mails, and it is quite within our province to stipulate the kind of labour to be employed on the mail steamers. Senator Dobson has contended very strongly that section 16 of the Post and Telegraph Act is an insult to our fellow subjects in India. But Australians need not concern themselves very much about that phase of the question.

Senator DOBSON.—Surely?

Senator O'KEEFE.—Does not the honorable and learned senator know that even the British war authorities take very much the same stand as we are taking in Australia?

Senator KEATING.—The British authorities would not employ our Indian fellow subjects in the South African war.

Senator O'KEEFE.—That is so, but we do not say, on that ground, that the British authorities insulted Indian British subjects.

Senator PLAYFORD.—Indian subjects are not employed on British men-of-war.

Senator O'KEEFE.—If we sin in offering the so-called insult, we sin in good company. This is a purely Australian

matter, and it is time the Australian Parliament exercised some voice in the management of Australian affairs. I sincerely hope that the vote on this question will not reverse what is the declared policy of the Australian Parliament and, I believe, the Australian people.

Senator PEARCE (Western Australia).

—I am sorry that Senator Dobson has not afforded an opportunity for this legislation to be put into practice. The Government have called for tenders under the new law, and Senator Dobson and his friends, if they are true prophets, would have had an excellent opportunity for pointing out the absolute failure of the new contracts under the white labour policy. If Senator Dobson and his friends are so sure that they are right, they have displayed bad generalship, because they had only to wait for the operation of the new contract in order to show the disastrous effects of the policy which I and others uphold. It appears to me, however, that those who are averse to section 16 of the Post and Telegraph Act are afraid that, as in the case of the kanakas, their prophecies may be unfulfilled. It was prophesied that the abolition of the kanaka would mean the ruin of the sugar industry; and that was the view taken by the very men who now oppose the section of this Act which it is proposed to repeal. The prophecies were falsified in the case of the kanaka, and in the case of the lascar it is sought to prevent that result by annulling the provision before it has been put into practice. It was unfortunate for them that the Pacific Island Labourers Act was allowed to be put into operation, because the result has been the vindication of those who supported the measure.

Senator FRASER.—That is not the case yet.

Senator PEARCE.—I do not desire to be led away from the question under discussion, or I could show the honorable senator how the supporters of the Pacific Island Labourers Act have been vindicated. I ask Senator Dobson and those who support him whether if they had the choice between a skinny, emaciated, half-starved lascar—

Senator Lt.-Col. GOULD.—Why skinny?

Senator PEARCE.—Because that is the most accurate term, but I use it in pity and not in scorn, because it is the conditions of their life which cause them to be skinny.

Senator FRASER.—Does the honorable senator wish to bring white men to the same state?

Senator PEARCE.—White men will never consent to be brought to the same state, and that is the trouble with those who are trying to repeal section 16 of the Post and Telegraph Act. Supposing a skinny lascar and a brawny British sailor were offering to work for the same wage, would Senator Dobson, or Senator Fraser, or Senator Macfarlane have any difficulty in making up his mind as to which man to employ?

Senator FRASER.—Who ever said that the black man was equal to the white man?

Senator PEARCE.—Senator Fraser now says that the black man is not equal to the white man.

Senator FRASER.—I say that the black man is not equal to the white man in work for which the latter is suited; but the white man is not suited for the work in a stoke-hole in the Red Sea.

Senator PEARCE.—Senator Fraser said that the white man was not fitted for work in the sugar plantations of Queensland.

Senator FRASER.—And as to Cairns, I say so still.

Senator PEARCE.—But the white man is proving every day that he is fitted for the work in the sugar plantations. The unhesitating choice which would be made of the brawny British sailor, under the circumstances I have indicated, shows that this is a question of cheapness. The Commonwealth Parliament have a certain amount of money to spend belonging to a country which has declared emphatically in favour of a white Australia.

Senator FRASER.—Does the honorable senator say that this is a white Australia question?

Senator PEARCE.—I propose to show that it is a white Australia question. Should we be consistent in our policy if we said that in every occupation on the mainland it should be our undeviating principle that white men should live and should be profitably employed, but that there is one industry peculiarly British, one in which Britain leads the world at the present time, the maritime industry, which has made Great Britain what it is, for which the sons of Britons are not worthy, and in which we must employ the lascar and the black foreigner of every shade and hue?

Senator Sir WILLIAM ZEAL.—That is very far-fetched.

Senator O'KEEFE.—That is what Senator Dobson would do.



Senator PULSFORD.—No one has suggested it.

Senator PEARCE.—It is not at all far-fetched. We are dealing with money which Australia spends on mail contracts between the Commonwealth and the old country. If it is right that money should be spent in subsidizing coloured labour boats it is equally right that money should be spent in subsidizing mail-boats between Adelaide and Fremantle, even though those boats should carry coloured crews.

Senator FRASER.—There is no necessity that they should carry coloured crews. It is absurd of the honorable senator to talk in that way.

Senator PEARCE.—I remind Senator Fraser that there is no necessity to have any but white crews on the boats carrying the mails between England and Australia.

Senator FRASER.—There is no necessity for coloured crews in any temperate latitude.

Senator PEARCE.—Senator Fraser is one of those who are very anxious that white men should not be engaged in unfit occupations. The honorable senator has great sympathy with them. There are, unfortunately, white men in Australia, and even in the State represented by the honorable senator, who are working at occupations which will shorten their lives by one-half.

Senator FRASER.—Where are they working?

Senator DE LARGIE.—In the deep mines of Bendigo.

Senator PEARCE.—In the deep mines of Bendigo, and in smelting works where refractory ores are being treated.

Senator PLAYFORD.—Where they get leaded.

Senator PEARCE.—Yes, in the smelting works at Port Pirie and Broken Hill, men are employed under conditions which will shorten their lives by years, because they are working in fumes which are detrimental to their health.

Senator MACFARLANE.—Why not get black men to do that work?

Senator PEARCE.—I could take Senator Macfarlane to smelting works at Launceston in his own State, where men repeatedly go down underneath a furnace, and work amidst fumes which are injurious to their health.

Senator FRASER.—I should get black men to do that work.

Senator DAWSON.—The honorable senator could not get black men to do it.

Senator PEARCE.—Honorable senators have never raised their voices to shorten the hours of labour of these men, or to improve the conditions of their work. There is a match factory in Victoria, but we have never heard Senator Fraser raise his voice against the conditions under which people work in that factory.

Senator FRASER.—Yes; I referred to the matter on the Tariff.

Senator PEARCE.—The honorable senator voted for a reduction of the duty proposed upon matches, but he never concerned himself about the conditions under which the hands in the factory have to work.

Senator FRASER.—Yes; I said the industry was not worth supporting; and I say so still.

Senator DOBSON.—Do come to some relevant point.

Senator PEARCE.—Senator Dobson wandered around a good many points. The points with which I am dealing are those which the honorable and learned senator would rather were not touched upon. I am dealing with what is really the basis of the action suggested by the honorable and learned senator, and that is cheapness. Senator Dobson in advocating the repeal of section 16 of the Post and Telegraph Act is here as the advocate of cheapness. Honorable senators who agree with him admit that the white man is superior to the coloured man, and do they mean to contend that the steam-ship owners are less capable business men than they are themselves. Is it not a fact that the Orient Company previously had white crews?

Senator STYLES.—They have them now.

Senator Lt.-Col. GOULD.—They have black stokers.

Senator PEARCE.—Up to a certain time they competed with the P. and O. Company, which was carrying lascar crews. Is it not a proof that this is really a question of cheapness when we find that the Orient Company in order to compete with the boats of the other line discharged their white stokers and employed lascar stokers?

Senator Lt.-Col. GOULD.—Is it not a question of competition?

Senator PEARCE.—Undoubtedly it is a question of competition. What is it that has brought lascar crews into the mercantile marine of Great Britain? Is it not

a fact that the majority of the vessels comprising the mercantile marine of Great Britain are trading, not in the tropics, but in the temperate zones? I say that this is purely a question of cheapness. I would ask Senator Dobson, and those who agree with him, why the British House of Commons found it necessary to appoint a committee to inquire into the way in which lascars were being treated? Is it not a fact that they discovered that less accommodation was provided for lascar seamen than for white seamen?

Senator MATHESON.—That has been altered since.

Senator PEARCE.—It has only been altered by the strong hand of legislation.

Senator MACFARLANE.—The committee reported that they were well satisfied with lascar labour.

Senator PEARCE.—The committee had not to deal with the question of lascar labour. They were appointed to inquire into the accommodation provided for lascars, and the evidence they elicited showed that the lascars were abused in the matter of the accommodation provided for them, whilst the white seamen were not so abused. Why were the white seamen not so abused? Was it not because of the independence of the white British seaman, who, through his unions, protests against the treatment that would otherwise be meted out to him by callous, hard-hearted ship-owners?

Senator DOBSON.—I have told the honorable senator that the committee reported that the accommodation provided was double that required by the Indian Navigation Act. The honorable senator is misrepresenting facts.

Senator PEARCE.—I would ask Senator Dobson, and those who think with him, whether they believe that the Britisher is less capable than the German?

Senator DOBSON.—What has that to do with the question?

Senator PEARCE.—Senator Dobson is always talking about loyalty and his belief in the British Empire, and I propose to put the honorable and learned senator's Imperialism to the test. If he believes so much in Britishers, does he think the Britisher less capable than the German? We have German mail-boats coming every month to our shores along the same track as that followed by the boats of the P. and O. and

Orient Companies, and they are manned exclusively by German labour from the stoke-hole to the quarter-deck.

Senator DOBSON.—The honorable senator misses the point. We require about ten times as many seamen as does the German nation.

Senator PEARCE.—I ask Senator Dobson whether the point he has desired to make is not that it is necessary to alter the Post and Telegraph Act, because it is impossible to man the mail-boats exclusively with white labour, as white labour cannot be satisfactorily employed in vessels having to go through the tropics?

Senator DOBSON.—More British seamen go through the tropics than German seamen. The honorable senator misses the point that we require ten times as many as do the Germans.

Senator PEARCE.—Before I sit down, I propose to show the honorable and learned senator how we may get them, and we shall certainly not get them by employing lascars on our mail-boats. How is it that the German mail-boats employ white men when the British boats do not? Let me say that I do not give the German companies any credit for employing white labour exclusively.

Senator DOBSON.—They have big subsidies, and they pay low wages.

Senator PEARCE.—They employ white labour exclusively, because they are compelled to do so. The German people have seen to that. The German people have put into their laws an exact copy of the provision we have inserted in ours, and they have said to German steam-ship companies—“If you want German money you must employ German seamen.” We say only the same thing in the Post and Telegraph Act.

Senator FRASER.—British ship-owners cannot obtain white seamen for all their ships.

Senator PEARCE.—I do not propose to leave this point until I have dealt with it, though Senator Fraser would no doubt prefer that I should do so. I can show the honorable senator that British ship-owners can get the men if they require them. I remind Senator Dobson of the old jingoistic lines, which would have appealed to him at one time—

We don't want to fight, but, by jingo, if we do,  
We've got the men, we've got the ships, and  
we've got the money, too.

Unfortunately, though we have the money we do not give the men the money, and

consequently we have not the men. The German Government, before they pay a penny of subsidy, insist that the companies shall employ German sailors in their steamers. Why do they do that?

Senator PLAYFORD.—Because they are patriotic.

Senator PEARCE.—Because they are patriotic, and in order to secure a naval reserve that may be called upon in time of war.

Senator STYLES.—That is the point.

Senator Lt.-Col. GOULD.—Coloured men can be employed in the stokeholes of the German steamers.

Senator PEARCE.—Not the German mail steamers.

Senator Lt.-Col. GOULD.—I beg the honorable senator's pardon; they can.

Senator PEARCE.—I was told by the commander of a German mail steamer that recently visited these shores that it is a condition of their contract that every man employed on their boats shall be a German citizen.

Senator DAWSON.—As a matter of fact, they have no coloured men employed.

Senator Lt.-Col. GOULD.—That may be so; but coloured men can be employed under their articles.

Senator PEARCE.—I take the honorable and learned senator on his own ground, and I say that if what he states is a fact it but strengthens our position, because it shows that what the German companies are doing they are doing voluntarily.

Senator Lt.-Col. GOULD.—The English ships are not being subsidized in the same way as the German ships.

Senator PEARCE.—I propose to deal with that subject before I conclude, as I expect to speak for some little time upon this question. Senator Dobson appears to have overlooked the fact that, under one of the conditions upon which a subsidy is paid to the P. and O. and Orient companies, all the white men employed on certain of their boats must be members of the Royal Naval Reserve. I discovered that condition only this afternoon in the report to the Naval Reserves Committee, appointed by the House of Commons last year. As a large number of the seamen in the mercantile marine of Great Britain are not members of the Royal Naval Reserve they are not eligible to serve upon certain of the steamers belonging to these companies. That has constituted a difficulty, and the

committee to which I refer point out that these steamers have a difficulty in getting a supply of white stokers and seamen. They further point out that if the condition were removed the steamers would have no difficulty in securing an ample supply of white stokers and of white seamen. But they have another alternative. They can employ coloured men, and there is no restriction whatever upon their employment. The condition to which I refer applies not generally to the boats of British companies, but to those that receive an additional subsidy as reserve ships for use in time of war. So that on these boats the companies have either to employ white men belonging to the Royal Navy Reserve, or to take a coloured crew indiscriminately. A disability is placed on the company in so far as the employment of white crews is concerned, but the advantage is given of an unlimited choice in so far as the employment of coloured crews is concerned. By their votes recently, honorable senators have committed the Parliament and the Commonwealth to a partnership with Great Britain in naval matters. By the payment of that subsidy, although it is a small one, we are committed to an interference in British naval matters. I hold that we have now a right to inquire into the management and the manning of the Navy. I cannot see how to commence in a better way than by dealing with these vessels, which, to all intents and purposes, are a recruiting ground for the Royal Naval Reserves. I wish to point out to Senator Dobson that a comparison of the permanent and reserve forces of the British and foreign fleets indicates very serious trouble ahead for Great Britain. In the case of Great Britain, the permanent forces number 122,666, and the reserves 41,540. In the case of France, the permanent forces number 53,000, and the reserves, 50,000. In the case of Germany, the permanent forces number 33,500, and the reserves 40,500. In the case of Great Britain, however, owing to the lascars pushing the Britisher out of the mercantile marine, her naval reserves are equal to only one-third of the permanent forces.

Senator STYLES.—Not enough to man the war vessels.

Senator PEARCE.—No. A large number of the ships in commission could not be manned with skilled men.

Senator Lt.-Col. GOULD.—To what cause does the honorable senator say it is due?

Senator PEARCE.—That is the result of the policy of pushing the Britisher out of the mercantile marine and replacing him with the lascar.

Senator DOBSON.—There is no such thing as pushing out the Britisher. They cannot get British seamen.

Senator PEARCE.—A committee of naval experts has declared that the men can be got. The introduction to Brassey's *Naval Annual* points out that the weak spot in naval matters is the low proportion which the reserves bear to the permanent forces. To show how the lascar has gradually pushed out the British sailor, I may mention that our mercantile marine comprised in 1857 96,914 British sailors, not including lascars; in 1875, 82,000, being a loss of 14,914; in 1889, 60,709, being a loss of 21,291; and in 1901, 44,290, being a loss of 16,419. In other words, between 1857 and 1901 the number of British seamen had decreased by one-half. There has been such an enormous shrinkage in the number that the recruiting ground for the Navy has practically been destroyed. In the mercantile marine the firemen have not decreased in the same ratio. In 1875 they numbered 13,000, while in 1901 they numbered 23,500. Of late years, owing to the lascars invading the stoke-hole, even the firemen have ceased to increase in number, and are gradually decreasing. In the Navy, on the other hand, firemen have increased from 4,200 in 1875 to 21,400 in 1901. In other words, in that year there were nearly as many firemen in the British Navy as in the mercantile marine. It may be said that we cannot alter the policy of the British Navy. But I would remind honorable senators that the Parliament of Australia has some weight and influence, however small it may be, in regard to the policy of the Empire.

Senator O'KEEFE.—It has a good deal in connexion with the British Navy.

Senator PEARCE.—Yes. For years past, in the House of Commons, there has been a growing recognition of the danger of this weak spot in the naval defence of the old country. Committee after committee has investigated the subject; member after member has in various ways—on the Estimates and otherwise—called attention to the matter; and all are agreed that it is the introduction of the lascar and the foreigner into the mercantile marine which constitutes the danger. The problem is, not how to

get sufficient men for the Navy, but how to devise a means by which the foreigner and the lascar in the mercantile marine can be replaced by the Britisher.

Senator Lt.-Col. GOULD.—How is that going to be done?

Senator PEARCE.—By paying good wages and offering fair conditions.

Senator Sir WILLIAM ZEAL.—It would take the men out of other occupations.

Senator PEARCE.—If the British Navy is the first line of defence, surely it is imperative that it should be kept in an efficient state. The only way to secure that result is to see that the men who man the mercantile marine belong to the race which has made the British Navy what it is.

Senator Lt.-Col. GOULD.—Will the honorable senator vote for the exclusion of foreigners?

Senator PEARCE.—I am prepared to vote for a Navigation Bill which will provide for fair conditions and good wages. On those terms the Britisher can beat the foreigner every time. The question of the stokers was considered in 1902 by a Naval Reserves Committee, which consisted of Admiral Sir Edward H. Seymour, Sir Francis Mowatt, Rear Admiral R. Henderson, Sir A. L. Jones, Commodore Lambton, Mr. J. Clark-Hall, with Lieutenant-Colonel G. G. Aston and Mr. C. E. Gifford as joint secretaries, and Sir Edward Grey as chairman. It will be noticed that it included no labour member or seamen's representative. With the exception of a joint secretary, who was a military man, it consisted entirely of naval men, and Sir Edward Grey. Reporting so recently as the 9th January, 1903, the committee pointed out in paragraph 9 that—

Since 1859 the requirements of the Navy have outgrown the power of the mercantile marine to supply them. The former have increased; the number of British seamen in the latter has decreased.

In paragraph 15 they say—

The committee do not overlook the importance, both as regards naval and other considerations, of securing that as large a proportion as possible of the crews of merchant ships should be of British nationality.

Can it be said that the servile races of India are of British nationality. No self-respecting person who has seen lascars herding and feeding like so many wild beasts on the mail-boats will say that they are of British nationality.

Senator DOBSON.—That is a gross exaggeration.

Senator PEARCE.—Can it be denied by anyone who has ever seen five lascars squatting round a dish of rice and eating with their fingers?

Senator DOBSON.—That is their habit.

Senator PEARCE.—I think it is a habit which Senator Dobson does not wish the rest of the Empire to acquire.

Senator DOBSON.—I do not like to hear the Empire being labelled in this way.

Senator PEARCE.—If Senator Dobson thinks that that statement is a libel on the Empire, I hope that he will pay a visit to the next mail-boat which comes to Port Melbourne.

Senator DOBSON.—I have been down to Port Melbourne, and I declare that the honorable senator's statement is a gross exaggeration of the facts.

Senator PEARCE.—Has the honorable and learned senator never seen the lascars squatting round their dish of rice, and eating with their fingers?

Senator DOBSON.—Has the honorable senator never been seen squatting round a table and eating with his fingers?

Senator PEARCE.—I use a knife and fork, although Senator Dobson may not believe the statement.

Senator MATHESON.—Knives and forks are not supplied to the men in the Navy. They use their fingers and their clasp-knives.

Senator PEARCE.—Dealing with the mercantile marine as a source of supply, the committee say—

In considering the extent to which the Navy should depend upon the mercantile marine it has to be borne in mind that it is undesirable to draw too largely upon it for a reserve. One of the objects of a strong navy is to enable our merchant ships to keep the sea in time of war, and this object would be defeated if too many seamen and firemen were suddenly withdrawn from the mercantile marine, and a considerable portion of it laid up in consequence for want of crews. Under present conditions, the Navy cannot be dependent for a reserve mainly upon this source unless the mercantile marine becomes practically a State-subsidized and State-regulated service; and even if this were done, it would be necessary to provide a reserve for the mercantile marine, to enable oversea trade to be carried on in time of war. The mercantile marine is, and should continue to be, a valuable source from which to draw a portion of the naval reserve. The committee feel that the numbers which at present come from this source may and should be increased; they desire to encourage the entry of men from it into the naval reserve, and to stimulate future enrolment but the present reserve is

already drawn largely from other sources, and this must be still more the case with the larger reserves required in the near future.

In their report I do not find any suggestion that it is injurious to the health of white men to stoke in the Mediterranean or the Red Sea. It has been left to our naval experts in the Senate to suddenly discover that it is injurious for white sailors to take warships through the Red Sea. The committee recommend that, in order to make the Navy efficient, the number of stokers in the reserves alone should be increased to 6,000.

The committee estimate that an increase of 8,000 firemen could be obtained by the methods recommended, and they consider that until the full numbers of firemen can be obtained, Royal Naval Reserve seamen should replace them as far as may be necessary.

Senator Sir WILLIAM ZEAL.—Who is to find the money to pay these men?

Senator PEARCE.—I think the honorable senator told us that the money we spent under the Naval Agreement was the best expenditure we could incur. Surely he does not object to finding the money for keeping the Navy efficient. How would he like it if, suppose on one of our war vessels the white crew was struck down by bubonic plague, and the authorities refitted her with a crew of lascars? Would he consider that an efficient defence for Australia? But if Senator Dobson's proposal were carried that is what it would come to. Here are the recommendations—

The committee are impressed with the importance of re-opening the entry of seamen and stokers on the non-continuous service system. As above pointed out the continuous service system provides an invaluable reserve of long service pensioners, but the provision of a sufficient reserve of lower ratings trained in His Majesty's Navy, which the committee consider to be the greatest importance, is incompatible with the system of manning the peace fleet entirely with continuous service men.

They contemplate that fishermen and men employed in the merchant vessels would be available at stated periods for a short term of service in the Navy so as to qualify them to be an efficient naval reserve. But if there are no white men to be employed in the mercantile marine this recommendation falls to the ground. The committee also say:—

One of the objects of a strong Navy is to enable our merchant ships to keep the sea in time of war, and this object would be defeated if too many seamen and firemen were suddenly withdrawn from the mercantile marine and a considerable portion of it laid up in consequence for want of crews. Under present conditions the Navy

cannot be dependent for a reserve mainly upon this source, unless the mercantile marine becomes practically a State subsidized and State regulated service, and even if this were done it would be necessary to provide a reserve for the mercantile marine to enable oversea trade to be carried on in time of war.

They contemplate that the mercantile marine should be State regulated and subsidized. What do they mean by State regulated? Is it not plain that they mean regulated in such a way as would insure the employment of British seamen? Some of the other statements are very important. The committee say, dealing with the question of the formation of a naval reserve—

The evidence which has been given to the committee satisfies them that the merchant service fireman makes a very useful reserve man, and is amenable to naval discipline.

How does Senator Dobson explain that? He said this afternoon that the firemen in the mercantile marine were drunken scamps who could not be relied upon, that they would desert their vessels, and were up to all sorts of tricks. But here we have the highest naval authority in Great Britain saying that they made very useful reserve men, and are amenable to naval discipline. The report goes on to indicate that there are a number of firemen employed in coastal work who are eminently suitable for reserve firemen on war-ships, and that these should be trained. I should like to direct the attention of the Senate to the following paragraph, one of the most valuable in the report:—

The attention of the committee has been called to the clause in the agreement as to subsidized merchant steamers which stipulates that if white firemen be employed a certain proportion of them must be reserve men. The owners state that they cannot get the necessary number of reserve firemen;

Will honorable senators remark that the committee do not say they cannot get white firemen, but that they cannot get the necessary number of reserve firemen—

and they are accordingly driven to employ lascars. Driven by what? Not by the scarcity of white firemen, but by this particular clause—which is admissible under the terms of the agreement.

That seems to me to throw a wonderful light upon the reasons why some of these vessels employ lascars. The committee recommend that the entire crews of the subsidized vessels should be either naval reserve men or royal fleet reserve men.

*Senator Pearce.*

That means that those who signed this report are against the employment of lascars in those vessels which are under an agreement to the Navy, and that the entire crew should be members of the Royal Naval Reserve.

Senator DOBSON.—Is there a line in the report which says that the lascar should be dispensed with?

Senator PEARCE.—I take it that what I have quoted says so. It says that on these vessels the owners have been driven to employ lascars because of the clause which provides that if they employ white seamen they must employ men from the Royal Naval Reserve. The consequence is that they have to employ lascars. The committee recommend that they should not employ lascars, but that the whole of the crews of the subsidized vessels should be white men. This committee was instructed to inquire into the possible employment of lascars in stokeholes, and I shall read the two clauses dealing with that point, although they do not particularly favour my view. It is only fair, however, that I should give both sides in quoting from the report—

The committee have had a very favourable account of the efficiency both of lascars and kroomen as stokers, but think that the details of any plan forming a reserve for service when needed should be discussed with the Governors and the Commanders-in-Chief of the respective Naval stations. The committee consider that amongst lascars and kroomen there is a supply of stokers for emergency which is too valuable to be neglected. Local arrangements should be made in time of peace which would insure a supply of such stokers being readily available in time of war. The committee are without such full information about the prospects and desirability of employing Chinamen as to be able to pronounce fully on the subject; but they feel no doubt that desirable men could be found at Hong Kong and Singapore, and in view of the possible great supply of stokers from this source, they consider the question, like that of lascars and kroomen, to be well worthy of attention.

That is all the committee have to say on that question. But the whole of the report right up to those two clauses—although the committee were specially directed to inquire into the possible employment of lascar seamen—hinges on that one question that the mercantile marine is a recruiting ground for the Navy, but that owing to the employment of foreigners and lascars in the mercantile marine the area of the recruiting ground is being dangerously narrowed, and that there should be a special subsidy and special regulations to safeguard that ground.

Senator DOBSON.—It all depends on the words "State subsidy."

Senator PEARCE.—I want to say a word about the employment of foreigners. Senator Fraser reminded us that there are thousands of German colonists in South Australia, and he says that they are the most loyal of all the colonists, yet he contends that although the German when he settles in Australia becomes loyal, if he becomes an Australian seaman he is not loyal. That is to say, a German farmer in Australia is loyal, but a German sailor on a steamer is not.

Senator MACFARLANE.—When he becomes an Australian farmer he settles.

Senator PEARCE.—Would not a German fireman employed upon an Australian vessel make his home here, and be an Australian subject?

Senator MACFARLANE.—No, not if he were under the German flag.

Senator PEARCE.—An Australian seaman would be under the Australian flag. I do not hold a brief for the German seaman; I am only arguing with Senator Fraser on his own ground. All sorts of foreigners come into Australia, and their competition is not feared wherever wages are regulated by law. The British workman always shows himself superior to the foreigner when the conditions are fair. But too often the foreigner comes from a country where wages are low, and where the conditions are of the worst kind, and he is prepared to work for less wages than the workmen of British origin will accept. I am surprised that honorable senators who say that white men cannot do the work have not taken into consideration the fact that many Australian steamers traverse the Torres Straits of Northern Queensland to Port Darwin, right through tropical seas to the north-west of Australia. The climate they have to face is quite as hot as any encountered on a trip to the old country; and yet we never hear of the firemen employed being unreliable or deserting their vessels. The reason is, that they are paid at least a fair wage on which they can exist, receiving £6 a month, though not £6 a week, as Senator Macfarlane seemed to indicate. There is never any danger of those vessels not getting a sufficient supply of firemen, because more offer than work can be found for.

Senator CHARLESTON.—And good men, too.

Senator PEARCE.—Senator Charleston is a marine engineer, and he ought to know. We never hear of these steamers being delayed in port because firemen have deserted, and if there were deserters, there are hundreds ready to fill the vacancies. These steamers go through tropical waters, not once in three months, as the mail steamers do, but every week, and, indeed, some continuously trade there. Australia has just as much right to develop her maritime industry as she has to develop her farming, sugar-planting, or cabinetmaking industries. One of the arguments in favour of a white Australia was that the cabinet-making industry was becoming monopolized by Asiatics. We said to the cabinetmaker that we would safeguard him by preventing these Asiatics from coming into the country, and we safeguarded those engaged in the sugar-planting by legislating for the removal of the kanaka. It appears, however, as though we did not value the maritime industry, but were prepared to neglect Australians who desire to become seamen, and to hand over the occupation to lascars.

Senator DOBSON.—Does the honorable senator call stoking a maritime industry?

Senator PEARCE.—Senator Dobson does not contradict my statement that there are hundreds of white men willing to take the position of firemen.

Senator DOBSON.—The honorable senator must not speak of the stoke-hole as representing the maritime industry.

Senator PEARCE.—It is a most important branch of the industry, seeing that steamers cannot get along very well without firemen. But let us return to the white stoker, with whom Senator Dobson has little sympathy, and whom he has alluded to as "a drunken scamp," from the "dregs of the Empire." I have here an extract from the London *Daily Telegraph*, which was quoted in the Melbourne *Herald*, relating the experience of a newspaper representative on a small torpedo boat in the Mediterranean. The extract is as follows:—

For us it may be only a few hours that the pressure will last, but were it days the strain would be borne with cheerful fortitude. They have their growl; stokers are wide in their assertions, and emphatic in the forms with which they clothe them. At heart they are men among men, and let England never forget it.

Sensor Dobson apparently has forgotten the fact. The extract proceeds—

If you want the mark of their worth you will find it in the record of the *Isis'* rush to China

when the war scare came. Down the Mediterranean, through the Red Sea, they worked till they dropped, and revived to go down and toil again. Full speed all the way! Think of the stoke-hole when the thermometer on deck is 120 degrees!

Senator DOBSON.—Think of it, and do not send our white brothers into the stoke-hole.

Senator PEARCE.—The extract concludes—

Imagine the pluck that accomplishes so much; the patriotism that, in face of the country's danger, would go through to the end if needs be.

Senator DOBSON.—We all admit and admire the spirit.

Senator PEARCE.—Those stokers came from the cool climate of England, and were working in a little torpedo boat, where the newspaper representative had barely room to turn round. They took this vessel at full speed to China for the greater part of the voyage in tropical waters, but none of them died.

Senator DOBSON.—They only dropped at the work occasionally! Does the honorable senator expect vessels to go at war speed all the time?

Senator PEARCE.—The honorable senator must know that in places not outside of Australia, there are men who drop at their work, but I do not observe that the honorable senator protests against that work being carried on. White women drop at their work in the laundries of Melbourne.

Senator Sir WILLIAM ZEAL.—Nonsense!

Senator PEARCE.—These women work in an atmosphere as bad as that of any stoke-hole, because there is not only the heat, but the steam to contend with.

Senator Sir WILLIAM ZEAL.—That is a libel.

Senator PEARCE.—I shall say that these things take place in Perth, if Senator Zeal does not like me to mention Melbourne. In Perth I have seen four or five laundry women in a room 10 feet by 12 feet working in an atmosphere of steam on a hot summer's day, when the temperature inside was twice as high as that in the open streets. I was ashamed that work under such conditions should be permitted.

Senator DE LARGIE.—It is people like Senator Dobson who would perpetuate such a state of things.

Senator DOBSON.—I wonder that Senator De Largie is not ashamed to make so unjust a remark.

Senator PEARCE.—It has been said that section 16 of the Post and Telegraph Act is one of the greatest insults that could be offered to India. But the greatest insult to India lies in the fact that Imperialist senators of the type of Senator Dobson are not prepared to ask the British Parliament to give our fellow subjects in India the right to govern their own country. What greater insult can there be to a people than to tell them that they are not fit to govern themselves?

The PRESIDENT.—Does the honorable senator think that his remarks have anything to do with coloured labour in stoke-holes?

Senator CLEMONS.—Would Senator Pearce grant our Indian fellow subjects self-government?

Senator PEARCE.—No; I should not.

*Debate interrupted under Sessional Order.*

### FEDERAL CAPITAL SITE.

On the order of the day being read for the further consideration in Committee of proposed resolutions relative to the Federal Capital site,

Senator DRAKE (Queensland—Attorney-General).—I move—

That the order of the day be discharged.

The object of the motion is this: Honorable senators will remember that the proposed resolutions with regard to the selection of a Capital site which we had under consideration last week were dealt with in Committee, but no report has been made from the Committee. In the meantime a message has come to the Senate from the other House, asking our concurrence in a series of resolutions which are not identical with those which we considered, but which deal with the same subject.

Senator DAWSON.—Will they not involve the reconsideration of the same question?

Senator DRAKE.—I think not. In any case, if this order is not discharged, we shall have to go on with a discussion which will be practically similar to the discussion which must take place upon the message which has come to us from the House of Representatives. As a matter of ordinary courtesy we should discuss the message from the House of Representatives, and, having come to some determination upon it, send a reply to another place. It is, therefore,



from all points of view, desirable that we should first of all discharge this order of the day from the notice-paper.

Senator Sir WILLIAM ZEAL.—Why did not the honorable and learned senator consider this before the other proposed resolutions were dealt with?

Senator DRAKE.—Senator Zeal will remember that the proposed resolutions in the form in which they were first submitted to the Senate were introduced simultaneously in the two Houses with the idea that they should be discussed separately in each. In Committee in the Senate, a motion negating the first of the proposed resolutions was carried, but in the meantime the discussion proceeded in the other House, and they have sent a message asking our concurrence in the resolutions they have adopted. It is necessary that we should continue the discussion in some form or other, and I submit that it will be very much better that the Senate should discharge this order from the paper, and continue the discussion upon the resolutions which have come to us from another place. Whatever view honorable senators may take of the question, there can be no disadvantage in adopting this course, and it is in my opinion the course which will enable us to discuss the matter at the earliest possible time.

Senator DAWSON.—Why was not this procedure adopted in the first instance?

Senator DRAKE.—I have twice explained that, in the first instance, the procedure adopted was to introduce certain proposed resolutions simultaneously in both Houses, and the discussion was proceeding upon them simultaneously in both Houses.

The PRESIDENT.—The discussion was not taken in Committee in the House of Representatives.

Senator DRAKE.—No; in the House, whilst here the matter was referred to a Committee of the whole. In the Committee the first of the proposed resolutions was negated and the matter has not since been proceeded with further. In the meantime the discussion was proceeded with in the other House.

Senator HIGGS.—Because the members of the Government in another place ignored the Senate's decision.

Senator DRAKE.—Having agreed to the resolutions in a certain form, the House of Representatives sent them on to the Senate asking us, in ordinary form, for our

concurrence. Ordinary courtesy between the two Houses requires that we shall discuss the message from the House of Representatives, and send our answer to it. In discussing the message, we shall necessarily discuss the whole matter connected with the selection of the Federal Capital site, and I submit that it is much better that we should do so in connexion with the message from the other House than that we should take up further time discussing the proposed resolutions which were referred to the Committee of the Senate.

Senator FRASER.—If we had discussed the proposed resolutions in the Senate instead of in the Committee, we could not now have been asked to discuss the message from the House of Representatives.

Senator DRAKE.—The point is open to argument, but there can be no doubt that it is at present much better for us to proceed at once with the discussion of the message which has been sent to us from another place, rather than that we should devote more time to the consideration of the proposed resolutions, the first of which has already been negated in Committee.

Senator CLEMONS (Tasmania).—We are obviously being asked to adopt a very extraordinary course, and the arguments we have heard from Senator Drake in support of it are not even plausible. The Attorney-General has reminded us that out of courtesy to the other House we should consider their message.

Senator DRAKE.—And at an early stage.

Senator CLEMONS.—I put it to the honorable and learned senator that if the division which we took a few days ago had had a different result, and the Senate had supported the proposed resolutions submitted to the Committee, we should not have been asked to do anything out of courtesy to the other House. The draft resolutions were introduced in the Senate simultaneously with their origination in another place.

Senator FRASER.—Out of courtesy the House of Representatives should not have sent us this message.

Senator CLEMONS.—If the division which we took in Committee had resulted differently, we should have heard nothing about the necessity for showing courtesy to the other House, nor should we have been asked to drop the work with which we were proceeding in order to consider the message from the House of Representatives.

Senator Lt.-Col. GOULD.—I am arguing against the contention of Senator Clemons. Standing order 127 says—

An order, resolution, or other vote of the Senate may be rescinded, but no such order, resolution, or other vote may be rescinded during the same session unless seven days' notice be given, and at least one-half of the whole number of the senators vote in favour of its rescission.

If we were to adopt the suggestion of Senator Clemons we should be confronted with this difficulty: that however anxious we might be to adopt a different course, we should have to wait, at any rate for a period of seven days, and get the presence of a certain number of honorable senators to consider the question. I would urge upon honorable senators that it is much better to agree to the motion of the Attorney-General and to consider the request for a Conference.

Senator CLEMONS.—Is not that exactly the same question as we have been considering in Committee?

Senator Lt.-Col. GOULD.—The Senate can have no knowledge of the proceedings in the Committee until it has reported. If the order of the day is discharged we shall be bound to consider the request from the other House, and honorable senators will be quite at liberty to record their votes if they see fit against going into a Conference—of course, assigning reasons for their decision. If the order of the day is discharged, it will afford an opportunity to honorable senators to say to the other House in a courteous way—"We are not prepared to consider the question for certain reasons," or "We are prepared to go into a Conference subject to certain conditions." By adopting the proposal of Senator Drake we shall get a decision in the most expeditious manner possible. If, however, the Senate should decline to confer with the other House, the Government—who, I believe, are prepared to deal with this question this session—could give notice to-morrow in the other House of their intention to introduce a Bill.

Senator CLEMONS.—Why not introduce the Bill in the Senate?

Senator Lt.-Col. GOULD.—I do not care where the Bill is originated so long as it is made clear that the Senate can initiate a measure of that kind. I am not quite clear that it can, but I am not prepared to express a definite opinion. Even if we went back into Committee and a certain resolution were reported to the

Senate, the Government would then be called upon to bring forward a Bill. Why should we not adopt the proposal of the Government in order that the question may be dealt with as expeditiously as possible?

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I feel sure that honorable senators would like to see this important question settled at the earliest possible time. The proceedings are extraordinary, because the circumstances which led up to them were extraordinary.

Senator FRASER.—Because the Government made them so.

Senator PLAYFORD.—The Senate, not the Government, made them so. In the first place, the late Government introduced into each House a series of proposed resolutions in the belief that they were adopting a course which would lead to definite results. Their proposal was that the site of the Federal capital should be selected by means of an exhaustive ballot at a Conference of the Houses. The Senate, unlike the other House, went into Committee to consider the proposed resolutions, otherwise the position would be considerably different. Before the other House had decided upon its course of action, the Senate in Committee refused to agree to a Conference, and progress was at once reported. The news of our decision reached the other place, and, at the instigation of the late Prime Minister, it decided to give the Senate, if possible, another opportunity to consider the question. The other House has asked the Senate to concur in a series of resolutions which, I may say, were passed unanimously. We are now confronted with what we did in Committee, and we cannot consider the message from the other House without first disposing of the order of the day. Senator Clemons said that if the course had been different we would have acted in another way. Of course we would. If the Senate will agree to the unanimous request of the other House, the Government will soon show whether they are in earnest or not, in spite of Senator Clemons' grave doubts on that point. I can assure the honorable and learned senator that the Government are in earnest in their endeavour as far as possible to settle this question. If it cannot be settled by this means we shall propose some other means.

Senator CLEMONA.—I did not refer to the representatives of the Government in the Senate.

Senator PLAYFORD.—The honorable and learned senator will find that the members of the Government in the other House are equally determined as far as possible to settle this question. I think it would simplify matters very much to discharge the order of the day. There is nothing improper or unusual in taking that course.

Senator DAWSON.—Is there not ?

Senator PLAYFORD.—I ask honorable senators to remember that there is another branch of the Parliament. Surely, as a matter of common courtesy, we should consider the request. If we sent a message to the House of Representatives, how should we like to have it ignored? Some honorable senators suggest that we should not take the measure into consideration at all. I think the matter can be settled this evening by first adopting the course which has been proposed by my honorable and learned friend, the Attorney-General, and then considering the message of the House of Representatives. If honorable senators are of the same opinion as they were in Committee, it is very evident what the decision will be. I expect that we shall not agree with the resolutions sent to us by the other House. Then the matter would be settled, so far as the Senate is concerned, without any trouble or ill-feeling between the two branches of the Legislature; and the Government would take another course, so as to give the two Houses an opportunity of dealing with the question in another manner.

Senator FRASER (Victoria).—The Government would have prevented a lot of trouble had they dealt with this subject in another manner in the beginning. The trouble has been caused by the tortuous action of the Government.

Senator PLAYFORD.—They had the unanimous support of the other House in what they did.

Senator FRASER.—No doubt the other House will always be unanimous in wishing to swallow up the Senate. Why should they be otherwise? They will always desire to get us to a Conference. But why should we agree to a Conference on this subject.

Senator HIGGS.—They want to get the fly into the parlour.

Senator FRASER.—Yes. The trouble was that the Government did not take the

regular parliamentary course. Why should not the Vice-President of the Executive Council, who is a strong man, ask the Government to go back and take the proper course?

Senator PLAYFORD.—Before I joined the Ministry they had obtained the assent of the House of Representatives to the course that they have taken.

Senator FRASER.—The honorable gentleman cannot wonder that the Senate objects to taking this course.

Senator MCGREGOR (South Australia).—I hope that at this late stage of the session we are not going to trouble about the mistakes which the Government may have made in the past, or may be making now. A majority of honorable senators have declared that they are in favour of settling the locality in which the permanent home of the Federal Parliament is to be. Apart from what the Government may have done, or another place may have decided, we ought to do all we possibly can to bring the matter to a complete issue. We do not want to occupy the time of the Federal Parliament for another month on this question. I am only expressing my own views, because it has already been declared that this is not a party question. I believe there is no member of the Senate or of the House of Representatives who is not actuated by motives conducing, in his opinion, to the best interests of the Commonwealth. Whether honorable senators agree to the selection of the capital site this session or not, they are doing what they think best in the interests of the Commonwealth. I think the Government made a mistake in introducing the proposed resolutions simultaneously in the two Houses, and I am confirmed in my opinion by the result. The action of the Government has given an opportunity to those who wish to delay the selection. But we ought now to consider seriously what can be done to get ourselves out of the difficulty, and I think that the best thing to do is to allow the Government to withdraw this order of the day. We have no official knowledge of what has been done in Committee, and another place has, strictly speaking, no right to know what we have done. The House of Representatives carried through its business independently of what we have done, and we have a right to carry on our business independently of anything

they may do. If the Government are permitted to withdraw the proposed resolutions, and the message of the House of Representatives is considered, I am prepared to move or to support any other honorable senator who moves that all the words after "That" be struck out, with a view of inserting an expression of opinion that the Government should introduce a Bill providing for the method in which the territory for the Federal Capital shall be acquired, and, secondly, for the selection of the site by an exhaustive ballot. It does not matter which House the Bill is introduced in. It may be introduced in the Senate.

Senator CLEMONS.—It ought to be.

Senator MCGREGOR.—I am not going to question that. But when the Bill is introduced, and the site is settled by whichever House first considers it, it will be sent by message to the other House, which may either agree to the selection, or substitute another name. Then the very worst position we shall be in will be that, instead of having to select from nine sites, the choice will be reduced to two. I also want to point out that, although this Parliament may this session reduce the number of sites to two, or may select the site, there is no possibility of our removal to Tumut or Bombala, or Armidale, or any other place, for a number of years to come. Before any large sums of money are spent, the land will have to be cleared and surveyed, and a number of other preliminary works will have to be carried out. But it is our duty to the people of New South Wales and to the Commonwealth to select the site as soon as possible. The delay means that the Government of New South Wales has to hold in reserve areas of Crown land in all the possible sites, and individual land-holders in each of the localities are in the same position of uncertainty. It is our duty to decide the method of land acquisition, so that the people of the Commonwealth may be protected from any attempt, by an undue increase of land values, to fleece the public Treasury. I agree entirely with the Vice-President of the Executive Council that if we go into this matter seriously we can settle it to-night. If the motion is rejected the Government can introduce a Bill, and the whole question can be settled in the best interests of the Commonwealth.

Senator MATHESON (Western Australia).—Although we shall all agree with Senator McGregor that it is very desirable

to get this question settled as soon as possible, he seems to have evaded the main question before us, and that is the method by which that very desirable result is to be brought about. Senator Playford urges us to deal with the matter upon the message from another place, and he points out that it would be more polite to do so. But it appears to me that he gave his case away by prefacing his remarks with the observation that the other place was perfectly well aware of the determination we came to in Committee before they passed the resolution which they have sent up to the Senate. They knew that we would not agree to this Conference. Let us deal with the thing as reasonable beings. Do not let us trifle with the matter. The Vice-President of the Executive Council admits that the position is as I have stated it, and, therefore, I submit that the other Chamber were simply trifling with their time and our time when they sent up this message. The Vice-President of the Executive Council shakes his head, but it stands to reason that the other place was trifling with the matter, or that they believed the Government, on a re-vote, would get a majority.

Senator PLAYFORD.—There was a majority of only one against the Government.

Senator MATHESON.—The House of Representatives knew exactly what we had settled in Committee, and it is fair to assume that we shall come to the same decision when we sit as a Senate. The position is that we in Committee absolutely resolved to negative this proposal of the Government—we refused to allow ourselves to be swamped in a joint sitting. If we debate the whole question again we shall waste a whole evening over a matter on which we have come to a very definite conclusion.

Senator PLAYFORD.—Let us take a vote straight away.

Senator MATHESON.—I was going to suggest that if we take a vote on the proposition now before us, that will practically deal with the whole question. If the Vice-President of the Executive Council can carry a motion that the order of the day be discharged, he will practically have a majority to carry the proposal for a joint sitting.

Senator DRAKE.—Not at all; we shall have to consider the House of Representatives' message.

Senator PLAYFORD.—In common courtesy we ought to consider the message.

Senator MATHESON.—I would point out that the House of Representatives does not deserve that courtesy.

Senator Lt.-Col. GOULD.—It is not fair to say that.

Senator PLAYFORD.—I hope Senator Matheson will not try to cause trouble between the two Houses.

Senator MATHESON.—I do not in the least desire to cause trouble; but Senator Gould remarked that what I said was not fair.

Senator PLAYFORD.—It was not fair.

Senator MATHESON.—Senator Playford admits that the House of Representatives were perfectly well aware of the decision of the Senate in Committee.

Senator PLAYFORD.—They had just heard a rumour a minute or two beforehand.

Senator DOBSON.—It was stated in the House of Representatives.

Senator MATHESON.—I understand from Senator Dobson that it was stated in the House of Representatives that we had come to a conclusion, and somebody apparently said—"It does not matter; send up the message."

Senator PLAYFORD.—Nothing of the sort was said as that "it does not matter." The honorable senator is drawing on his imagination.

Senator MATHESON.—That is equivalent to what happened.

Senator PLAYFORD.—No, it is not.

Senator MATHESON.—I admit that what I say is sketchy, but it is practically what happened. It was decided to send up the message, and that certainly is wasting our time. Senator Playford asks us to adopt this motion, but says that it does not entail the Government carrying the adoption of the message.

Senator PLAYFORD.—It certainly does not.

Senator MATHESON.—But it entails a very lengthy debate.

Senator PLAYFORD.—Not necessarily.

Senator MATHESON.—It means an absolute waste of the time of the Senate.

Senator PLAYFORD.—We do not want to debate the matter a second time. Let us vote and have done with it.

Senator MATHESON.—Why have a second vote?

Senator PLAYFORD.—Because we have a message from the other House, and out of courtesy we ought to consider it, as the simplest and quickest plan.

Senator MATHESON.—The Vice-President of the Executive Council simply proposes that we should take a vote in order to gratify the other House.

Senator PLAYFORD.—We ought to treat the message with decent courtesy.

Senator MATHESON.—I would say incidentally that we have not been quite treated with decency in the way this message has been sent up. I reiterate that the message is quite unnecessary, because the other House knew the conclusion to which we had come, and the matter might have been very well left there. Senator Playford asks us, as a matter of courtesy, to deal with the question, though he does not expect that the Government will be able to carry their proposal. I think that a waste of time is involved, and I shall vote against the motion.

Senator BEST (Victoria).—I certainly concur in the remark that we are wasting time, because we are discussing a question of procedure where one course is almost as good as another. I want honorable senators to see exactly what will take place under two contingencies. Suppose we continue the discussion in Committee, and we come to a certain decision in regard to the balance of the motions, and these are reported to the Senate—I am assuming, of course, that the present motion is rejected—the Government will then have the opportunity of testing the same question in another way on the report. The Government will move that the resolutions be referred back to the Committee, with an instruction to alter them in a particular direction.

Senator CLEMONS.—Why should they?

Senator BEST.—The matter of procedure is one on which there is very little difference of opinion, and it is for us to adopt the simplest course we can. I have no hesitation in saying that the proposal of the Government is, under existing conditions and circumstances, the simpler course.

Senator DAWSON.—It will lead to a long debate.

Senator BEST.—It is useless for honorable senators to think for a moment that the real matter of substance is going to be evaded under any circumstances. If the Government do not succeed in one way they will have an opportunity of submitting their motions in another way, probably in that which I have outlined.

Senator FRASER.—Had we dealt with the matter in the Senate that could not have been so.

Senator BEST.—The honorable senator must see that we have not dealt with the matter in the Senate.

Senator FRASER.—It is a subterfuge.

Senator BEST.—There is no use in talking about subterfuge. We are trying to deal with the question under the conditions in which we find them.

Senator PLAYFORD.—Extraordinary conditions.

Senator Sir WILLIAM ZEAL.—The Government are responsible for the conditions.

Senator BEST.—Even if the Government are responsible for the degree of confusion which exists, that is a matter of no moment. If the Government have made a mistake, that does not concern us at the present time. We are invited to take what is manifestly the simpler course, and it has the additional advantage that it enables us to act with becoming courtesy to the other Chamber, and to follow the ordinary procedure.

Senator DAWSON.—What about the "becoming courtesy" of the other Chamber?

Senator BEST.—I see no discourtesy in the action of the House of Representatives. Honorable senators are aware that on many occasions in connexion with Bills and other matters, the other House, after disagreeing with a decision of the Senate, has sent the matter back, and this Chamber has, on reflection, altered its decision.

Senator DAWSON.—This is not a case of sending back.

Senator BEST.—I am discussing principles, and I say that this Chamber has no reason to think that the remotest discourtesy has been attempted. More than that, is it not desirable, when the same end can be achieved in two ways, to adopt the simpler, which has the advantage of following the usual method of intercourse between the two Chambers, and of courteously discussing the message. As I was in the chair when this matter was discussed previously, and had not an opportunity of speaking, may I say that I regret very much the assertion which has been made, times out of number, that this Chamber would be swamped in the case of a joint conference. For two reasons no suggestion could be more idle.

Senator MILLEN.—Has that anything to do with the question we are now discussing?

Senator BEST.—I may be permitted to say a few words under the circumstances.

Senator FRASER.—Would not a joint Conference swamp us?

Senator BEST.—Certainly not.

Senator FRASER.—Certainly it would.

The PRESIDENT.—Does Senator Best think that his remarks have anything to do with the motion before the Senate?

Senator BEST.—I am not desirous of diverting from the question before the Senate, but honorable senators must be aware that when my mouth is closed as the occupant of a certain position, I am under peculiar disadvantages. I will not pursue my remarks if they will create discussion; but may I be permitted to say in a very few words that a number of honorable senators, including myself, indicated through Senator Clemons that it was our intention to support the joint Conference, with the alteration that each Chamber should vote separately, so that a majority would in each case be assured? The same end can be achieved if this motion be rejected, but I urge the Senate to adopt the simpler course proposed by the Government.

Senator DOBSON (Tasmania).—Senator Best has, I think, accurately stated the practice and the constitutional aspect of the question, but he appears to have left practical politics out of consideration. As a number of honorable senators who voted against the motion when it was considered in Committee are still, I suppose, opposed to a joint Conference, why should they be asked to help the enemy a step towards their goal? I agree with Senator Best that, in the long run, if we go into Committee, fresh instructions may be given to it by the Senate to consider the very small amendments which occur in the new motions. Why should those who oppose a joint Conference vote for a recomittal or reconsideration of a proposal to which we are absolutely opposed? I take it, therefore, that honorable senators who object to a joint sitting will support Senator Clemons. If Senator Clemons obtains a majority of three or four, I take it that the Government will drop the matter.

Senator PLAYFORD.—We cannot drop a message from the other House.

Senator DOBSON.—It is obviously wrong to throw it in our faces that we are treating another place with discourtesy. So far from members of another place desiring to give us an opportunity of considering the matter, they desire only to induce or coax us to change our minds. Why should we be placed in that position? From

the view of practical politics, I do not feel inclined to help the Government towards a wrong determination.

Senator Lt.-Col. GOULD.—The honorable and learned senator is opposed to settling the question of the capital site.

Senator DOBSON.—I am opposed to coming with undue haste to a settlement which has to last for centuries, and in such a matter I shall not help my adversary. Another difficulty is that the Constitution says that the capital site is to be selected by Parliament, and I do not see how, with any regard to constitutional practice, we can commence the process of selection with a joint Conference.

The PRESIDENT.—I draw the attention of the honorable and learned senator to the fact that the joint Conference is not now under consideration.

Senator DOBSON.—That is true, and I am only referring to it by way of illustration. When my coaxing friend, the Vice-President of the Executive Council asks me to take the step he proposes, I point out that he desires to settle this important question in a thoroughly unconstitutional manner.

The PRESIDENT.—I call honorable senators attention to the new standing order, which provides that on a division being called for, honorable senators shall take their seats on the side on which they intend to vote.

Question put. The Senate divided.

Ayes	...	...	...	16
Noes	...	...	...	12

Majority	...	...	4
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AYES.

Baker, Sir R. C.	O'Keefe, D. J.
Best, R. W.	Pearce, G. F.
De Largie, H.	Playford, T.
Drake, J. G.	Pulsford, E.
Gould, A. J.	Smith, M. S. C.
Higgs, W. G.	Walker, J. T.
McGregor, G.	
Millen, E. D.	<i>Teller.</i>
Neild, J. C.	Keating, J. H.

NOES.

Barrett, J. G.	Reid, R.
Cameron, C. St. C.	Stewart, J. C.
Charleston, D. M.	Styles, J.
Clemons, J. S.	Zeal, Sir W. A.
Dawson, A.	
Fraser, S.	<i>Teller.</i>
Matheson, A. P.	Dobson, H.

PAIR.

Macfarlane, J.	Symon, Sir J. H.
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Question so resolved in the affirmative.  
Order of the day discharged.

Consideration of House of Representatives' message (*vide* page 5439):

Senator DRAKE.—We come now to the consideration of the message from the House of Representatives of the 24th September, requesting the concurrence of the Senate in the following resolutions:—

1. That, with a view of facilitating the performance of the obligations imposed on Parliament by section 125 of the Constitution, it is expedient that a Conference take place between the two Houses of the Parliament to consider the selection of the seat of government of the Commonwealth.

2. That this House approves of such Conference being held on a day to be fixed by Mr. Speaker and Mr. President, and that it consist of all the Members of both Houses.

3. That at such Conference an exhaustive open ballot be taken to ascertain which of the following localities, viz., Albury, Armidale, Bathurst, Bombala, Dalgety, Lake George, Lyndhurst, Orange, and Tamut, reported on by the Royal Commission on Sites for the Seat of Government of the Commonwealth, appointed by the Governor-General, on the 14th day of January, 1903, is in the opinion of the Members of the Parliament the most suitable for the establishment within such locality of such seat of government.

4. That Mr. Speaker be empowered, in conjunction with Mr. President, to draw up regulations for the conduct of such Conference, and for the taking of such exhaustive ballot.

5. That the name of the locality which receives an absolute majority of the votes cast at such Conference be reported to the House by Mr. Speaker.

6. That it is expedient that a Bill be introduced after such report has been made to the House, to provide for determining, as the seat of government of the Commonwealth, a site within the locality so reported to the House.

7. That the passage of the last preceding resolution be an instruction for the preparation and introduction of the necessary measure; and that leave be hereby given for that purpose.

8. That so much of the Standing Orders of this House be suspended as would prevent the adoption or carrying into effect of any of the above resolutions.

9. That these resolutions be communicated to the Senate by a message requesting its concurrence therein.

The first of these resolutions affirms the desirability of a Conference taking place. I desire to emphasize the fact that it is a Conference that is asked for, and not a joint sitting of the two Houses. It has been frequently stated that there has been a proposal that there should be a joint sitting of the two Houses, and, as the Constitution provides in certain cases for a joint sitting of the two Houses, some confusion may have arisen as to what was proposed in these resolutions. I emphasize the fact that the proposal is not for a joint sitting of the two Houses, but for a Conference.

Senator MCGREGOR.—It means the same thing.

Senator DRAKE.—It does not mean the same thing, because in many cases I have heard it stated that the proposal is unconstitutional because it suggests a joint sitting of the two Houses. It is not a joint sitting that is proposed, but a Conference.

Senator DAWSON.—Does that mean equal representation of the two Houses?

Senator DRAKE.—I desire specially to direct the attention of Senator Clemons to the third resolution, because I have heard the honorable and learned senator assert that there is very little difference between these resolutions and the other proposed resolutions.

Senator CLEMONS.—There is no difference in the first resolution.

Senator DRAKE.—That is so; but the honorable and learned senator will see that the third resolution provides for an open ballot. I think that involves an important difference. It would meet the objection urged by many honorable senators, who have said that they disapproved of a Conference because there would be no means of knowing how the voting went, but that they would be willing to agree to a Conference if each House voted separately.

Senator CLEMONS.—Will the honorable and learned senator agree to that?

Senator DRAKE.—I point out that an open ballot will be practically the same as each House voting separately.

Senator DAWSON.—No.

Senator DRAKE.—If we have an open ballot we shall know how each member of both Houses votes, and it will be a very simple matter to ascertain in that case what would be the decision if the voting had been by the House of Representatives and the Senate separately.

Senator PULSFORD.—Would the votes be recorded separately?

Senator DRAKE.—I do not know whether they would or not. That is a detail which I presume will be arranged by the President and Mr. Speaker, because one of the resolutions provides that they shall make regulations for the carrying out of the ballot. In any case with an open ballot it would be very easy to see what would be the result if the House of Representatives and the Senate had voted separately.

Senator CLEMONS.—Will the honorable and learned senator make that proposal at once?

Senator DRAKE.—It is not for me to do so. The House of Representatives has passed these resolutions, and, as honorable senators are aware, they have made an important alteration providing for open voting. This is so important that to a certain extent it should neutralize or destroy the objections hitherto entertained to the proposed proceedings.

Senator MILLEN.—The honorable and learned senator does not mean to suggest that we should accept or reject these resolutions in their entirety, and that there is no other alternative?

Senator DRAKE.—It is not for me to invite honorable senators to move amendments upon the motion I propose to submit, but they know that it is perfectly competent for the Senate to ask for any condition or to suggest any limitation. I am referring to the resolutions as they stand, and I shall presently mention the message which I propose the Senate shall send to the House of Representatives. I think there should be no objection to the Conference proposed. As I have urged once before, it will have the great advantage that it will increase the probability of the two Houses being able to agree upon a particular site. We all admit that the question is one which cannot be decided unless at some stage the two Houses are in agreement upon it.

Senator DAWSON.—Will the honorable and learned senator deal with the whole of these resolutions in one motion?

Senator DRAKE.—Yes; I shall state presently the message I propose in reply to that from the House of Representatives. It seems to me that there can be no objection to a Conference, and that it is much better that we should hold a Conference on the subject before the matter is discussed in either House in such a way that a partisan attitude may be adopted with regard to any of the sites suggested. It has been said that it would have been better if this matter had been dealt with in the form of a Bill. The disadvantage of that course would be that unless both Houses agreed at once upon some particular site, we should have one House in favour of one site and the other in favour of another. And though we might ultimately have a Conference, it would only be after each House had to a certain extent pledged itself to a different site.

Senator DAWSON.—It would reduce the number of sites to two.



Senator DRAKE.—That would be of no very great advantage, because there could be no compromise between two sites. If the Houses adopted a partisan attitude, and one voted for one site and the other for a different site, a settlement of the question could only be arrived at by one giving way entirely to the other. Surely it is desirable that we should, if possible, avoid that position. It has been said that the Government should have come down with a Bill including a particular site. I think that would be very undesirable, because this is not a matter which the Government should decide. The Constitution says that it is to be decided by the Parliament, and if the Government were to adopt that plan and bring down a Bill embodying the name of a particular site we should be told at once, as we have been told in connexion with other matters, that the Government having embodied a particular site in a Bill, Government supporters, at all events, would not be absolutely free to vote for any other site which they preferred.

Senator MILLEN.—The Government could bring down a Bill with a blank in it.

Senator DRAKE.—The result would be the same, because some one would have to move that the blank be filled by the name of a particular site.

Senator MILLEN.—Not necessarily a Minister.

Senator DRAKE.—It might be a private member; but, in any case, the Government would be called upon to support one site, and the element of partisanship would be introduced at once. The Government are endeavouring by the means suggested to secure the selection of a site by Parliament and not by the Ministry. I think that the course which was proposed is free from the objections which would accompany any initiative on the part of the Government in the matter. It is entirely a mistake to suppose, as some persons have done, that by this proposal one House would be absolutely swallowed up by the other. It is not as though both Houses sat and voted together to decide upon the Federal Capital site. The Conference is only proposed to ascertain which site should be put into the measure which must subsequently be adopted by Parliament. When the Conference has come to a conclusion we can proceed in the ordinary way by means of a Bill, and it will then be competent, as I

have said before, for every member of both Houses to vote for any site he pleases.

Senator MCGREGOR.—Submit a Bill straight away, and save time.

Senator DRAKE.—By the adoption of the proposal for a Conference no honorable senator will be placed under any binding obligation, or in any worse position as the result of a Conference having taken place. Senator McGregor asks why we should not submit a Bill at once and save time, but I have given the reason over and over again.

Senator Sir WILLIAM ZEAL.—Because the Government would have to accept some shred of responsibility which they do not accept now.

Senator DRAKE.—I have pointed out that it is not right that the Government should take the responsibility in this matter.

Senator Sir WILLIAM ZEAL.—That is what they are there for.

Senator DRAKE.—The Constitution says that the site shall be selected by Parliament, and not by the Government, and at the very earliest stage we should give Parliament an opportunity of dealing with the question. If at the Conference it should happen that the site selected is one which will commend itself to both Houses, so much the better. If it does not, then neither House will be placed in a worse position; we can proceed by Bill afterwards. On the other hand, if we meet in Conference, and the matter is discussed, there will be a stronger probability of our coming to an agreement on one site than there would be if the proposal had first been made in a Bill, and the matter discussed in each House. It will be noticed by honorable senators that two of the resolutions relate particularly to the House of Representatives.

5. That the name of the locality which receives an absolute majority of the votes cast at such Conference be reported to the House by Mr. Speaker.

8. That so much of the Standing Orders of the House be suspended as would prevent the adoption or carrying into effect of any of the above resolutions.

It would be inappropriate for us to concur in those resolutions, and therefore it is necessary to pass similar resolutions. I move—

1. That the Senate concurs with the House of Representatives in Resolutions Nos. 1, 2, 3, 4, 6, and 7.

2. That the name of the locality which secures an absolute majority of the votes cast at suc'

Conference be reported to the Senate by the President.

3. That so much of the Standing Orders be suspended as would prevent the adoption of carrying into effect of any of the above resolutions.

4. That a message be sent to the House of Representatives informing them of these resolutions.

I know that most honorable senators desire that this question shall be settled during this session. To my mind it is very important indeed that it should be done. I hope that honorable senators will discuss the motion in that spirit, and endeavour, within a reasonable time, to arrive at a conclusion.

Senator MCGREGOR (South Australia.)

—I rise to move the amendment of which I have given notice. I think it is absolutely necessary to first provide how the land should be acquired. We have had sufficient experience in the acquisition of land for public purposes to know that some steps should be taken to prevent persons from getting an enhanced price for their land—at the expense of the people of the Commonwealth. The second proposition in my amendment is that from a certain number of sites one should be selected by means of an exhaustive ballot. I have made the scope of the amendment as wide as possible for the purpose of giving an opportunity to the Government to introduce a Bill which will meet with the approval of a majority in each House. It does not matter whether it is introduced in one House or the other. The least which can be done is to reduce the number of sites to two. If that reduction were made it would be much easier to hold a Conference with some prospect of settling the question this session. I do not wish to speak at any length because we have had a long discussion on this subject. I hope that the amendment will be carried to-night, and that next week the Government will introduce a Bill to carry out the intention of the Senate. Some honorable senators may say, "Why not negative the motion of the Attorney-General, as it will amount to the same thing." I would point out to them that by carrying my amendment the Senate will not only decline to concur in the request which has come from another place, but will actually direct the Government as to what course of action will meet with its approval.

Senator DOBSON.—We practically gave that direction to the Government, and they took no notice of it.

Senator MCGREGOR.—The honorable and learned senator knows that the decision of the Committee was not reported to the Senate, and that until a decision of the Senate is reported to another place it ought not to be noticed by them. I am sure that the honorable and learned senator takes very little notice of what is done in another place until it is reported to the Senate in a proper manner. I hope that my amendment will be adopted, because, to my mind, it offers the easiest solution of a difficult question.

The PRESIDENT.—Perhaps it would be better for the honorable senator to move that his amendment should be inserted after the word "That," so that if it is negatived the Senate will have an opportunity of further considering the motion.

Senator MCGREGOR.—I move—

That, after the word "That," line 1, the following words be inserted :—"The Senate respectfully requests the Government to introduce a Bill containing provisions (1) for the method of resuming land for the Federal territory, and (2) for selecting the Federal territory by means of an exhaustive ballot."

Senator PLAYFORD.—I ask, sir, whether that amendment is any answer to the message from the other House?

The PRESIDENT.—No.

Senator PLAYFORD.—It appears to me that it is irrelevant, and therefore out of order.

The PRESIDENT.—The subject-matter which is being discussed is the method of choosing a capital site; and I think that the amendment is relative to the subject-matter. It may be that if it is carried the resolution of the Senate ought to be communicated by message to the other House.

Senator CLEMENS.—I ask, sir, if you will put the questions seriatim?

The PRESIDENT.—If the amendment is lost, I will put the questions separately.

Senator MILLEN.—Is this the correct stage, sir, to propose as an addition to the amendment that a communication be sent to the other House, or can that be done later?

The PRESIDENT.—It may be moved now.

Senator MILLEN.—I do not propose to move an addition, but to vote against the amendment. It appears to me that we ought to proceed in an orderly way, and I submit, sir, that the amendment is no answer to the message from the other House.

The PRESIDENT.—I do not think it would be at all irregular to move the amendment now. The honorable senator may, however, prefer to wait until the words are inserted in the motion, and to then move the amendment. Either course is in accordance with ordinary practice.

Senator HIGGS (Queensland).—I would warn honorable senators who desire a site to be chosen to vote against the amendment. It is well known that a majority of the Senate are against a Conference being held, and that the only way in which the Federal territory can be selected is by means of a Bill. If honorable senators who are in favour of a Conference voted against Senator McGregor, his amendment asking the Government to introduce a Bill would be lost, and the proposal of the Government asking for a Conference would also be lost. I ask those honorable senators whether they desire to put the Senate in that position?

Senator O'KEEFE (Tasmania).—I intend to vote for the amendment. On a previous occasion I said that I did not believe in a Conference, because, in my opinion, it was not the correct method of procedure for the Government to adopt. I do not share the views of Senator Dobson and others who have openly declared that they do not wish a site to be chosen this session. I desire the Senate to have an opportunity of making a choice this session. The amendment, I think, puts the position very clearly. If it is carried, the Senate will have declared to the other House that it is not in favour of interminable delay, and is in favour of choosing a site. I believe that it is the correct course to adopt. I indorse the remarks of Senator Higgs. A number of honorable senators are very anxious to have the site chosen, and yet some of them intend to vote against the amendment which offers the only possible alternative to a Conference.

Senator CLEMONS. — The amendment if carried will shelve the proposal for a Conference.

Senator O'KEEFE.—But it will open up the only possible alternative for those who desire the selection this session. It has been shown that there is a majority against the joint sitting, and I am prepared to believe that there is now even a larger majority against the Conference than there was on the former occasion. I ask those who are anxious to have the site determined

this session to consider fully what they are doing before rejecting the amendment, because, if they buoy themselves up with the hope that we shall reverse the vote taken a fortnight ago, they are mistaken. It is because I am earnest in my desire to have the matter settled this session that I shall support the amendment.

The PRESIDENT.—It has been represented to me that if I put the motion in the form,—“That all the words after ‘the’ be struck out,” with a view of inserting Senator McGregor's amendment; it will give honorable senators a fuller opportunity of voting on all the issues than if I put the question in the manner I first indicated. I shall therefore put the question—“That the word ‘the’ be struck out,” with a view of inserting Senator McGregor's amendment.

Senator PLAYFORD.—That method of putting the question will give us an opportunity of voting for the retention of the word “the.” If that is struck out, it will be an indication that the Senate will not agree to the proposal made by the Attorney-General. It will then leave the Government in the position of being able to support Senator McGregor's proposal if they so choose.

Senator Lt.Col. GOULD (New South Wales). — I understand that Senator McGregor's proposal is merely an alternative to that of the Government. The Government propose that the Senate go into a Conference with the House of Representatives to consider certain resolutions passed by them, and certain additional matters proposed by the Senate. Then Senator McGregor submits an amendment, the terms of which I urge honorable senators to consider. I think I shall be able to satisfy them that to adopt it is the very course that will lead to interminable delay instead of hastening the consideration of the subject. In the first place, Senator McGregor wants the Bill to provide for the method of resuming the land for the Federal territory, and also to provide for the selection of the capital by means of an exhaustive ballot. The plain meaning of the latter portion of this proposed amendment, to which I urge the particular attention of senators, is that a Bill has to be submitted to provide for the taking of an exhaustive ballot, and thus delay the selection of the capital site until after an Act of Parliament has been passed authorizing the exhaustive ball.

for such purpose. Then I would ask in which Chamber is the exhaustive ballot to take place? Is it to be in the House of Representatives, or in the Senate, or in both Houses? If there is to be a joint sitting of the two Houses for the purpose of holding the exhaustive ballot, that would be the same thing as going into a joint Conference, and accepting the decision of the majority. If we are going to do anything to-night, we had better follow the course suggested by the honorable and learned Attorney-General than adopt the proposal of Senator McGregor, which, as I have already said, means interminable delay; certainly such delay as will prevent the selection of the capital during the life of the present Parliament. If the motion is negatived, what position will the Government be in? They will have to introduce a Bill if they are to carry out the promise made to us. It may be that I am doing Senator McGregor an injustice by the interpretation I am putting upon his amendment, but what I have suggested is the plain meaning of its language. I therefore hope that honorable senators will not accept it, but will adopt the original motion. It is my intention to vote with the Government, because I am desirous of bringing together the two Houses to discuss the question. Of course, as I have already said, it would have been much more simple if the Government had, in the first instance, submitted a Bill proposing a site, leaving it to Parliament to decide the best one amongst the many suggested. But we have got into such a position that the shortest course for us to take is that suggested by the Government.

Senator PEARCE (Western Australia).—I find myself on the horns of a dilemma. I wish to vote for a Conference, but if I vote against Senator McGregor's amendment, I shall be voting so as to declare that the Government shall not bring in a Bill. I believe that the best way out of the difficulty is to have a Conference. Senator McGregor's amendment proposes that a Bill shall be brought in. But should that be negatived, and should the Conference proposal be rejected, it will be said that the Senate does not want a Conference, and does not want the Government to introduce a Bill. It will be inferred, therefore, that we do not want to have anything done in the matter of selecting a capital site. I am inclined to appeal to Senator McGregor, and to those

supporting him, to let us have a straight-out vote on the Conference question. If we cannot carry it, it will be for the Government to take the responsibility of introducing a Bill, or of not doing anything this session to decide the question. But we cannot have a straight-out vote while the amendment is before the Senate. There are two forces in the Senate—those who wish for interminable delay, and those who wish a different course to be adopted from that proposed by the Government. Those two forces are going to combine, in order to defeat the Conference proposal. But Senator McGregor and those who do not wish delay, but who wish a different course to be adopted, by defeating the Conference may tend to prevent any settlement. It would therefore be much more satisfactory if Senator McGregor would withdraw his proposal. Of course, the best course of all would have been for the Government to take upon themselves the responsibility of introducing a Bill. But we have to deal with the message that has come to us from another place. If Senator McGregor does not withdraw his amendment, I shall vote for the Government motion.

Question—That the word "the" proposed to be left out be left out—put. The Senate divided.

Ayes ...	...	...	...	17
Noes ...	...	...	...	10

Majority	...	...	7
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#### AYES.

Baker, Sir R. C.	Matheson, A. P.
Barrett, J. G.	McGregor, G.
Cameron, C. St. C.	O'Keefe, D. J.
Charleston, D. M.	Reid, R.
Clemons, J. S.	Stewart, J. C.
De Largie, H.	Styles, J.
Dobson, H.	Zeal, Sir W. A.
Fraser, S.	Teller.
Higgs, W. G.	Dawson, A.

#### NOES.

Best, R. W.	Playford, T.
Drake, J. G.	Smith, M. S. C.
Gould, A. J.	Walker, J. T.
Millen, E. D.	
Neild, J. C.	Teller.
Pearce, G. F.	Keating, J. H.

#### PAIRS.

Downer, Sir J. W.	Pulsford, E.
Symon, Sir J. H.	Macfarlane, J.

Question so resolved in the affirmative.

Senator DRAKE.—I do not think that the amendment to insert the words proposed should be carried, because it is

entirely inappropriate. The question we are considering now is what answer we shall give to the message from the other House; but it is now proposed to pass an abstract amendment as to what is the duty of the Government under the circumstances.

Senator HIGGS.—The Government ought to be taught their duty.

Senator DRAKE.—The amendment is not a proper one for us to consider on the present occasion; whatever motion we carry should be in the form of an answer to the message. I am prepared to admit that the division shows that the Senate is not in favour of the proposed joint Conference; and the proper answer is an answer to that effect. No good purpose will be served by interpolating an instruction to the Government as to what they shall do. It is quite sufficient for the Senate to send a message stating that it does not concur in the resolutions of the other House, and it will be for the Government to then take such action as they consider right under the circumstances. I shall certainly oppose the amendment.

Senator Lt.-Col. GOULD.—I assume that the Government will introduce a Bill?

Senator DRAKE.—No doubt.

Question.—That the words proposed to be inserted be inserted—put. The Senate divided.

Ayes	...	...	...	17
Noes	...	...	...	10
Majority	...	...	...	7

#### AYES.

Baker, Sir R. C.	Matheson, A. P.
Barrett, J. G.	McGregor, G.
Cameron, C. St. C.	O'Keefe, D. J.
Charleston, D. M.	Reid, R.
Clemons, J. S.	Stewart, J. C.
De Largie, H.	Styles, J.
Dobson, H.	Zeal, Sir W. A.
Fraser, S.	Teller.
Higgs, W. G.	Dawson, A.

#### NOES.

Best, R. W.	Playford, T.
Drake, J. G.	Smith, M. S. C.
Gould, A. J.	Walker, J. T.
Millen, E. D.	
Neild, J. C.	Teller.
Pearce, G. F.	Keating, J. H.

#### PAIRS.

Downer, Sir J. W.	Pulsford, E.
Symon, Sir J. H.	Macfarlane, J.

Question so resolved in the affirmative.  
Amendment agreed to.

Senator MCGREGOR (South Australia).—Before the balance of the words are struck out I should like to move an amendment, or leave it to the Government to move an amendment, to the effect that the Senate disagree with the resolutions of the House of Representatives.

The PRESIDENT.—The honorable senator must recollect that we are not in Committee, and that he has already spoken.

Senator MCGREGOR.—My object is to move a further amendment; but I do not know whether I have the right to do so.

The PRESIDENT.—I do not think so. The position is that we have agreed to insert the words proposed by Senator McGregor after "That"; and it will be necessary to strike out other words, leaving, perhaps, resolution No. 4.

Senator DRAKE.—I shall ask leave to amend No. 4 when we come to it, so as to make it read that a message be sent to the House of Representatives informing that House that the Senate does not concur—

The PRESIDENT.—I think we ought to inform the House of Representatives of what we have done.

Senator DRAKE.—If I may be permitted to say so, I think it would be entirely out of place to so inform the House of Representatives.

Senator HIGGS.—Is Senator Drake in order, he having already spoken to the motion?

The PRESIDENT.—I do not think Senator Drake is in order. I may say that in reference to standing order 393, I have great difficulty in arriving at a conclusion as to the proper course of procedure. As a matter of fact, I have not yet arrived at any conclusion. I have written to Sydney, asking what is the practice in the New South Wales Parliament, and I have received a reply. I am now in consultation with several members of the Standing Orders Committee. Under the circumstances, I do not want to give a definite decision at present.

Senator MCGREGOR.—But you stopped me, sir.

The PRESIDENT.—I do not at present think that an honorable senator who has spoken to the original motion, moved and carried an amendment, can again speak on the original motion and submit another amendment.

Senator DRAKE.—I may point out that this is a motion which I submitted, and that I desire to ask leave to amend it in order to make it read that the Senate does not concur with the resolutions submitted from the House of Representatives.

Senator CLEMENS.—I wish to remind you, Mr. President, that a little while ago I asked whether you intended to put these clauses *seriatim*; and I submit that, inasmuch as the clauses are to be put *seriatim*, it is competent for every senator to address himself to each. I therefore submit that the Attorney-General would be in order in moving an amendment.

Senator HIGGS.—Senator Drake submitted this motion as a whole, and although it is competent for the President to divide a complicated question, I do not think that in putting a complicated question each senator can speak on each division.

The PRESIDENT.—I think that is so.

Senator PLAYFORD.—It was understood, I think, that if the word "the" were struck out, that would carry with it the striking out of the whole of the motion of the Attorney-General. There was a promise on the part of the President that if the word were retained he would put the motion clause by clause. But I understand that the decision as to the word "the" means that the whole of the motion has been struck out.

Senator MCGREGOR.—I agree with the Vice-President of the Executive Council as to the course which has been adopted, and my desire to submit an amendment, informing the House of Representatives of what we have done, was for the purpose of completing the business, I understood that all the rest of the motion was to be struck out. I was, however, ordered to sit down. If the Government like to accept the situation, then they are at liberty to do so.

The PRESIDENT.—I do not think there is any point of order. Honorable senators have, perhaps, not appreciated the fact that the Attorney-General has asked leave to move a motion. There can be no point of order on that. If any honorable senator objects, the Attorney-General does not get leave.

Senator MCGREGOR.—I could have asked leave also if I had been given the opportunity.

Question—That the remaining words of paragraph 1, and paragraphs 2 to 4, be left out—resolved in the affirmative.

The PRESIDENT.—The Attorney-General has asked leave to move—

That a message be sent to the House of Representatives informing them that the Senate does not concur in the resolution of the House of Representatives.

Senator MCGREGOR.—That was my amendment.

Senator HIGGS.—Is that motion to be added to Senator McGregor's proposal?

The PRESIDENT.—Yes. I put the question that the Attorney-General have leave to move the motion.

HONORABLE SENATORS.—Hear, hear.

Motion (by Senator DRAKE) agreed to—

That a message be sent to the House of Representatives informing them that the Senate does not concur in the resolutions of the House of Representatives.

## EASTERN EXTENSION COMPANY'S AGREEMENT.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I move—

That order of the day No. 4—"Eastern Extension Company's agreement: Further consideration in Committee of message No. 13 of the House of Representatives"—be read and discharged.

The Government have agreed to a Conference. I cannot inform the Senate at present as to when and where the Conference will be held, but I shall do so at the earliest opportunity.

Question resolved in the affirmative.

Order of the day discharged.

Senate adjourned at 9.50 p.m.

## House of Representatives.

Wednesday, 30 September, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### SUPPLY BILL (No. 3).

Royal Assent reported.

### VACANT SEAT.

Mr. SPEAKER.—I wish to inform the House that I have this day received the resignation by the Right Honorable Sir Edmund Barton of his seat for the Electoral Division of Hunter. I find that (1) If a writ were issued forthwith and the shortest

reasonable period allowed between the issue of the writ and the nominations and between the nominations and the polling, it is almost certain that the session would have been concluded and the dissolution have become imminent before the new member could have been elected. (2) The franchise at such election would be quite unlike that under which the election following the dissolution would be held. (3) Considerable expense would be caused to the Commonwealth and trouble to the electors of the division, with no appreciable advantage to either. Therefore, I do not, as at present advised, propose to issue a writ under existing circumstances.

#### DISSOLUTION OF PARLIAMENT.

Mr. O'MALLEY.—Can the Prime Minister intimate to the House when Parliament will be prorogued with a view to its dissolution?

Mr. DEAKIN.—As soon as it has completed its business.

Mr. FISHER.—I should be very glad if you, Mr. Speaker, would explain how you know that the dissolution of Parliament will take place at an early date. My views on the subject are quite opposed to those of the majority of honorable members, and if an opportunity could be afforded I should like to discuss the question. I know nothing about the probability of an early dissolution, and I do not think any other honorable member does.

Mr. SPEAKER.—I have adopted the course which I have announced because it is a matter of common understanding that the prorogation and consequent dissolution of Parliament are not far distant, but, should facts turn out to be otherwise, I shall, immediately upon becoming aware of the circumstances, issue a writ for the election of a new member to serve in the place of the Right Honorable Sir Edmund Barton. I am not precluded from doing that.

Mr. FISHER.—May I ask that an opportunity shall be afforded to discuss the matter? The members of this House were elected in May, 1901, and therefore the term of three years for which they were elected does not expire until next May.

Mr. SPEAKER.—I cannot conceive of any opportunity which I could make for such a discussion, and it is difficult to see how a general discussion as to when Parliament will be dissolved could take place.

#### PACIFIC CABLE CONFERENCE.

Mr. L. E. GROOM.—Can the Prime Minister give the House further information in respect to the proposed conference with the Pacific Cable Board?

Mr. DEAKIN.—I have received another cable message from Great Britain in relation to the proposal, and judge from its contents that it will be necessary to hold a Conference.

Mr. BATCHELOR.—Has the honorable gentleman any objection to laying the cablegram upon the table of the House?

Mr. DEAKIN.—I will lay it upon the table of the House with the other papers on the subject, when the correspondence is complete.

Mr. BATCHELOR.—Before the close of the session?

Mr. DEAKIN.—Yes.

#### GENERAL ELECTIONS.

Mr. POYNTON.—Have the Government decided to hold the elections for the new House of Representatives upon the day upon which the Senate elections are held?

Mr. DEAKIN.—I am about to communicate with the Governments of the States to ask what date they propose to fix for the Senate elections.

Mr. WATSON.—Will the honorable gentleman suggest that a common date shall be fixed?

Mr. DEAKIN.—I may do so, although, as the honorable member is aware, the Governments of the States are, under the Constitution, independent of the Commonwealth Government in respect to the Senate elections.

Mr. JOSEPH COOK.—Is it the intention of the Government that the elections of the House of Representatives and of the Senate shall be held concurrently?

Mr. DEAKIN.—When I have ascertained from the Governments of the States what day they propose to fix for the Senate elections, I shall be able to announce to honorable members our intentions in regard to the elections for the House of Representatives.

Mr. FISHER.—I think that the honorable gentleman should make that announcement now, in view of what has been said by Mr. Speaker.

## ELECTORAL ROLLS.

Mr. KNOX.—I wish to ask the Minister for Home Affairs a question upon a subject in regard to which I have already conferred with him. Will he be good enough to say whether the Federal electoral rolls for Victoria have all been printed and distributed for exhibition as prescribed? Have the appointments of Divisional Officers and Registrars been made? If not, when does the right honorable gentleman expect to make them? Will he cause a set of rolls to be exhibited at each of the metropolitan railway stations in addition to the places prescribed? What will be the cost of a complete set of rolls for each division?

Sir JOHN FORREST.—All the rolls for the State of Victoria have been printed, and the rolls for sixteen divisions have been exhibited. The rolls for the remaining seven divisions will be exhibited before the end of the week. The appointments about which the honorable member asks have not yet been made, but I hope to make them within a few days. With regard to the honorable member's suggestion that the rolls should be exhibited at the metropolitan railway stations, I should like to know whether he means the whole of the rolls for the State, or that at each station the roll for the division in which that station is situated shall be exhibited?

Mr. KNOX.—The whole of the rolls.

Sir JOHN FORREST.—I think it would be rather confusing to the public to exhibit the whole of the rolls at each station, but I shall be glad to confer with the honorable member upon the subject. The cost of a complete set of rolls has been fixed at 5s. for each division in the Commonwealth.

Sir JOHN QUICK.—Is the Minister aware that no forms of claim to vote have accompanied the rolls which have been distributed for inspection? Will he take steps to see that proper forms of claim are issued with the rolls, so that those who find that their names have been omitted will be able to sign and send in these forms to the proper quarters?

Mr. WATSON.—It was promised some time ago that forms of claim would be sent to every post-office.

Sir JOHN QUICK.—None have been issued in my district, and application has been made to me upon the subject.

Sir JOHN FORREST.—I will look into the matter, and have it attended to.

## FEDERAL CAPITAL SITE.

Mr. BROWN.—Have the Government decided to carry out the promise of the late Prime Minister with respect to the publication of the minutes, evidence, and other information compiled by the Capital Site Commission? If so, when will copies of the document be available for honorable members and the public generally?

Mr. DEAKIN.—The information was to have been ready yesterday or the day before. I shall inquire why it has not been circulated.

## NAVIGATION BILL.

Mr. GLYNN.—I desire to ask the Prime Minister whether the Navigation Bill to be introduced next session will provide for the exercise of the Federal power to maintain the navigability of inter-State rivers?

Mr. DEAKIN.—As the honorable and learned member is aware, there are about 600 clauses in the first departmental draft of the Navigation Bill. With the exception of those portions of the Bill which relate to coastal trade, and a few other matters to which my attention has been directed, I have not closely considered the measure, and am not able therefore to say specifically whether the Bill as drawn includes any provision of the character to which the honorable and learned member refers. But certainly the matter referred to is one which will require some consideration when the Bill is being revised.

Mr. GLYNN.—Do the Government propose to make provision for dealing with the matter in some Bill?

Mr. DEAKIN.—The matter to which the honorable and learned member refers will require consideration when the draft of the Bill is being revised.

## HIGH COURT: FIRST SITTING.

Mr. CROUCH.—I ask the Prime Minister whether his attention has been called to the fact that a large number of the members of the inter-State Bar have expressed a desire to be present at the swearing-in of the Judges of the High Court, and the holding of their first Court, and whether, in the circumstances, he can see his way to make the ceremony a public one, to take place on the Wednesday, instead of the Tuesday, so that a number of honorable members of this House who are interested may have an opportunity to be present?



Mr. DEAKIN.—The character of the judicial office is such that public display or ceremonial other than that of a professional character is generally considered foreign. An opportunity will be afforded, I have no doubt, to members of the Bar to exchange the usual courtesies with the Bench when its members first take their seats.

Mr. CROUCH.—Will that be on the Wednesday or the Tuesday?

Mr. DEAKIN.—Probably on either Monday or Tuesday.

Mr. CROUCH.—Why not Wednesday?

Mr. DEAKIN.—The question is whether any business which may require to be transacted should be delayed for the purpose suggested; but possibly a day or two would not matter. When the Judges of the High Court take their place upon the Bench, I hope and believe that the usual reciprocal exchange of courtesies will take place. But, beyond that, it seems to me scarcely a fitting thing in connexion with the judicial office to import any feature which might be considered to be in any way of a political, not to say party, character.

#### NATIONAL DEPARTMENT OF AGRICULTURE.

Sir JOHN QUICK.—I wish to ask the Prime Minister whether he thinks there is any chance of resuming the debate on a resolution submitted by me to this House on the 28th June, 1901, in favour of the establishment of a national Department of Agriculture, and, if not, whether the honorable gentleman will consider the advisableness of formulating a scheme of the nature indicated for submission to the electors at the next Federal elections?

Mr. DEAKIN.—The proposal of my honorable and learned friend is one which has always had, and still has, my entire sympathy. I believe the subject is one which is bound to engage the attention of the Government and of the whole of the people of the Commonwealth.

#### PUBLIC SERVICE REGULATION No. 149.

Mr. POYNTON.—I direct the attention of the Prime Minister to the amendment of Public Service Regulation No. 149, carried in another place, and involving an increase of 1s. per day in the travelling allowance provided for officers in the general division. I wish to ask the honorable and

learned gentleman whether it is the intention of the Government to give effect to the amendment?

Mr. DEAKIN.—I assume that the amendment referred to has been made because the honorable member says so. He may recollect that I was absent for the last week or two, and therefore did not follow the proceedings in another place as closely as I otherwise should have done. I have not seen the regulation as amended. I shall look at it.

#### APPROPRIATION BILL (1903-4).

##### SECOND READING.

Motion (by Sir GEORGE TURNER) proposed—

That the Bill be now read a second time.

Mr. FISHER (Wide Bay).—I do not know whether I shall be in order in embracing this opportunity to refer to a matter concerning which I lately asked a question. I refer to the question which you, Mr. Speaker, have decided in proposing not to ask the electors of Hunter, who are now without a representative, to elect one until the Federal general elections, as to the date of which, at the present moment, we know nothing. I do not wish to contravene any parliamentary procedure; but as this is a very important matter I think it should be ventilated to some extent. My difficulty is that you have made a declaration which involves the supposition that apparently you alone know that there is to be a general election for the House of Representatives at an early date. We know nothing of it officially, and I shall be surprised to learn that you know anything officially as to when this House will be dissolved, and the general elections for the Federal Parliament will take place. It is because the action you propose to take may form a precedent that I direct special attention to the matter. I regret that such a precedent is being formed, no doubt with the very best intentions by yourself, and, if you have consulted others, with their advice. You, sir, are alone responsible, and I hold rightly or wrongly that you are here setting a precedent which may lead to mischief later on. It is for that reason I should like to know upon what ground, other than that of expense, the decision you have announced is based. I should be glad to secure the attention of honorable members in dealing with this matter.

Mr. SPEAKER.—There are two difficulties in the way of the honorable member proceeding in this matter unless he can avoid them. In the first place, the honorable member will see that on the business-paper there is notice of an intention to move a certain resolution with reference to the time when the next general election shall take place. That notice being on the business-paper, and it being impossible to anticipate debate upon any question so appearing, discussion upon the question the honorable member raises is precluded. On the other question we are now dealing with the second reading of the Appropriation Bill, and at this stage it is proper to discuss only matters which are included in the Bill. If the honorable member can connect his remarks with any vote appearing in the Appropriation Bill he will be in order; but I must ask him to so connect his remarks if he can, and also to avoid anticipating any debate which may take place later on upon notice of motion No. 12.

Mr. DEAKIN.—May I suggest that there appears in the Appropriation Bill a very considerable vote for the purpose of the general election.

Mr. SPEAKER.—The honorable member for Wide Bay may be able to connect his remarks with that vote.

Mr. DEAKIN.—He may connect them with the cost of the election.

Mr. FISHER.—I desire that honorable members should understand that I have no feeling in this matter. It is a most important point, and you, Mr. Speaker, have taken upon yourself a great power. I am not at all disputing the benefit which may be derived from, or the saving which may occur, as the result of your well-intentioned decision; but I have the gravest doubts as to the constitutional soundness of that decision. One reason given for it is that of expense, and it is on that ground I raise the question. I believe that holding the high office which you, sir, adorn in this House, no question of expense should stand between you and the representation of an important district of the Commonwealth. On that account I regret your decision, and whatever trouble and reasonable expense may be involved, it is our duty to see that every constituency in the Commonwealth has a representative in this House without one day's unnecessary delay. It is upon the grounds that I have stated

that I regret the decision at which you have arrived.

Mr. SPEAKER.—I am obliged to the honorable member for giving me an opportunity of pointing out that the expense was not the chief reason why I have not proceeded to issue a writ. I first pointed out in the statement I have read, that allowing the shortest possible practical interval between the issue of a writ and the nomination, and between the nomination and poll, it would require, I think, four weeks from to-day before any member could be returned to a writ issued to-day. If it were possible that the member so elected four weeks hence could take his seat, even for a day or two, and so represent his constituents, I should judge it unfitting on my part, or on the part of any one holding the office I have the honour to hold, that the consideration of expense should be taken as a sufficient reason for a course which would prevent a district being represented even for that brief period. Seeing that in the general opinion of those who know most of what is probable, four weeks hence will see this session closed, and that a dissolution will follow a few days later, it did appear to me that the expense and trouble to which the electors would be put would be absolutely resultless and unprofitable. Then a further point to which I called attention in the memorandum I read is that in any case an election held now would have to be conducted under the New South Wales electoral law, under which women would not be able to vote, whilst if an election took place after the dissolution double the number of electors would be entitled to vote, as compared with those who could now exercise the franchise. Any election that might take place under a writ issued by me could afford no index of the will of the electors, or as to the probable result of the election which would take place a short time afterwards under the new roll. These were the reasons which influenced me in taking the action I did. I shall, however, hold myself free to issue a writ if, upon a closer view of the probabilities, or in view of the events which may transpire within the next few days, I consider that there would be any reasonable probability of the person who might be returned as the representative of the Hunter district being of any service to his constituents, who certainly have a right to be represented here, regardless of any expense that may be involved.

Mr. JOSEPH COOK (Parramatta).—I think that the honorable member for Wide Bay has taken the proper course concerning this very important matter. It is almost impossible nowadays, when public opinion is so keen concerning electoral matters, for Mr. Speaker to do anything he ought not to do. At the same time I venture to remark that unless you, Mr. Speaker, had some statement from the Government upon the subject, it was not open for you to act as you have done in this particular case. Of course I do not expect you to say that anything has taken place between yourself and the Government, or that you have taken steps to ascertain the opinion of Ministers; but I have a shrewd suspicion that you have ascertained from the proper quarter what are the probabilities. If the Government chose they could put an end to the whole question in five minutes by making a statement, with some kind of certitude, as to the date upon which the elections will probably take place. Is there any special reason why this should remain a secret? Is anything to be gained by withholding this information from Parliament? It is usual towards the close of business in all Parliaments of the Empire to give the House some indication as to when it is likely to rise, and as to the business that is to be disposed of before the prorogation takes place. The Government have not so far informed honorable members upon these points, and the least we have a right to expect from the Prime Minister is some indication of the business which is to be proceeded with and completed before our labours are brought to an end. We should be informed as to the probable time of the prorogation and the date of the elections.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The question raised is a perfectly legitimate one. One would think that an honorable member of wide experience, such as the honorable member for Parramatta, should know that the day upon which the second reading of the Appropriation Bill is proposed marks the very close approach of the end of the session.

Mr. FISHER.—That should take place on the last day of the session.

Mr. DEAKIN.—Yes, except that under our system the Senate is entitled to have the Appropriation Bill presented to it earlier than is usual in the States Parliaments, in order to afford it an opportunity

to criticise matters that do not come before it at other times. I might further reply to the question of the honorable member for Parramatta by stating that, of the business which is still on the paper, all that it is desired to dispose of is the Patents Bill and the determination of the site of the Federal capital. There are two other small measures of a purely machinery and departmental character, which it will be necessary to consider. Upon the notice-paper of the Senate appears the Defence Bill, upon which the final touches have to be placed. That is practically all that we propose to do this session, and I hope that this may be regarded as a sufficiently clear indication to honorable members of the date of the prorogation. Of course, it is unconstitutional to refer here to that which is a subject for the exercise of the prerogative of His Excellency the Governor-General. The honorable member for Wide Bay directed attention to the step which you, Mr. Speaker, have seen fit to take, and he did so in a manner which was well within his rights. I have no doubt that the step which you took, Mr. Speaker, involved much consideration on your part. It is clear, from such indications as I have mentioned, that this session is about to close, and it would surely be the cruellest of kindness to both the candidates and the electors concerned to ask them to take part in an election upon a roll which is about to be superseded, and which could afford but a very poor indication of the feeling of the constituency.

Mr. FISHER.—The people of the Hunter are the persons who should be allowed to determine whether or not they should elect any one.

Mr. DEAKIN.—But if a representative were returned upon a roll other than that which will be in force within the next two or three weeks, it would be at a time at which he could not take his seat in Parliament. What possible work of a public character could he do for his constituents.

Mr. FISHER.—This is not the point. The electors should have the choice. They need not nominate any candidates even though the writ is issued.

Mr. DEAKIN.—I should agree with the honorable member if the consent of the constituents were required before a candidature could be entered upon. There is, however, no condition of that kind, and we know that very often persons are ready for t<sup>h</sup>

Mr. SPEAKER.—There are two difficulties in the way of the honorable member proceeding in this matter unless he can avoid them. In the first place, the honorable member will see that on the business-paper there is notice of an intention to move a certain resolution with reference to the time when the next general election shall take place. That notice being on the business-paper, and it being impossible to anticipate debate upon any question so appearing, discussion upon the question the honorable member raises is precluded. On the other question we are now dealing with the second reading of the Appropriation Bill, and at this stage it is proper to discuss only matters which are included in the Bill. If the honorable member can connect his remarks with any vote appearing in the Appropriation Bill he will be in order; but I must ask him to so connect his remarks if he can, and also to avoid anticipating any debate which may take place later on upon notice of motion No. 12.

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Mr. DEAKIN.—He may connect them with the cost of the election.

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Mr. JOSEPH COOK (Parramatta).—I think that the honorable member for Wide Bay has taken the proper course concerning this very important matter. It is almost impossible nowadays, when public opinion is so keen concerning electoral matters, for Mr. Speaker to do anything he ought not to do. At the same time I venture to remark that unless you, Mr. Speaker, had some statement from the Government upon the subject, it was not open for you to act as you have done in this particular case. Of course I do not expect you to say that anything has taken place between yourself and the Government, or that you have taken steps to ascertain the opinion of Ministers; but I have a shrewd suspicion that you have ascertained from the proper quarter what are the probabilities. If the Government chose they could put an end to the whole question in five minutes by making a statement, with some kind of certitude, as to the date upon which the elections will probably take place. Is there any special reason why this should remain a secret? Is anything to be gained by withholding this information from Parliament? It is usual towards the close of business in all Parliaments of the Empire to give the House some indication as to when it is likely to rise, and as to the business that is to be disposed of before the prorogation takes place. The Government have not so far informed honorable members upon these points, and the least we have a right to expect from the Prime Minister is some indication of the business which is to be proceeded with and completed before our labours are brought to an end. We should be informed as to the probable time of the prorogation and the date of the elections.

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Mr. FISHER.—The people of the Hunter are the persons who should be allowed to determine whether or not they should elect any one.

Mr. DEAKIN.—But if a representative were returned upon a roll other than that which will be in force within the next two or three weeks, it would be at a time at which he could not take his seat in Parliament. What possible work of a public character could he do for his constituents.

Mr. FISHER.—This is not the point. The electors should have the choice. They need not nominate any candidates even though the writ is issued.

Mr. DEAKIN.—I should agree with the honorable member if the consent of the constituents were required before a candidature could be entered upon. There is, however, no condition of that kind, and we know that very often persons are ready for the

mere purpose of calling attention to themselves to rush in as candidates. Thus the Commonwealth might be put to the expense of a thousand pounds, and the constituents to the expense of conducting a contest which could be effective in no practical way, and would be repeated within two or three weeks. There is nothing to prevent Mr. Speaker from issuing a writ at any moment if he comes to the conclusion that a representative could be here in time to take part in the work of Parliament. No doubt he would issue a writ under such circumstances. But unless he is satisfied that the person elected would become a representative in reality, be able to take a seat in this House and speak for the electors, he is surely acting in a most considerate manner and in the public interest in saving the people of the district and the Commonwealth the expense which would be involved. I think that the course Mr. Speaker has taken is in the best interests of the public. Retaining, as he does, the power to change his course of action to-night or to-morrow morning, he can take the steps necessary to secure to the district its proper representation if our sittings should be prolonged sufficiently to enable its representative to take his seat.

Mr. GLYNN (South Australia).—I quite appreciate the stand Mr. Speaker has taken with a view to save expense, but I am afraid that it may involve a slight difficulty. When a vacancy occurs whilst Parliament is in session the proper person to issue the writ is Mr. Speaker. Suppose, however, that Parliament really lasted until the 9th day of May next, and no writ were now issued by Mr. Speaker, I question very much whether the Governor-General could issue it. Some difficulty may arise from departing from the usual course. As a rule, when Parliament is near its close and is out of session the Ministry delay the issue of writs. But, in that case, there can be no question as to who shall issue the writs. Suppose, however, that the Speaker delayed the issue of the writ until the session closed.

Mr. DEAKIN.—Mr. Speaker would issue the writ if he were in the Commonwealth, irrespective of whether Parliament was in or out of session.

Mr. GLYNN.—That may be the construction which is placed upon the section by the Prime Minister, but what it really

contemplates is that the writ should be issued by Mr. Speaker during the session.

Mr. DEAKIN.—Or when Parliament is out of session. In any case Mr. Speaker issues the writ.

Bill read a second time and reported without amendment; report adopted.

Sir GEORGE TURNER.—Unless there is some objection on the part of honorable members, it would, perhaps, be well to allow the Bill to pass its third reading.

Sir EDWARD BRADDON.—Unless there is some pressing need for the adoption of that course, I do not think that it should be followed.

Sir GEORGE TURNER.—I have no desire to press the matter.

### APPROPRIATION (WORKS AND BUILDINGS) BILL 1903-4.

Bill read a second time.

*In Committee:*

Clause 1 (Short title).

Mr. BATCHELOR (South Australia).—I think that the Treasurer should give the Committee some information as to the nature of these new works and buildings.

Sir GEORGE TURNER.—They were all dealt with by the Committee a week ago.

Clause agreed to.

Clauses 2 and 3 agreed to.

Bill reported without amendment; report adopted.

### SUPPLY.

Motion (by Sir GEORGE TURNER) proposed—

That the resolutions relating to the services of the years 1901-2 and 1902-3 be now adopted.

Mr. POYNTON (South Australia).—I should like to know the nature of the machinery which has been purchased for the Commonwealth Printing Office.

Sir GEORGE TURNER (Balaclava—Treasurer).—Had the honorable member put that question to me yesterday, when the Supplementary Estimates were under consideration, I could have supplied him with the details. At the present moment, however, I am not in the position to do so. I know that we have a considerable quantity of machinery for these purposes, using a great deal of material and ward these things.



and also a number of linotypes; but it is impossible for me to quote the separate items which we purchased twelve months ago. I know, however, that they included some folding machines, and also a number of quick-running machines for other purposes.

Question resolved in the affirmative.

Resolutions adopted.

## WAYS AND MEANS.

### NEW STANDING ORDERS.

#### *In Committee:*

Motions (by Sir GEORGE TURNER) proposed—

That towards making good the further supply granted to His Majesty for the services of the period ended 30th June, 1901, and the year ended 30th June, 1902, a sum not exceeding six thousand nine hundred and sixty-eight pounds be granted out of the Consolidated Revenue Fund.

That towards making good the further Supply granted to His Majesty for the services of the year ended 30th June, 1903, a sum not exceeding one hundred and seven thousand nine hundred and ninety-seven pounds be granted out of the Consolidated Revenue Fund.

That towards making good the further Supply granted to His Majesty for Additions, New Works, and Buildings, for the year ended 30th June, 1902, a sum not exceeding one thousand and four pounds be granted out of the Consolidated Revenue Fund.

That towards making good the further Supply granted to His Majesty for Additions, New Works, and Buildings, for the year ended 30th June, 1903, a sum not exceeding two thousand six hundred and thirty-five pounds be granted out of the Consolidated Revenue Fund.

Mr. FISHER (Wide Bay).—Perhaps this would be a fitting opportunity for me to bring under the notice of the Prime Minister a matter of some importance to the House. I trust that some little time will elapse before the prorogation, and I desire the honorable and learned gentleman to consider whether an attempt should not be made, before the session closes, to pass the draft Standing Orders. I put a similar question to his predecessor on two or three occasions, and I hope that this matter will be attended to.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—This is a matter which is entirely in the hands of honorable members themselves.

Mr. FISHER.—We are here.

Mr. DEAKIN.—Quite so; but I think we shall be very closely occupied for the next few days in disposing of the Capital

site question. If, in order to enable the draft Standing Orders to be considered, honorable members are willing to remain after we have dealt with that question, the Government will be very happy to assist them.

Question resolved in the affirmative.

Resolutions reported.

## PATENTS BILL.

*In Committee* (Consideration resumed from 29th September, *vide* page 5524):

### Clause 35—

Every application and specification shall forthwith be referred by the Commissioner to an examiner who shall ascertain and report as to—

- (a) Whether the title has been stated as prescribed;
- (b) Whether the invention has been described as prescribed;
- (c) Whether the application and specification are as prescribed; and
- (d) Whether the invention is novel or has been already in possession of the public with the consent or allowance of the inventor.

Mr. GLYNN (South Australia).—Before we proceed to consider the question of novelty, I wish to suggest that the examination provided for in this clause should be confined to the complete specification. I believe that the Victorian State Parliament, last year, passed an Act to adopt the English practice, which is confined to the examination of the complete specification. I understand that the practice of examining the provisional specification was found rather inconvenient, and that it led to more expense and delay than was really justified by any safeguard which was thus secured. If a provisional specification is not followed by the complete specification nothing occurs in relation to the patent, although, of course, should a patent be applied for in respect of the same invention it might subsequently affect the question of novelty. If the complete specification in relation to the application is filed, all the examination that is necessary must be made. It must also affect the provisional specification, because in clause 36 it is provided that the examination of a complete specification must be for the purpose of finding out amongst other things whether the invention to which it refers is substantially the same as that described in the provisional specification. Thus the second examination which must take place under the Bill, as drafted, will also include an examination of the earlier specification. We have also to remember that if the earlier one is not in

a patent, and thus the hopes of a man's lifetime might be destroyed. Is not that a greater evil than to run the risk of a patent being upset after warning has been given to the applicant of the possibility of opposition?

Mr. A. PATERSON (Capricornia).—I feel compelled to support the amendment. It is the practice every day of patent scalpers to steal patents; to take ideas from the American and English patent offices, and to work up a little syndicate to buy them. The moment the syndicate is established they apply for a patent in Sydney or in Melbourne. A case of the kind came under my observation three or four years ago, when a person to whom a patent had been offered asked me, while in Sydney, to inquire into it. I was a little suspicious of the patentee, but the drawings and the particulars of the patent appeared to be in order. A few days later, however, I found a drawing of the machinery in the *Scientific American* as an invention which had been patented in America. If "publication" in clause 52 were defined to mean, not the actual printing in the Commonwealth of a book or other document in which an invention has been described, but the selling of such a book or newspaper here, that difficulty would be got over. But I think it is also advisable, in the interests of true inventors, to adopt the amendment of the honorable member for North Sydney.

Mr. THOMSON (North Sydney).—The Bill is throughout framed on lines which I do not consider the best. I am entirely against the system of issuing a document which is supposed to confer a right or a privilege, but is absolutely useless for that purpose. When a decision as to its uselessness or otherwise is sought in a law court, it will very often happen that the party with the longest purse will succeed, because of the costliness of the processes through which he can take his opponent. There are such things as bluff patents, and they are not uncommon. They are patents taken out by wealthy parties with the object of frightening other persons from using an invention. Under the Bill a patent might be granted for an invention of the commonest knowledge, perhaps for an article in use in the Patent Office itself. The Department would say to the applicant—"This invention is not new, therefore you have no right to obtain a patent for it. Nevertheless we give you a patent." That is an objection-

able system. I would rather leave it to the Commissioner to decide whether a patent is novel, and give the right to appeal from his decision. When the Commissioner has decided that an invention is not novel, he should refuse to grant a patent for it, and should tell the applicant that if he objects to that decision he can go to court, and have the matter determined there. The applicant would then have to face, not a rival syndicate which was trying to crush him, but merely the Commissioner, who would have no private interests to serve. That is the position which I should like to see adopted. I recognise that the Bill has not been framed upon those lines, and that the acceptance of my amendment would necessitate the passing of other amendments which would, to some extent, disturb its framework. For that reason, and because it is difficult to get a sufficient number of honorable members to take enough interest in the question to vote on other than party lines, I shall not push it. But I protest against the system which has been adopted. I think that a better system, and one which would have been less dangerous both for the public and the honest inventor, could have been adopted.

Mr. KINGSTON (South Australia).—The Bill is familiar to me, inasmuch as I had the honour of settling it after it had been prepared by the various patent offices. In regard to the conditions upon which patents may be granted, I was deeply impressed with the desirability of making letters patent something more than waste paper liable to be defeated by the showing, at a subsequent date of a want of novelty, even though the patent had then passed into the possession of a *bona fide* purchaser for value. I should have liked to give them a document of the highest authority, such as a certificate of title under the Torrens Act. The ideal is to confer indefeasibility of title, to give by registration a guarantee of validity, backed up by something in the nature of an insurance fund. I thought at one time that perhaps we might proceed generally upon the broad fundamental lines of the Act to which I have referred, but on looking into the matter more closely, and after having the advantage of the advice of the authorities, and reading up what information was to be obtained on the matter, I came to the conclusion that, under the circumstances, we could not do what is most to be desired.



Mr. THOMSON.—But there is no need to grant a certificate that is known to be invalid.

Mr. KINGSTON.—I should infinitely prefer to issue a certificate of the character I have indicated; but the nature of the inquiries which would have to be made, and the vastness of the investigation involved, would make the operation so cumbrous and expensive that I am satisfied that we can do nothing at present. At the same time the idea is a very good one, and will require further consideration. I hope that ultimately something will be done in the direction indicated.

Mr. BROWN.—Should we need to make inquiries beyond the Commonwealth?

Mr. KINGSTON.—I do not know as to that. We might lay it down that unless foreign patents are registered within Australia within a certain time they should be void so far as we are concerned. The question, however, is a very difficult one, and we are scarcely in a position at this late stage to introduce substantial amendments into the measure which has already been passed by another branch of the Legislature. At the same time I sympathize with the suggestion made. No doubt the Prime Minister has noted that, according to the memorandum prepared by the Board of Trade, by Imperial direction, for the use of the Colonial Conference, which sat in 1902, at page 99 it was stated—

In New Zealand and Tasmania the Registrar of Patents may refuse to grant a patent for an alleged invention which he knows is not new, after giving the applicant an opportunity of being heard personally or by his agent.

Then followed certain information regarding examinations as to novelty and other matters.

Sir JOHN QUICK.—That makes the Registrar a Judge.

Mr. THOMSON.—Yes; and far less expense is involved than would attach to an appeal to a Judge.

Mr. DEAKIN.—Only if the decision of the Registrar is in favour of the litigant, otherwise an appeal would have to be made to a Judge.

Mr. KINGSTON.—It is a pity that a number of absolutely worthless letters of registration should be granted, but we find ourselves between two difficulties. On the one hand, we could register everything, and that would involve the issue of a number of worthless certificates. On the other hand,

there is the almost superhuman difficulty attaching to the investigation necessary before we should be justified in declaring the title of the patentee to be indefeasible. The officials of the Department gave a great deal of time to the consideration of this question, and I was very pleased with their work. I hope that the exception which has been taken to the measure will not prevent the Prime Minister from persevering with it, because I believe that there is a general desire on the part of honorable members to place a comprehensive Act upon the statute-book, and that it is generally recognised that the Bill now before us is an honest attempt to improve our legislation.

Mr. THOMSON (North Sydney).—With the consent of the Committee I shall withdraw my amendment. I have no desire that the Patent Office should guarantee the validity of a patent. But I wish it to abstain from issuing certificates which are known to be absolutely invalid and useless. If the authorities have reason to believe that a patent is absolutely worthless they should decline to register it, except, of course, under the direction of a Judge. I recognise the force of the statement of the right honorable and learned member for South Australia that it would be impossible to attempt to reframe this measure at this late period of the session. I desire, therefore, to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. DEAKIN.—I am obliged to the honorable member for having withdrawn his amendment. I am closely in agreement with what he has stated, but looking to the task which will lie before the Patent Office during the next three or four years, in making good the defects in the records of the various States, and in initiating a new system, I am loth to put any fresh burdens on the Commissioner. When we are well established, and have taken the great step in advance for which this legislation provides—a far greater stride than has yet been taken by any large British community except Canada—I hope that we shall be able to march onward in the direction which the honorable member has indicated.

Mr. GLYNN.—Why does not the Prime Minister allow the absence of novelty to be notified?

Mr. DEAKIN.—I have already stated the reason. It seems to me that in this measure we are undertaking as much as we can do for the next three or four years. It

will be hard work to bring our patent records up to date, and to comply with all the requirements of the Bill. Once we have reached that stage I shall be strongly in favour of increasing the usefulness of the office, and of introducing the reforms indicated so far as experience warrants that course. I move—

That after the word "the," line 8, the words "application or" be inserted.

Amendment agreed to.

Amendment (by Mr. DEAKIN) proposed—

That the following words be added:—"Without any condition, but if he is not so satisfied he may either—

(a) accept the application and specification on condition that a reference to such prior specifications as he thinks fit be made thereon by way of notice to the public; or

(b) refuse to accept the application and specification."

Mr. GLYNN (South Australia).—I think that the Prime Minister should have provided for a notification in case of an adverse report on the ground of absence of novelty. The examiner has to report whether an invention is a novelty, and if he reports adversely upon that point, why should it not be indicated that the patent is open to challenge on that ground? Opposition may be raised to a patent on the ground of previous publication.

Mr. DEAKIN.—In one case the report of the examiner is verifiable and in the other it may not be.

Mr. GLYNN.—But the report is not conclusive in either case.

Sir JOHN QUICK.—In one case it may be a matter of opinion, whereas in the other it is a matter of fact.

Mr. GLYNN.—It is the same in effect in each case. I consider that the patent should bear upon its face a notification of the adverse report on the ground of the absence of novelty. Such a report might very seriously affect the sale value of the patent rights.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 43—

If the Commissioner is not so satisfied he shall unless the objection be removed by amending the specification to his satisfaction—

(a) determine whether a reference to any, and, if so, what prior specifications ought to be made in the specification by way of notice to the public, and any reference so determined upon shall be made accordingly;

(b) except from the patent any State to which the objection applies; ;  
(c) refuse the application.

Mr. DEAKIN.—We have by the previous amendment attached to clause 42 the substance of this clause, and when the time comes I shall move for the adoption of a new clause, 42A, which will provide for an appeal to the Commissioner. I propose to omit the clause.

Mr. KINGSTON (South Australia).—I observe that we have introduced a special provision excepting from the patent any State for which it cannot be properly granted. In other words, we have to pay regard to the existence of local patents. I do not notice that in the amended clause.

Mr. DEAKIN.—I have omitted that in its entirety.

Mr. KINGSTON.—Does not the Prime Minister think that it is necessary?

Mr. DEAKIN.—I think that it is of doubtful constitutionality.

Mr. KINGSTON.—I was inclined to believe at the time I had the Bill under consideration that a provision of this sort was necessary. I should be glad of an assurance from the Prime Minister that he has given the matter adequate consideration.

Mr. DEAKIN.—What the right honorable member suggests would be a most convenient and advantageous provision if we could insert it in the Bill. The Crown Law officers, however, called my attention to the means of giving effect to it, and upon consideration I came to the conclusion that, *prima facie*, the only power which the Commonwealth possesses, is the power to issue Commonwealth patents—that is patents running throughout Australia. Having regard to the Constitution I do not see how it would be possible to issue a Commonwealth patent which did not run throughout the Commonwealth.

Mr. WILKINSON.—Will a Commonwealth patent override patent rights which have been granted by a State?

Mr. DEAKIN.—We take the patents which have been granted by the States exactly as we find them. We do not extend them by one iota, nor diminish them in any respect.

Mr. WILKINSON.—Suppose that a man took out a patent in Queensland and also a Commonwealth patent. Would the Commonwealth patent override the State patent?

Mr. DEAKIN.—When a Commonwealth patent has been issued it will not be possible for any individual to take out a State patent in respect of the same invention, so that the emergency which the honorable member contemplates cannot arise.

Mr. A. McLEAN.—What effect will a Commonwealth patent have upon a State patent?

Mr. DEAKIN.—The State patents will retain all their legal force. We do not interfere with any patents which have been granted prior to this measure coming into operation.

Sir JOHN QUICK.—Is there any power to make a State patent a Commonwealth patent?

Mr. DEAKIN.—No. Every application for a patent will come before the Commonwealth as a fresh proposal.

Mr. L. E. GROOM (Darling Downs).—I presume that under this Bill existing applications for patent rights in the different States will be preserved? Under it no patent will be granted to the detriment of any previous patent?

Mr. DEAKIN.—No.

Mr. HUME COOK (Bourke).—If a patentee has secured patent rights in one State only, will it not be possible under this Bill for some person to secure a patent for the Commonwealth which will impinge upon his State rights? I desire to know how the patentee who has obtained patent rights in one State only can be protected against the individual who can at a later stage secure rights for the Commonwealth.

Mr. DEAKIN.—We cannot issue patent rights for less than the Commonwealth in my opinion.

Mr. KINGSTON (South Australia).—Of course clauses 42 and 43 are intended to be read together. It seems to me that, upon inquiry we may find that some person is entitled under a State Act to obtain a patent for a particular State, and that some one else may claim, as regards the rest of the Commonwealth, the issue of a patent under the Commonwealth law. Surely such a case may conceivably occur. I take it that what we wish to do is to continue existing conditions. We do not desire to interfere with the rights enjoyed by a man under a State patent either by diminishing or extending them. It seems to me, however, that if an individual has secured patent rights in regard to certain States it will be

possible for another party to obtain a Commonwealth patent as regards the rest of the Commonwealth.

Mr. DEAKIN.—There is no "rest of the Commonwealth." A Commonwealth patent will cover all the States or none.

Mr. KINGSTON.—As to a State patent, does the honorable gentleman propose to enlarge that?

Mr. DEAKIN.—No.

Mr. KINGSTON.—Then who can obtain patent rights as regards the remainder of the Commonwealth?

Mr. DEAKIN.—No one can secure Commonwealth rights for a patent which has been issued by a State.

Mr. KINGSTON.—Surely some person will be in a position to claim them. Let us suppose that one man has patent rights in South Australia, and that another claims those rights for the rest of the States in the Commonwealth?

Mr. DEAKIN.—That may happen under the existing law if the applicant does not take out rights in six different States, but it cannot occur after this Bill becomes operative.

Mr. KINGSTON.—If a man is entitled to patent rights for the Commonwealth, does the Prime Minister intend to prevent him from securing those rights?

Mr. DEAKIN.—Yes; if he does not take out patent rights for the Commonwealth before the Commonwealth law comes into operation.

Mr. KINGSTON.—Then a Commonwealth patent cannot be granted to five States in which patents could be granted before?

Mr. DEAKIN.—That is so.

Mr. KINGSTON.—I do not think that that ought to be so. We ought not to limit the rights of patentees. What is provided here is—

If the Commissioner is satisfied that no objection exists to the specification on the grounds that the invention is already patented in the Commonwealth, or in any State, or is already the subject of any prior application for a patent in the Commonwealth, he shall, in the absence of any other lawful ground of objection, accept the specification.

But if he is not so satisfied—if he finds upon an application being made for patent rights for the Commonwealth that part of the area is already covered by a grant for a particular State—it appears to me he should have a right to issue the patent for—

Mr. WATSON.—Not at all. Such inquiries are now made in America.

Sir JOHN QUICK.—I am aware of that, and the result is that a large number of applications for patents are delayed for a long time in the Patent Office, and unfortunate inventors are lamenting the consequent obstruction and delay.

Mr. WATSON.—Many express a contrary opinion.

Mr. GLYNN.—In an article in the *Law Quarterly*, the writer contends that this is a good provision, and that it works well in America.

Sir JOHN QUICK.—There are the two objections to an inquiry as to novelty. The Government do not guarantee the unassailability of a patent, and they grant it at the risk of the applicant. He is asked to comply with certain preliminary requirements, a patent is then granted at his risk, and any one may attack it in a Court of law.

Mr. WATSON.—Does the honorable and learned member know that the real objection to the provision is that it is in existence in the Victorian Patents Act at the present time?

Sir JOHN QUICK.—That is the very reason I am criticising it in this way. Complaints have been made that it has been found unworkable in Victoria.

Mr. WATSON.—Those complaints are not general.

Sir JOHN QUICK.—I have read them time after time in the press. The requirement of an inquiry as to novelty will impose upon the Government a vast and important function, and one which no Government office can fairly perform.

Mr. WATSON (Bland).—I trust that the view expressed by the honorable and learned member for Bendigo will not find acceptance in the Committee. There have been two broad methods upon which patents procedure has operated in different parts of the world. Under one method there is something like an inquiry into novelty in connexion with an application, and in the other a patent is granted without any such inquiry. This latter procedure, in my opinion, strikes at the underlying principle upon which patents are granted. Patents were first of all granted in England on the ground that the inventions were novel so far as England was concerned, and a monopoly with respect to a patent was granted in order to insure to the people the benefit of an invention previously unknown in the

country. The essence of the whole matter was novelty. Yet the English procedure for some years has departed altogether from that leading principle, and in England at the present time patents are granted which in a vast number of instances, are not worth the paper upon which they are written, as indicating that the patented article has the essential element of novelty. In the United States of America the procedure is upon exactly opposite lines. While there they make no attempt to guarantee the inviolability of a patent, or to say that it is absolutely novel, they still take all reasonable care to determine that it is novel. The old formula of "all care taken but no responsibility incurred" seems to be that upon which they act. They do take every care, and the experience of those associated with patent procedure as patent agents or direct applicants is that they infinitely prefer a slight delay while inquiry is being made as to novelty, in order that they may be reasonably assured that their patent when granted does not infringe the rights of any one else, and that it covers something novel in the way of a valuable improvement. The honorable and learned member for Bendigo has said that the experience of the Victorian Act has supplied him with one reason for opposing the provision.

Mr. MCCAY.—Was not the similar provision in the Victorian Act repealed?

Mr. WATSON.—No, an attempt was made to repeal it, but the late Sir Frederick Sargood, who introduced the Bill for the purpose, became convinced before it had proceeded very far that it would be wrong to repeal the provision, and he dropped the measure and allowed the original procedure to stand. I may say that within a few days a petition against the repeal of the Victorian practice in this respect was signed by thousands of business men and inventors. In New South Wales we have adopted the laxer system, and I think it has been found to be a mistake. So far as I can learn, persons having business with the Patent Office, whether as patent agents or inventors, are not at all satisfied with the laxer procedure. I am not at this stage arguing as to the best place in which to insert this provision. The Prime Minister agrees that there does appear to be some reason why the element of novelty should be inquired into by the examiner, and whether the inquiry should take place in the preliminary stages of the application is a matter of detail. I

trust that, in any case, the Committee will insist upon an inquiry into the element of novelty.

Mr. WILKINSON (Moreton).—I hope this paragraph will be allowed to remain.

Mr. DEAKIN.—Not in this clause. I propose to have my amendment inserted in clause 37.

Mr. WILKINSON.—I believe in the principle contained in it. The Prime Minister referred to the "uninformed inventor," but I desire to impress upon the Committee that it is commonly from men who are considered uninformed that we get inventions.

Mr. DEAKIN.—I meant uninformed as to the proper course of procedure.

Mr. WILKINSON.—I am speaking with reference to information to be gained in schools and universities. I acquit the Prime Minister of any intention to reflect upon men who are not possessed of that information. There is learning of different kinds. One man may be learned in the law, and another learned in engine-driving. I do not for a moment suppose that the Prime Minister intended to convey any reflection upon such men as George Stephenson, Watt, and others. I have here a book, entitled *The Law and Practice of New South Wales upon Letters Patent*, by A. G. Taylor. In an introductory note the author quotes Isaac Taylor as follows:—

The great inventor is one who has walked forth upon the industrial world, not from universities, but from hovels; not as clad in silks and decked with honours, but as clad in fustian and grimed with soot and oil.

These are the men we have to consider in passing legislation of this kind—men without means, to whom every day's work is a consideration—and we should place it within their power to patent the results of their inventive thought in the easiest possible manner, not only for their benefit, but for the advantage of the community. I am pleased to hear that the Prime Minister intends to retain the principle to which reference has been made. I should like to quote one short paragraph from a pamphlet published by Mr. Frank Gossler, a patents agent, who demonstrates the benefit of cheapness. He points out that it pays the nation to make its patent fees as low as possible, and to relieve patentees of expense as far as possible by employing officers to look after their interests. In the end, the general community benefits from every

invention, and it should be prepared to pay for the advantages so conferred. Mr. Gossler says—

In the United States, in spite—or rather because—of the small fee charged for a patent, the inventors have with their fees fully paid the cost of the magnificent patent office building in Washington, and maintained the enormous staff of officers employed therein. And yet there is a surplus of over £125,000 in the Treasury to the credit of the patent office. The volume of work done in this office may be guessed when it is stated that 40,000 applications for patents are made yearly. In 1899 no fewer than 25,527 patents were granted. With all this work there is no bustle, no confusion; everything goes like well regulated clockwork.

If it pays to do that kind of thing in the United States, it will surely be to our advantage to proceed upon similar lines. The result of the American system has been to enormously increase the number of patents. In the United States there are twice as many patents applied for every year as in Great Britain. This has been due largely to the reduction of the fees.

Clause, as amended, agreed to.

Clause 36 agreed to.

Clause 37—

In the case of all complete specifications the examiner shall also ascertain and report whether to the best of his knowledge—

(a) The invention is already patented in the Commonwealth or in any State, or is already the subject of any prior application for a patent in the Commonwealth or in any State.

Mr. DEAKIN.—I move—

That the letter (a) be inserted after the word "also," line 2; that the letter (a), line 4, be omitted; that the words "(b) Report whether to the best of his knowledge the invention is or is not novel" be added.

This provision will bring us abreast of the latest British law upon the subject of patents. It will give us the benefit of the advance which has been made in the British law after the experience which they have gained of the unsatisfactory results of granting patents without previous searching of the records. The examiners will be persons of large experience and special training. It will be their duty to possess such a knowledge of the specifications as will enable them to detect in the records of the offices of the States similar patents already registered. Further, in the course of their inquiries they will become acquainted with unpatented machines which have been introduced into the States, and acquire a very large general knowledge as to inventions patented elsewhere, which, though not

mere purpose of calling attention to themselves to rush in as candidates. Thus the Commonwealth might be put to the expense of a thousand pounds, and the constituents to the expense of conducting a contest which could be effective in no practical way, and would be repeated within two or three weeks. There is nothing to prevent Mr. Speaker from issuing a writ at any moment if he comes to the conclusion that a representative could be here in time to take part in the work of Parliament. No doubt he would issue a writ under such circumstances. But unless he is satisfied that the person elected would become a representative in reality, be able to take a seat in this House and speak for the electors, he is surely acting in a most considerate manner and in the public interest in saving the people of the district and the Commonwealth the expense which would be involved. I think that the course Mr. Speaker has taken is in the best interests of the public. Retaining, as he does, the power to change his course of action to-night or to-morrow morning, he can take the steps necessary to secure to the district its proper representation if our sittings should be prolonged sufficiently to enable its representative to take his seat.

Mr. GLYNN (South Australia).—I quite appreciate the stand Mr. Speaker has taken with a view to save expense, but I am afraid that it may involve a slight difficulty. When a vacancy occurs whilst Parliament is in session the proper person to issue the writ is Mr. Speaker. Suppose, however, that Parliament really lasted until the 9th day of May next, and no writ were now issued by Mr. Speaker, I question very much whether the Governor-General could issue it. Some difficulty may arise from departing from the usual course. As a rule, when Parliament is near its close and is out of session the Ministry delay the issue of writs. But, in that case, there can be no question as to who shall issue the writs. Suppose, however, that the Speaker delayed the issue of the writ until the session closed.

Mr. DEAKIN.—Mr. Speaker would issue the writ if he were in the Commonwealth, irrespective of whether Parliament was in or out of session.

Mr. GLYNN.—That may be the construction which is placed upon the section by the Prime Minister, but what it really

contemplates is that the writ should be issued by Mr. Speaker during the session.

Mr. DEAKIN.—Or when Parliament is out of session. In any case Mr. Speaker issues the writ.

Bill read a second time and reported without amendment; report adopted.

Sir GEORGE TURNER.—Unless there is some objection on the part of honorable member it would, perhaps, be well to allow the Bill to pass its third reading.

Sir EDWARD BRADDON.—Unless there is some pressing need for the adoption of the course, I do not think that it should be followed.

Sir GEORGE TURNER.—I have no desire to press the matter.

#### APPROPRIATION (WORKS AND BUILDINGS) BILL 1903-4.

Bill read a second time.

*In Committee:*

Clause 1 (Short title).

Mr. BATCHELOR (South Australia).—I think that the Treasurer should give the Committee some information as to the nature of these new works and buildings.

Sir GEORGE TURNER.—They were already dealt with by the Committee a week ago.

Clause agreed to.

Clauses 2 and 3 agreed to.

Bill reported without amendment; report adopted.

#### SUPPLY.

Motion (by Sir GEORGE TURNER) proposed—

That the resolutions relating to the services of the years 1901-2 and 1902-3 be now adopted.

Mr. POYNTON (South Australia).—I should like to know the nature of the machinery which has been purchased for the Commonwealth Printing Office.

Sir GEORGE TURNER (Balaclava—Treasurer).—Had the honorable member put that question to me yesterday, when the Supplementary Estimates were under consideration, I could have supplied him with the details. At the present moment, however, I am not in the position to do so. I know that we have purchased a considerable quantity of machinery for printing purposes. When the Commonwealth was using the printing machinery of the Victorian Government, it was found that awkward delays frequently occurred. To obviate these, we secured some fast-running machines and machinery for binding purposes,

and also a number of linotypes; but it is impossible for me to quote the separate items which we purchased twelve months ago. I know, however, that they included some folding machines, and also a number of quick-running machines for other purposes.

Question resolved in the affirmative.

Resolutions adopted.

## WAYS AND MEANS.

### NEW STANDING ORDERS.

*In Committee:*

Motions (by Sir GEORGE TURNER) proposed—

That towards making good the further supply granted to His Majesty for the services of the period ended 30th June, 1901, and the year ended 30th June, 1902, a sum not exceeding six thousand nine hundred and sixty-eight pounds be granted out of the Consolidated Revenue Fund.

That towards making good the further Supply granted to His Majesty for the services of the year ended 30th June, 1903, a sum not exceeding one hundred and seven thousand nine hundred and ninety-seven pounds be granted out of the Consolidated Revenue Fund.

That towards making good the further Supply granted to His Majesty for Additions, New Works, and Buildings, for the year ended 30th June, 1902, a sum not exceeding one thousand and four pounds be granted out of the Consolidated Revenue Fund.

That towards making good the further Supply granted to His Majesty for Additions, New Works, and Buildings, for the year ended 30th June, 1903, a sum not exceeding two thousand six hundred and thirty-five pounds be granted out of the Consolidated Revenue Fund.

Mr. FISHER (Wide Bay).—Perhaps this would be a fitting opportunity for me to bring under the notice of the Prime Minister a matter of some importance to the House. I trust that some little time will elapse before the prorogation, and I desire the honorable and learned gentleman to consider whether an attempt should not be made, before the session closes, to pass the draft Standing Orders. I put a similar question to his predecessor on two or three occasions, and I hope that this matter will be attended to.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—This is a matter which is entirely in the hands of honorable members themselves.

Mr. FISHER.—We are here.

Mr. DEAKIN.—Quite so; but I think we shall be very closely occupied for the next few days in disposing of the Capital

site question. If, in order to enable the draft Standing Orders to be considered, honorable members are willing to remain after we have dealt with that question, the Government will be very happy to assist them.

Question resolved in the affirmative.

Resolutions reported.

## PATENTS BILL.

*In Committee* (Consideration resumed from 29th September, *vide* page 5524):

### Clause 35—

Every application and specification shall forthwith be referred by the Commissioner to an examiner who shall ascertain and report as to—

- (a) Whether the title has been stated as prescribed;
- (b) Whether the invention has been described as prescribed;
- (c) Whether the application and specification are as prescribed; and
- (d) Whether the invention is novel or has been already in possession of the public with the consent or allowance of the inventor.

Mr. GLYNN (South Australia).—Before we proceed to consider the question of novelty, I wish to suggest that the examination provided for in this clause should be confined to the complete specification. I believe that the Victorian State Parliament, last year, passed an Act to adopt the English practice, which is confined to the examination of the complete specification. I understand that the practice of examining the provisional specification was found rather inconvenient, and that it led to more expense and delay than was really justified by any safeguard which was thus secured. If a provisional specification is not followed by the complete specification nothing occurs in relation to the patent, although, of course, should a patent be applied for in respect of the same invention it might subsequently affect the question of novelty. If the complete specification in relation to the application is filed, all the examination that is necessary must be made. It must also affect the provisional specification, because in clause 36 it is provided that the examination of a complete specification must be for the purpose of finding out amongst other things whether the invention to which it refers is substantially the same as that described in the provisional specification. Thus the second examination which must take place under the Bill, as drafted, will also include an examination of the earlier specification. We have also to remember that if the earlier one is not in

order, although it has not been examined, the patent itself will be liable to be challenged, or opposition may be offered to the granting of the patent on the ground that the provisional specification is not as prescribed by regulation. There is, therefore, no object to be gained by having two examinations. I do not think that even the drawings are filed in England until the complete specification has been lodged. There they regard the complete specification as the only one in relation to which much trouble need be taken. If there were a breach of the rules as regards the form or title in the provisional specification it might involve the patent itself. Several patent agents think that the examination should be confined to the complete specification, and in order to ventilate their views I gave notice of an amendment, which I do not now propose to move in the form circulated by me. I think that it would be well for the Prime Minister to consolidate clauses 35, 36, and 37. If the examination be confined to the complete specification they may well be converted into one clause. Then the various sub-clauses would follow in their order as part of clause 35, and the subsequent clauses could be amended accordingly for the purpose of reference. For example, if this were done the reference in clause 38 to clauses 35 and 36 would apply to the sub-clauses of clause 35. I trust that the Prime Minister will consider the matter, for I believe that several honorable members are disposed to support the suggestion which I make.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—In the matter of drafting a good deal can be said for the last proposal made by the honorable and learned member. It would have been easy to include the whole of these three clauses in one, but the subdivision has been adopted, notwithstanding that it involves a little extra reference, for the purpose of clearly showing what is intended to be done at the different stages of the investigation. The honorable and learned member is also correct, so far as I follow him, in his references to the English practice; but he requires to note that we have not adhered closely to the principle upon which the English patent law is founded, and upon which the English administration is carried on. The amendment with which we shall deal presently introduces a proposal entirely novel to the British method of

dealing with patents, and though I propose to move an amendment of that amendment we shall still go considerably beyond what the British law contemplates. This appears to me to affect the question of the two specifications. If the honorable and learned member looks at the clause which we are now considering, he will see that the proposal relates to the provisional and complete specification, as the case may be. Any person who chooses to come forward with his complete specification will have to comply with clauses 35, 36, and 37. A provisional specification, on the other hand, will have to comply only with clause 35, and will not be affected by clauses 36 and 37. What are the requirements? Occasionally even an agent makes a mistake in applying for a patent, although that is very rare, but it constantly happens that persons who are extremely uninformed in the ordinary processes of patenting attempt to secure the protection of the law without the assistance of an agent, and that their applications are defective in purely formal matters. The proposed examination is intended, not for the advantage of the office, but for the assistance of the would-be patentee.

Mr. THOMSON.—But why should the work be done by an "examiner"?

Mr. DEAKIN.—Because the examiner is the officer who will have to deal with the application under the following clauses. The elementary requirements in respect of a provisional specification will be set out in the regulations, and under this clause it will be the duty of the examiner to point out to the applicant what those requirements are. It is comparatively common for a would-be patentee to misdescribe his invention, even in the matter of title, and applications are frequently defective in matters of form. The examination provided for is not an examination upon which any application is rejected.

Mr. GLYNN.—It is a very important examination, because it covers the question of novelty generally.

Mr. DEAKIN.—I propose to strike out that provision.

Mr. GLYNN.—And insert it later on.

Mr. DEAKIN.—Yes. It is entirely out of place in this clause.

Mr. KINGSTON.—Was not paragraph d inserted by the Senate?

Mr. DEAKIN.—Yes; it was not in the Bill as originally drafted. Honorable members will see that when that paragraph has



been omitted, all that the examiner will have to do is to see that applications for provisional patents are correct in matters of form. The examiner sees that the would-be patentee has complied with the regulations in that regard, and, if he has not, lends assistance to put matters right. No application will be rejected at this stage. The clause has been introduced solely to afford assistance to persons applying for provisional patents.

Mr. THOMSON.—But why should the application be referred specifically to an “examiner”?

Mr. DEAKIN.—The honorable member probably knows that in a well-equipped patent office there is a machinery expert, a chemical expert, an expert for textile substances, and so on; and the examiner to whom the application would go would be the expert in the particular trade affected by the invention which it was sought to patent. He thereupon sees that the application is in order in mere matters of form, and then the patent may be regarded as fairly launched. I move—

That paragraph *d* be omitted.

Mr. THOMSON (North Sydney).—Power has been given under a previous clause to appoint examiners, and by an amendment which was agreed to last night, a special meaning has been given to the word “examiner.”

Mr. L. E. GROOM.—But the duties of the examiners are not defined. They will be gathered from the various provisions of the Bill.

Mr. THOMSON.—I have received a communication from a gentleman who is connected with the Patent Office of one of the States, in which he says that formal correctness is not generally inquired into by examiners.

Mr. DEAKIN.—That work is done by examiners in some of the States.

Mr. THOMSON.—Yes, but in other States it is done either by the Commissioner or by one of his clerks. I think it would be better to so amend the clause as to leave it open to the Commissioner to refer applications either to the particular officers entitled examiners, or to clerks, or to do it himself. I do not object to the examination of applications, but the clause as it stands, if read in conjunction with other provisions of the Bill, provides that the work of examining

shall be done only by certain officers. That, I think, is undesirable.

Mr. DEAKIN.—It is the practice of the United States, and, I think, also of Great Britain, to leave this work to examiners.

Mr. THOMSON.—That may not be an objectionable practice in a large office where there are plenty of examiners available, but it is not desirable that applicants should be kept waiting because a particular examiner is busy, when there are other officers who could run through their applications and see that they were formally correct.

Sir JOHN QUICK (Bendigo).—I do not see what substantial objection there can be to such a matter being referred to an officer called the “examiner.” The Commissioner himself may perform the functions of an examiner, and if he should be too busy there is no reason why he should not refer a matter to one of those officers. I think we should be disturbing the structure of the Bill if we omitted provision for the appointment of examiners. I desire to refer to paragraph *d*.

Mr. DEAKIN.—I am asking that that should be omitted from this clause.

Sir JOHN QUICK.—I am very glad to hear that it is proposed that that paragraph should be omitted.

Mr. WATSON.—The honorable and learned member cannot object to an examination as to the question of novelty.

Mr. DEAKIN.—Will the honorable and learned member wait until we come to clause 37?

Sir JOHN QUICK.—I think it is not necessary for the purposes of a patent that any preliminary inquiry should be made by a Government officer on the question of novelty.

Mr. WATSON.—It is most essential that there should be such an inquiry.

Sir JOHN QUICK.—I think not, for this reason: The Government, in issuing a patent, do not guarantee its unassailability. They grant a patent at the risk of the applicant.

Mr. WATSON.—Why should they grant a patent for something that is not novel?

Sir JOHN QUICK.—A Government office could not possibly enter upon the vast and tremendous inquiry involved in the question of novelty. The determination of such a question may involve an inquiry extending all over the world, and including all ages of history. Such an inquiry is impossible for a Government office.

will be hard work to bring our patent records up to date, and to comply with all the requirements of the Bill. Once we have reached that stage I shall be strongly in favour of increasing the usefulness of the office, and of introducing the reforms indicated so far as experience warrants that course. I move—

That after the word "the," line 8, the words "application or" be inserted.

Amendment agreed to.

Amendment (by Mr. DEAKIN) proposed—

That the following words be added:—"Without any condition, but if he is not so satisfied he may either—

- (a) accept the application and specification on condition that a reference to such prior specifications as he thinks fit be made thereon by way of notice to the public; or
- (b) refuse to accept the application and specification."

Mr. GLYNN (South Australia).—I think that the Prime Minister should have provided for a notification in case of an adverse report on the ground of absence of novelty. The examiner has to report whether an invention is a novelty, and if he reports adversely upon that point, why should it not be indicated that the patent is open to challenge on that ground? Opposition may be raised to a patent on the ground of previous publication.

Mr. DEAKIN.—In one case the report of the examiner is verifiable and in the other it may not be.

Mr. GLYNN.—But the report is not conclusive in either case.

Sir JOHN QUICK.—In one case it may be a matter of opinion, whereas in the other it is a matter of fact.

Mr. GLYNN.—It is the same in effect in each case. I consider that the patent should bear upon its face a notification of the adverse report on the ground of the absence of novelty. Such a report might very seriously affect the sale value of the patent rights.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 43—

If the Commissioner is not so satisfied he shall unless the objection be removed by amending the specification to his satisfaction—

- (a) determine whether a reference to any, and, if so, what prior specifications ought to be made in the specification by way of notice to the public, and any reference so determined upon shall be made accordingly;

- (b) except from the patent any State to which the objection applies;
- (c) refuse the application.

Mr. DEAKIN.—We have by the previous amendment attached to clause 42 the substance of this clause, and when the time comes I shall move for the adoption of a new clause, 42A, which will provide for an appeal to the Commissioner. I propose to omit the clause.

Mr. KINGSTON (South Australia).—I observe that we have introduced a special provision excepting from the patent any State for which it cannot be properly granted. In other words, we have to pay regard to the existence of local patents. I do not notice that in the amended clause.

Mr. DEAKIN.—I have omitted that in its entirety.

Mr. KINGSTON.—Does not the Prime Minister think that it is necessary?

Mr. DEAKIN.—I think that it is of doubtful constitutionality.

Mr. KINGSTON.—I was inclined to believe at the time I had the Bill under consideration that a provision of this sort was necessary. I should be glad of an assurance from the Prime Minister that he has given the matter adequate consideration.

Mr. DEAKIN.—What the right honorable member suggests would be a most convenient and advantageous provision if we could insert it in the Bill. The Crown Law officers, however, called my attention to the means of giving effect to it, and upon consideration I came to the conclusion that, *prima facie*, the only power which the Commonwealth possesses, is the power to issue Commonwealth patents—that is patents running throughout Australia. Having regard to the Constitution I do not see how it would be possible to issue a Commonwealth patent which did not run throughout the Commonwealth.

Mr. WILKINSON.—Will a Commonwealth patent override patent rights which have been granted by a State?

Mr. DEAKIN.—We take the patents which have been granted by the States exactly as we find them. We do not extend them by one iota, nor diminish them in any respect.

Mr. WILKINSON.—Suppose that a man took out a patent in Queensland and also a Commonwealth patent. Would the Commonwealth patent override the State patent?

Mr. DEAKIN.—When a Commonwealth patent has been issued it will not be possible for any individual to take out a State patent in respect of the same invention, so that the emergency which the honorable member contemplates cannot arise.

Mr. A. McLEAN.—What effect will a Commonwealth patent have upon a State patent?

Mr. DEAKIN.—The State patents will retain all their legal force. We do not interfere with any patents which have been granted prior to this measure coming into operation.

Sir JOHN QUICK.—Is there any power to make a State patent a Commonwealth patent?

Mr. DEAKIN.—No. Every application for a patent will come before the Commonwealth as a fresh proposal.

Mr. L. E. GROOM (Darling Downs).—I presume that under this Bill existing applications for patent rights in the different States will be preserved? Under it no patent will be granted to the detriment of any previous patent?

Mr. DEAKIN.—No.

Mr. HUME COOK (Bourke).—If a patentee has secured patent rights in one State only, will it not be possible under this Bill for some person to secure a patent for the Commonwealth which will impinge upon his State rights? I desire to know how the patentee who has obtained patent rights in one State only can be protected against the individual who can at a later stage secure rights for the Commonwealth.

Mr. DEAKIN.—We cannot issue patent rights for less than the Commonwealth in my opinion.

Mr. KINGSTON (South Australia).—Of course clauses 42 and 43 are intended to be read together. It seems to me that, upon inquiry we may find that some person is entitled under a State Act to obtain a patent for a particular State, and that some one else may claim, as regards the rest of the Commonwealth, the issue of a patent under the Commonwealth law. Surely such a case may conceivably occur. I take it that what we wish to do is to continue existing conditions. We do not desire to interfere with the rights enjoyed by a man under a State patent either by diminishing or extending them. It seems to me, however, that if an individual has secured patent rights in regard to certain States it will be

possible for another party to obtain a Commonwealth patent as regards the rest of the Commonwealth.

Mr. DEAKIN.—There is no "rest of the Commonwealth." A Commonwealth patent will cover all the States or none.

Mr. KINGSTON.—As to a State patent, does the honorable gentleman propose to enlarge that?

Mr. DEAKIN.—No.

Mr. KINGSTON.—Then who can obtain patent rights as regards the remainder of the Commonwealth?

Mr. DEAKIN.—No one can secure Commonwealth rights for a patent which has been issued by a State.

Mr. KINGSTON.—Surely some person will be in a position to claim them. Let us suppose that one man has patent rights in South Australia, and that another claims those rights for the rest of the States in the Commonwealth?

Mr. DEAKIN.—That may happen under the existing law if the applicant does not take out rights in six different States, but it cannot occur after this Bill becomes operative.

Mr. KINGSTON.—If a man is entitled to patent rights for the Commonwealth, does the Prime Minister intend to prevent him from securing those rights?

Mr. DEAKIN.—Yes; if he does not take out patent rights for the Commonwealth before the Commonwealth law comes into operation.

Mr. KINGSTON.—Then a Commonwealth patent cannot be granted to five States in which patents could be granted before?

Mr. DEAKIN.—That is so.

Mr. KINGSTON.—I do not think that that ought to be so. We ought not to limit the rights of patentees. What is provided here is—

If the Commissioner is satisfied that no objection exists to the specification on the grounds that the invention is already patented in the Commonwealth, or in any State, or is already the subject of any prior application for a patent in the Commonwealth, he shall, in the absence of any other lawful ground of objection, accept the specification.

But if he is not so satisfied—if he finds upon an application being made for patent rights for the Commonwealth that part of the area is already covered by a grant for a particular State—it appears to me he should have a right to issue the patent for

the remainder of the Commonwealth. Consequently we made clause 43 read—

If the Commissioner is not so satisfied he shall, unless the objection be removed, by amending the specification to his satisfaction . . . except from the patent any State to which the objection applies.

Why should we limit the right of granting patents? I say that the proper thing is to continue the power which at present exists, only exempting from the operation of the patent that area in respect of which patent rights have been properly issued under the States laws.

Mr. DEAKIN.—This is not a question of what is desirable. If it were in our power to parcel out the Commonwealth, to deal with those States in which particular patents have been granted, and then to consider whether we should not issue a patent for the balance of the Commonwealth, it would be highly convenient and advantageous for us to adopt that course. But from my reading of the Constitution, I hesitate to believe that we possess any such power. The right honorable member for South Australia, Mr. Kingston, has been arguing the question of advantage, convenience, and propriety, and I agree with his arguments. Where I differ from him is that I doubt very much whether the Commonwealth has any power except to issue a Commonwealth patent. It appears to me that such a patent must be clear of all other patents of the same kind throughout the Commonwealth.

Mr. KINGSTON.—As regards State patents which have already been granted?

Mr. DEAKIN.—Yes. The Commonwealth has no power to grant a patent for a part of the Commonwealth.

Mr. A. McLEAN.—Will this provision preclude another State from issuing another patent?

Mr. DEAKIN.—The State laws will operate until this measure comes into operation.

Mr. A. McLEAN.—The effect of passing a Commonwealth patent law will be to prevent the possibility of extending an existing patent to any other State?

Mr. DEAKIN.—Yes, unless the person who desires such an extension applies for it before the whole of this Act is brought into operation by proclamation. Up till that period it is open to any person to apply to any other State for a patent which has not

been taken out there. But when by proclamation we extend this Act to the whole of the Commonwealth, we shall issue only one class of patents—namely, those which run throughout the Commonwealth. Clause 42 provides that in issuing a patent for the Commonwealth we shall take into consideration whether an invention is already patented in the Commonwealth or in any State. Where a patent has been granted in any one State the Commonwealth will be powerless to issue any other patent in respect of the same invention; and it appears to me that in the remaining five States in which no patent rights have been taken out the general public are open to make use of that invention. In giving the Commonwealth power to grant patents, the Constitution only conferred upon us the power to issue patent rights for the whole of the Commonwealth, and not for parts of it.

Mr. BROWN.—This provision will make a State patent a Commonwealth patent?

Mr. DEAKIN.—No; it will not extend the operation of a State patent beyond the State in which patent rights have been granted. But it will prevent somebody else from taking out the same patent in another State.

Mr. BROWN.—It will prevent the original patentee from doing so.

Mr. DEAKIN.—Yes, if he has not thought it worth his while to do so prior to the Act becoming operative.

Mr. KINGSTON.—Is that seriously intended?

Mr. DEAKIN.—I doubt if we have the power to do otherwise.

Mr. KINGSTON.—Let us insert the provision and try it.

Mr. DEAKIN.—The adoption of that course might involve patentees and others in a large expenditure before the question could be absolutely tested.

Mr. A. McLEAN.—For how long will applicants be permitted to apply for patents in the States?

Mr. DEAKIN.—Until the Commonwealth is ready to take over the business of the Patents Departments. That period will necessarily depend upon the time occupied in collecting the State records, and in preparing an index to the patents which have been granted. It seems to me that when we take over this Federal power it must be exercised federally.

Mr. HIGGINS.—What is the position in regard to all pending applications?

Mr. DEAKIN.—They are preserved. I have been considering that question since last night, and at a later stage I intend to submit a proposal which will guarantee all pending applications which are recorded before the Commonwealth finally takes over the administration of the Patents Department. The effect of that proposal will be to provisionally protect those who desire protection throughout the Commonwealth.

Mr. GLYNN.—Why should a patentee in a single State not be allowed to apply for a patent throughout the Commonwealth?

Mr. DEAKIN.—Because, if the individual who has the advantage of a monopoly does not think it is worth his while to extend his rights to the other States, why should we do so?

Mr. KNOX (Kooyong).—I desire to bring under the notice of the Prime Minister a concrete case having reference to this point which occurred only to-day. This morning the holder of a provisional patent called upon me. He said, "I know that a Patents Bill is now before the Commonwealth Parliament. I cannot afford to do more than obtain protection for my invention in Victoria, and consequently I am waiting till the Commonwealth Patents Bill becomes law. I shall then apply for patent rights throughout the Commonwealth." There are several other similar cases of which I have knowledge. Surely the Prime Minister will admit that in the case to which I have referred the man would suffer a very grave injustice.

Mr. DEAKIN.—He would not suffer any injustice.

Mr. KNOX.—I do not understand the position taken up by the Prime Minister. Does he say that the patent rights obtained by this man would be limited to Victoria, and that someone else could step in and apply for a patent in Queensland or New South Wales in respect of the same invention?

Mr. DEAKIN.—No. The holder of the patent can still apply for a patent in any State, or under the proposal to which I shall ask the Committee to consent he will be able to protect it in Australia. That proposal would enable him to at once provisionally register for the whole Commonwealth.

Mr. KNOX.—Would that protect him?

Mr. DEAKIN.—It would give him protection over the whole Commonwealth. He could not, by putting in his provisional

registration for any State, secure a patent for the whole Commonwealth.

Mr. KNOX.—This man says that he has secured a provisional order in Victoria, and that he is waiting for the passing of this Bill to obtain a patent for the Commonwealth. Would it not be possible for him to give notice to the patent officer in Victoria that immediately this Bill becomes law he intends to claim his prior right in respect of a patent for the whole Commonwealth?

Mr. DEAKIN.—But he has not had a prior right in respect of the Commonwealth. He has chosen to apply for a patent in only one State.

Mr. KNOX.—I know that the Prime Minister has the constitutional difficulty in his mind; but I venture to agree with the suggestion made by the honorable and learned member for South Australia, Mr. Glynn, that we should give a practical turn to this proposal. The whole of this most excellent Bill is designed to assist poor inventors. They have been looking forward to it as one of the advantages of Federation, believing that it would enable them to take out a patent for the Commonwealth at a very low rate.

Mr. DEAKIN.—They will be able to do so, but they cannot confuse that right by making States applications now and coming to the Commonwealth hereafter unless they practically seek a patent in each of the States.

Mr. KNOX.—There is no wish to evade the necessary payment to the Commonwealth. The publication of the provisional order in this State might give information to some one else who possessed the means necessary to enable him to apply for a patent elsewhere.

Mr. DEAKIN.—The provisional specification will not be shown to anyone.

Mr. KNOX.—I have cited a concrete case, and it seems to me to be a very hard one.

Mr. WILKINSON (Moreton).—I am particularly anxious that this Bill shall become law at the earliest possible date, and my frequent speeches are due not to any desire to delay its progress, but to my interest in it. There are men who may think it worth while to extend their patent rights beyond any particular State, but who for want of means are unable to do so. They have been able to raise the few pounds necessary to secure a patent in one particular State, but have been unable to bear the heavy cost

of taking out a patent throughout Australia. I should like to ask the Prime Minister whether it would not be possible to convert a patent right held in any one State at the time of the passing of the Bill into a Commonwealth patent. Legal intricacies are not always clear to the lay mind, but it seems to me that a man who has taken out a patent, for example, in Queensland, at a cost of £15 or £18—half as much again as we propose to charge for the issue of a Commonwealth patent—should be allowed to merge that patent into one extending over the whole Commonwealth on the passing of this Bill into law. The public would not suffer to any extent by the adoption of such a course.

Sir JOHN QUICK (Bendigo).—It appears to me that the position assumed by the Prime Minister is perfectly sound and constitutional. I do not agree with the suggestion that, even if we had power to grant a patent applicable only to a portion of the Commonwealth, a Federal patent should be a kind of fragmentary affair. Our Legislature has power to pass patent laws applicable not to any one section of the Commonwealth, but to the whole of it. The Prime Minister is quite right when he says that a patent granted by us, and made applicable to only a few of the States, would be null and void. At the same time, I agree with the contention that we ought to protect those who at present have, or at the passing of the Bill will have, patent rights in only one or two States, and I believe that provision has been made for such cases. By taking action the holder of a patent right in any of the States will be able to obtain a Commonwealth patent. His rights are protected by this Bill. An old State patent would, in these circumstances, merge into a Commonwealth patent.

Mr. L. E. GROOM.—There is no such provision in the Bill.

Sir JOHN QUICK.—In any event, I think that a provision such as that would be the best way out of the difficulty. We should provide that on application being made by the holder of an existing patent, and certain preliminaries being carried out, the original right should merge into a Federal patent, and that the applicant should not be compelled to go to the whole expense and formality of making a fresh application.

Mr. HIGGINS.—He would have to show that there was no user throughout Australia.

Mr. DEAKIN.—Exactly.

Sir JOHN QUICK.—The point whether the honorable and learned member for South Australia, Mr. Glynn, is correct in his contention that we can issue fragmentary patents. I do not think that we can.

Mr. BROWN (Canobolas).—The point raised by the honorable member for Moreton is a very important one. The honorable and learned member for Bendigo objects to a patchwork system of patents; but, if I read the Bill rightly, it will perpetuate the present patchwork system, inasmuch as it provides that a patent taken out in any State shall be recognised under the Commonwealth law only so far as that State is concerned. There is no provision that a State patent shall, on the passing of this Bill, merge into a Commonwealth patent. There is no provision that would allow the holder of a State patent to at once extend his right over the Commonwealth.

Mr. DEAKIN.—Why should we have such a provision?

Mr. KINGSTON.—Why not?

Mr. DEAKIN.—Are not the public to be considered?

Mr. BROWN.—Since the introduction of the Bill several persons have sought my advice in regard to this question. They were disposed to protect themselves by taking out a State patent, believing that on the passing of the Bill they would be able to convert it into a Commonwealth patent. I have had to tell them that no such provision is made in the Bill, and that they would not be well advised in taking out a State patent to protect their rights pending the passing of this measure. The Prime Minister apparently considers that persons so situated have no rights—that if they have been unable to incur the very heavy charges involved under the existing law in taking out a patent for all Australia, they have no right now to demand that their State patent shall merge into a Commonwealth one on the passing of this Bill. I am not prepared to enter into a controversy with the honorable gentleman on the constitutional aspect of the question; but I disagree with the principle laid down by him. If the Constitution will permit of it I think that we should insert a provision in the Bill, enabling the holder of a State patent, in the absence of any valid objection, to convert it into a Commonwealth patent.

Mr. THOMSON.—Suppose some one had taken out a patent in another State in respect of the same article?

Mr. BROWN.—That would be a valid objection to the granting of a Commonwealth patent. I should like to see some provision in the Bill to enable these persons to apply for the registration of their patent in respect of the Commonwealth. When the necessity arises the constitutional question can be fought out and settled by the proper tribunal. I hope that the Prime Minister will propose the insertion of a new clause enabling the holder of a patent in any State to obtain a Commonwealth patent, providing that the Commissioner considers that there is no reasonable objection to the granting of such an application.

Mr. L. E. GROOM (Darling Downs).—I recognise that the position would be complicated if an amendment were moved in relation to this matter, and that we should perhaps lose the present opportunity to pass the Bill into law. The Prime Minister, however, might give us his assurance that he will look into this question and see whether it is not possible to provide that, if a person has obtained a patent in any one State which is not being used in any of the other States, he may convert it into a Commonwealth patent on making proper application. I feel that the position taken up by the honorable and learned gentleman is right in this respect: that if a patent has been granted, for example, in New South Wales, some one else should not be allowed to come in under the Commonwealth law and take out a patent in respect of the same article in all the other States of the Union. In that event, we might have two different proprietors of one patent granted in Australia.

Mr. KINGSTON.—It might be the one proprietor.

Mr. L. E. GROOM.—If application were made by the original inventor, who had a patent already in existence it would not be unconstitutional to convert that patent into a Commonwealth one.

Mr. THOMSON.—But suppose the application had been refused in another State?

Mr. DEAKIN.—Many have been refused.

Mr. L. E. GROOM.—In that case the patent should not be converted into a Commonwealth one. Such an objection should be a good reason for the refusal of the application. I recognise that this is a difficult matter, and cannot be settled on mere sentimental grounds. We have to bear in mind the strong constitutional point which has been put by the Prime Minister—that we

have power to grant patents only in respect of the whole Commonwealth, and that in any grant of a patent we cannot except from its operation one particular part of the Commonwealth. The position put by the honorable member for Kooyong, however, is different. His supposition is that a patent taken out in any one State by a man who has not had the means to apply for it over all Australia should be converted into a Commonwealth patent.

Mr. DEAKIN.—I have promised to make provision in that regard.

Mr. L. E. GROOM.—Quite so. I think that that is a fair and reasonable request. If the Prime Minister gives the Committee his assurance that he will enable existing State patents, in the absence of any valid objection, to be converted into Commonwealth patents, and will also preserve the rights of present applicants for patents in any of the States, the concession will be a very great one. But there is force in his position that we cannot grant patents of limited application. The Prime Minister has promised what to a certain extent is a compromise upon the only lines which the Constitution will allow. What we all desire is to encourage inventors who have already been able to obtain a patent in one or more States. If their patent rights have not been lost by user, or in any other way, in the other States, let us give them an opportunity to convert their State patents into Commonwealth patents. The Prime Minister has given us a reasonable assurance, and I think it is advisable that we should try to pass the measure as speedily as possible.

Mr. KINGSTON (South Australia).—I regret that I cannot follow the arguments put forward by some of the speakers in this connexion. The scheme of the Bill was that there should not be a duplication of State patents and Commonwealth patents in the same area, but that at the same time we should recognise existing rights; that we should recognise the rights of the owner of a State patent to have the continuance of that patent within the State. But it was not intended that a man who had chosen to patent an invention in one State, reserving the right to patent it in the rest of the Commonwealth when facilities for doing so were provided by a Commonwealth Act, should be in any way harassed or embarrassed. What is now proposed is that if an invention is patented

in one State, there shall be no possibility of obtaining a patent for the remaining States. That was not intended, and it will cause great disappointment to many investors if the provision is carried into effect. The case to which the honorable member for Kooyong referred is but one of many. Inventors have, in many cases, been content to protect themselves in the State in which they are manufacturing, intending at some future time to take out a patent for the rest of the Commonwealth. Why should they not be allowed to do so? Why should men who have taken out patents in one State be in a worse position than men who have taken out no patents at all? Or why should we deprive them of the existing right to take out patents in other States? The Prime Minister says that to give them that right will be unconstitutional. It has become the custom to say, when there is no other reason for objecting to a proposal, that it is unconstitutional, the word being used as a substitute for "that blessed word Mesopotamia." We have had too much of the cry. In my opinion what I suggest is not unconstitutional. We have the fullest power in this connexion. Under paragraph xviii. of section 51 of the Constitution power is given to legislate with reference to patents and designs, the provision not being accompanied by any restrictive words as to discrimination between the States. On what ground is it unconstitutional to provide what I wish to see provided?

Mr. DEAKIN.—A Commonwealth patent must be issued for the whole Commonwealth.

Mr. KINGSTON.—The Constitution does not say so.

Mr. GLYNN.—It is not discrimination to do what we propose.

Mr. DEAKIN.—I think that it is.

Mr. KINGSTON.—We have a right to legislate as we like on the subject of patents, so long as we do not do something utterly unreasonable. What is unreasonable in this connexion? This is simply a mode of saying that existing rights shall be preserved. I expect that there are more cases of this sort than of any other. Yet we are told that we can issue patents only for the whole Commonwealth. In my opinion we can issue patents for the Commonwealth, subject to any patent that may have been issued in a State or States. I

ask the Attorney-General to look further into this matter. Clause 37 provides that—

In the case of all complete specifications the examiner shall also ascertain and report whether to the best of his knowledge—

(a) The invention is already patented in the Commonwealth or in any State, or is already the subject of any prior application for a patent in the Commonwealth or in any State.

If an invention is already patented in the Commonwealth, no new patent should be issued except under the conditions which have been suggested; and if it has been patented in any State, no new patent should be issued for that State, but a patent might be issued for the whole Commonwealth with the exception of that State. It seems to me that that is a reasonable provision to make. Let us make such provision, and allow the High Court afterwards to determine whether it is constitutional. Why should we prevent the holders of State patents from enlarging their rights?

Mr. GLYNN.—What the Prime Minister proposes is really discrimination against existing patentees.

Mr. KINGSTON.—Yes. If the Prime Minister has his way, the possession of a State patent will be a disqualification for the granting of a Commonwealth patent. Under existing conditions, the holder of a State patent has the right to take out patents in other States where the invention is not in use, and we should not take away that right. If we do so, this will be a disqualifying instead of an enabling Bill.

Mr. WILKINSON (Moreton).—If the constitutional objection holds good, and it is impossible to grant a Commonwealth patent which will not apply to every State, I should like to know whether it will not be held that the existence of a patent in any State prevents the granting of a Commonwealth patent for the patented invention, on the ground that it is not a novelty within the Commonwealth? I think that, inasmuch as those who have taken out patent rights in the States have paid more than we are asking for a Commonwealth patent, their rights should be recognised, and we should not lose very much if we converted their State patents into Commonwealth patents.

Mr. HIGGINS (Northern Melbourne).—I understand that the Prime Minister has no objection to the granting of a qualified Commonwealth patent, if it be constitutional.

Mr. DEAKIN.—Hear, hear.



Mr. HIGGINS.—Let me put a definite case before the Committee, so that we may not misunderstand each other. The right honorable member for South Australia is in favour of allowing a person who has obtained a patent in, say, Victoria, but who at the time of the passing of this measure has not applied for a patent in New South Wales, to ask for a Commonwealth patent which would apply to New South Wales, providing that there has not been user in that State. It is desirable to give patentees that right, if it is not unconstitutional to do so. The Constitution provides that duties of Customs shall be uniform, and that we shall pass laws of taxation without discriminating between the States or parts of the States; but where is the provision that the patent laws shall be uniform? We might as well say that a post-office could not be built in one State because it was not built all over the Commonwealth.

Mr. BROWN.—The proposal of the Prime Minister is in the direction of uniformity.

Mr. HIGGINS.—No doubt. The Minister has in view the expediency of as soon as possible issuing patents for the whole of Australia, and we are all in agreement with him upon that point. But if at the time the Act came into operation a patentee had not yet applied for his patent in more than one State there is a general feeling that he ought to be allowed to apply for letters patent in any other State, and that in the absence of a prior user he should be allowed to qualify. It must be shown that at the time the Constitution came into force a patent had been issued in one of the States. Of course, after the Act came into force we could not allow a man to apply for an absolutely new patent for any one State. It is only in cases where a patent has already been issued in one or more States that a patent limited to other States could be applied for. I think that a good deal of the heat of this debate has arisen partly from the character of the right honorable and learned member for South Australia, who is strenuous at all times—in breaking a butterfly on the wheel, as in everything else—and to a misunderstanding. Perhaps it would be better for the Prime Minister to postpone the clause for the present, and to think over it.

Mr. GLYNN (South Australia).—I thoroughly agree with the position put by the right honorable and learned member for

South Australia. Last night I drew attention to the same point when I moved in the direction of conferring power on an applicant for a patent to ask that it shall be limited to a particular State. Several patent agents have drawn attention to this question. I think we should strike out the clause, on the understanding that clause 42 will be reconsidered. We ought to add the provision contained in paragraph *b* of the present clause to clause 42; otherwise I shall have to move the amendment of which I have given notice. The clause applies only to patents which were granted prior to the establishment of the Commonwealth. It is only where a patent has not been made applicable to the whole of the States prior to the establishment of the Commonwealth that a patent may be granted limited to the part not at present covered.

Mr. DEAKIN.—I think the course indicated by the honorable and learned member for South Australia is the correct one. The clause is useless for the purposes for which it was originally intended, and the greater part of it has been incorporated in clause 42. I think, therefore, that it must go. If any provision of this kind be included, it should be separate and apart. It will require to be very carefully drafted, and I shall be glad if the right honorable and learned member for South Australia, who has had so much to do with the drafting of this measure, will give the matter his attention and draft a clause which will embody his view. I think that he will meet with grave difficulties. When the Bill passed into my hands I found myself at an early stage face to face with the question whether it was intended to apply in the manner now desired—in what I call the partial manner. I at once entertained doubt as to our constitutional competency. Consequently, I adopted what I thought to be a safe attitude. A State patent was to remain a State patent, and, unless it were extended before the Commonwealth was established, it was not to be extended to the point of making it a Commonwealth patent. By section 51 of the Constitution this Parliament is entitled to make laws with respect to such matters as weights and measures, bills of exchange, bankruptcy and insolvency, and patents. It cannot be urged that we are entitled to legislate partially in any of those matters.

Mr. HIGGINS.—Even as to the machinery?

Mr. DEAKIN.—This is something more than machinery. My honorable and learned friend was very ingenious in suggesting a way out of the difficulty. He says: Give a Commonwealth certificate in respect of a patent which has already been granted in one or more States. First of all make it a Commonwealth patent, and then omit from the certificate Victoria, or New South Wales, or Queensland, if in those States patents shall already have been granted, and give to the patentee or his assigns a monopoly in the remainder of the States. That is a possible escape perhaps.

Mr. HIGGINS.—Why is there an express provision as to uniformity in regard to taxation and not in regard to other laws?

Mr. DEAKIN.—Because the same kind of uniformity is not contemplated. This is expressly a matter of territorial legislation. The advantage to be derived from adopting the suggestion of the honorable and learned member is more superficially attractive than real. The cases in which valuable patents have been taken out in one State and not in others, must be very rare indeed.

Mr. KINGSTON.—I think the Minister is wrong.

Mr. DEAKIN.—Even within my own limited experience I know of cases in which it would be extremely difficult to carry out the proposal of the honorable and learned member. I admit that a provision such as that suggested might prove very useful, but I deny that it is important. Take the case of the cyanide process, for instance. That has been patented in every State. A patent was granted in New South Wales, which has since been revoked, whilst in Victoria the rights of the patentees have been purchased by the State Government. How could we deal with that patent? Could we grant a patent for New South Wales, where the patent has already been revoked? Then, again, to whom should the patent be granted—to the Government of Victoria, which have purchased it so far as it applies to that State, or to the original inventor or some of his assigns? Then, again, there would be different assigns for different patents which have been granted subject to special conditions. This is particularly the case in Queensland. All these would have to be dealt with upon a territorial basis. If a patent had been granted in Victoria, and it were desired to extend it elsewhere, and it had been published and

used in Queensland, but not in New South Wales, we should have to retain in a Commonwealth patent the boundary between New South Wales and Queensland, because no certificate could be granted for the latter State. Suppose it had been published in South Australia, and could not be registered there, but that it had not been published in Western Australia, and that a patent could be granted to the latter State, we should have to grant a patent for odd States. The honorable and learned member for Northern Melbourne has put the case of a patent which has been taken out for one State only. Take the converse case, in which a patent might have been obtained for five States and not for the remaining one. Does my honorable friend contend that we could grant a Commonwealth patent in order to cover only one State. I shall very carefully reconsider the whole question, which is surrounded with difficulty, and invite the able assistance of the right honorable and learned member for South Australia. I shall ask him to state his proposition. We are now dealing with a proposal to give those who have already obtained rights in some of the States an opportunity to obtain similar rights in other States by means of a Commonwealth patent.

Mr. KINGSTON.—But the Minister would not refuse a man his rights to a patent in five States because somebody else had obtained a patent in a sixth State?

Mr. DEAKIN.—No, not if it be possible to give it. I shall willingly reconsider the whole question, because my desire is to find a way out of the difficulty.

Sir JOHN QUICK.—Does the Minister propose to consider the constitutional aspect of the question?

Mr. DEAKIN.—Yes, that is the only one with which I am concerned. We are all agreed that if we can do what is desired legitimately it will be a good thing.

Mr. A. McLEAN.—It will not deprive any person of his rights.

Mr. DEAKIN.—We do not do that now.

Mr. A. McLEAN.—This will block a State patentee from proceeding any further.

Mr. DEAKIN.—It will if he does not take the necessary steps to protect his rights throughout the Commonwealth before the Bill comes into operation. Persons to whom State patents have been issued can at any time within the next two or three months make application on all the States to protect

their rights. The right honorable member for South Australia, Mr. Kingston, desires to give State patentees an opportunity to secure a Commonwealth patent. Whether or not that can be done under our Constitution I shall advise the Committee at a later stage. Personally, I hope that it can be done. Consequently, I shall not object to the inclusion of this proposal, especially if it is made severable from the rest of the Bill. Then, if at any time its validity should be challenged, and the Court decides adversely to it, the remainder of the Bill will continue in operation.

Mr. KINGSTON (South Australia).—I think that the remarks of the Prime Minister are fair enough. At the same time, I cannot retire from the position I have taken up regarding the necessity of a provision of the character to which I refer. If the right honorable gentleman had not interfered with clause 42, he would not have experienced the slightest trouble in dealing with this matter. I understand that the policy of the Bill, as regards novelty, is that if an invention has been previously patented a Commonwealth patent will not be issued. Clause 37 provides for that. An inquiry will be made as to whether it has previously been patented, and upon the report of the Commissioner the granting of the patent will depend. Should the report be favorable the patent will issue as a matter of course. According to clause 42, if the Commissioner is satisfied that no objection exists to the specification, on the ground that the invention is already patented either in the Commonwealth or in any State, he shall accept the specification. Clause 43 merely set out what was the position in case the Commissioner was not so satisfied—in the event of his discovering that a prior patent existed either in regard to the whole of the Commonwealth or to any State. It declares—

If the Commissioner is not so satisfied, he shall, unless the objection be removed by amending the specification to his satisfaction—

- (a) Determine whether a reference to any, and, if so, what prior specifications ought to be made in the specification by way of notice to the public, and any reference so determined upon shall be made accordingly;
- (b) except from the patent any State to which the objection applies;
- (c) refuse the application.

Paragraph *a* deals with cases in which there is a difference between the patent which is proposed and any patent which is already

in existence—cases which the Commissioner may well settle. Paragraph *b* was intended to apply to cases in which there was no doubt as to the identity of two patents—the State patent which was originally granted, and the Commonwealth patent which was proposed to be granted. In such instances it was intended to give the Commissioner power to except from the patent any State to which the objection applied. Where there was a doubt as to whether two patents covered exactly the same ground, patent No. 2 was issued subject to patent No. 1. The third alternative is to refuse the application. I do not know how the matter could have been put plainer. What does the Attorney-General propose? Simply to jumble two clauses together, so as to give the power to specify patent No. 1 when there is a difference, also to give the Commissioner power to refuse the application, but to deny him the power to except from patent No. 2 the State to which the objection referred. It is not very much of a difference; but I think it is infinitely better not to allow the patentee and the public to be worried by a comparison of the two patents. Where the Commissioner is satisfied that they are identical, it is well to permit him to except from patent No. 2 the whole State covered by patent No. 1, so that there may be no doubt in the minds of any one concerned that the Commonwealth patent does not refer to a thing of that sort. I cannot put the position plainer, and I do not think it requires to be put plainer. It is an additional power which I venture to think will require to be exercised. I can assure the Prime Minister that there are many cases of the character referred to by the honorable member for Kooyong. Numbers of intending patentees are awaiting the facilities which this Bill offers for obtaining Commonwealth patents. I think that where persons have already secured a State patent they should be assisted in every possible way. Although some men's rights may not extend to the whole of the Commonwealth, but to five-sixths of it, I think they are entitled to equal consideration with those who enjoy the larger privilege. I hold that the adoption of terms such as those which were originally employed will tend towards simplicity, and I hope that further consideration on the part of the Prime Minister may lead to that end

Mr. A. McLEAN (Gippsland).—The right honorable member for South Australia, Mr. Kingston, desires to insert in the Bill a provision by which any person who is not the patentee of an invention in one State may apply for and obtain patent rights in respect of it in any other State or throughout the rest of the Commonwealth. The impression of the Prime Minister is that the Constitution will not permit of that being done. Should further investigation confirm his present impression, would it not be possible to give to the same patentee the right to obtain a patent which will cover the whole of the Commonwealth, including the State in which he has already secured protection? The reason why we cannot interfere with a patent which is already in existence is that by doing so we should be meddling with individual rights. But where the same individual is concerned we are not trenching upon any person's right. Should he wish to substitute for a State patent a Commonwealth patent which will extend to the State in which he has already obtained protection, it would be extremely hard if he could not do so. A man may recently have patented an invention in one State. It is impossible for him to determine what is the value of that patent until it has been tested. It may prove to be very valuable, and consequently he may desire to secure patent rights in the other States. In such circumstances it would be a great pity if this Bill prevented him from doing so. If we cannot go as far as the right honorable member for South Australia, Mr. Kingston, wishes—a proceeding which is most desirable if the Constitution permits of it—I trust that the Prime Minister will look into the matter with a view to ascertain whether it is not possible to grant Commonwealth patents to State patentees.

Clause negatived.

Clauses 44 and 45 agreed to.

Clause 46—

In addition when a complete specification has been accepted, the Commissioner shall advertise the acceptance in the prescribed manner, and thereupon the application and specification shall be open to public inspection.

Mr. HIGGINS (Northern Melbourne).—I wish to call attention to this clause, which provides for advertising specifications after acceptance. Of course the term "specification" means that any specification of it is a proper one, but it

does not necessarily mean that a patent will be granted. The object of advertising is to enable people—rival inventors or others—to lodge objections, and to show cause why the patent should not be granted. Of course the report of the Examiner upon the novelty or otherwise of any invention will not be available to the public. But the advertisement is inserted with the object of directing attention to the proposed patent. I am assured that a practice is in vogue—much to the injury of honest inventors—under which, as soon as the specification relating to any invention is made public, patent agents send a copy of it to foreign countries, and take out patents there before the inventor here has had an opportunity to get his patent. The result is that the man in Australia whose brains are responsible for the invention loses the result of his work, and the thief abroad gets the benefit of it. It is this fact which induces me to oppose the idea of advertising specifications. The Bill, as introduced, provided for a thorough examination as to novelty.

Mr. WATSON.—That provision still remains.

Mr. HIGGINS.—It has been to a large extent removed. The honorable member will realize presently that the only provision that now remains relates to the private report of the Commissioner—which is not to be used as a basis for granting or refusing a patent—as to whether the invention is novel.

Mr. DEAKIN.—That is to be communicated to the applicant.

Mr. HIGGINS.—Otherwise it will be kept private.

Mr. DEAKIN.—It will be kept from the public.

Mr. HIGGINS.—Under the Bill as it stands an application for a patent will not be refused because of want of novelty. I am and always have been in favour of a thorough official examination as to novelty. I do not mean to say that such an examination would provide a guarantee as to the novelty of the article or process sought to be patented. That guarantee could not be given because the examination would take place before the rival inventors and those who desired to use the article had been heard. It would be impossible to say on the *ex parte* statement of an applicant and a search made by the official examiners that the article in question was novel, but in

ninety cases out of one hundred the fact that a thorough examination for novelty has been made by an official examiner gives a practical guarantee of novelty. The result is that the inventor is placed in a better position in dealing with capitalists and the public generally than would otherwise be the case. If a patent is granted only after an examination for novelty has been made, its value is practically ten times greater than is that of a patent which has been granted without any such precaution. It is true that the examination does not assure the novelty of the patent, but there is such a strong probability that an article which has stood that test is novel, that capitalists are willing to help the inventor by taking a share in his invention. I am assuming at present that the Committee will abide by its decision that there shall be no examination for novelty. If no such examination is to take place there will be still less reason for making a specification public. What is to be gained by adopting such a course? The fact that a patent has been granted will in no way prove that it relates to an article which is novel, and, therefore, nothing is to be gained by advertising a specification. Rival inventors and the public generally are not bound to read it, and even if an advertisement is published, inviting objections to the application, it does not follow that outsiders will accept the invitation. There is no assurance of novelty in regard to a patent which has been granted after the publication of an advertisement of this kind. I at one time met a patentee in America who felt very aggrieved. He complained bitterly that under the American law a patent is granted to only the actual inventor, and that it is only given to him if the invention was not known at the time of his discovery, as distinguished from the time of its introduction into America. He said that there are English patent agents in Washington who are always on the look out for new patents, and that when they discover anything of the kind they at once send particulars to England and secure the patent rights there. Owing to the English law, which allows a patent to be granted to the man who first imports an invention into the country, and not solely to the actual discoverer, the pilferer is able to obtain a right and to rob the brains of the American inventor. When these facts were placed before me by this gentleman, I began to speak to him about

the injustice of the United States copyright law, but he said—"A patent is far more valuable than anything relating to copyright, and in this regard you Britishers are the biggest robbers in creation." I feel that if in dealing with this Bill we find a provision which will assist pilfering of that kind, without giving any compensating benefit, we ought to strike it out. Having regard to the fact that there is no provision as to novelty in the Bill, what can be gained by requiring a specification to be advertised? It will be said, of course, that it is an evil to grant patents which are of no use, and which must mislead those who deal with the holders of them. That is quite true, and I admit that there ought to be an examination for novelty, but there is not—

Mr. WATSON.—We shall make another effort in that direction.

Mr. HIGGINS.—I trust that the honorable member will succeed in his endeavour to provide for such an examination, and I promise to give him my support. As the Bill stands, however, nothing is to be gained by advertising specifications as is proposed. It will simply enable strangers to take advantage of an inventor's genius. It will delay applications, and at the same time it will insure no greater certainty as to the grant of the patent being of service. It is true that the advertising of a specification will enable opposition to be entered; but even if objection were taken, no guarantee of novelty would be forthcoming. Very few people search for advertisements of this description. A few patent agents certainly do so, for they are always anxious to send details of inventions to other countries, in order to secure the patent rights there. The keenest look-out is invariably kept in America—I do not suppose that it is so strong in Australia—for any new and marketable invention; and it seems to me that no compensating advantage is to be gained by the publication of advertisements of this kind. The proper course to pursue would be to allow a patent to issue after the applicant had satisfied the examiners and the Commissioner, and to give power to revoke a patent by machinery as simple as could be devised. If, in these circumstances, a man said—"I do not want to have this patent standing in my way, the patentee has no right to it"; the answer would be—"The patent has been granted, but you are at liberty to take advantage of simple machinery for its revocation."

Mr. A. McLEAN (Gippsland).—The right honorable member for South Australia, Mr. Kingston, desires to insert in the Bill a provision by which any person who is not the patentee of an invention in one State may apply for and obtain patent rights in respect of it in any other State or throughout the rest of the Commonwealth. The impression of the Prime Minister is that the Constitution will not permit of that being done. Should further investigation confirm his present impression, would it not be possible to give to the same patentee the right to obtain a patent which will cover the whole of the Commonwealth, including the State in which he has already secured protection? The reason why we cannot interfere with a patent which is already in existence is that by doing so we should be meddling with individual rights. But where the same individual is concerned we are not trenching upon any person's right. Should he wish to substitute for a State patent a Commonwealth patent which will extend to the State in which he has already obtained protection, it would be extremely hard if he could not do so. A man may recently have patented an invention in one State. It is impossible for him to determine what is the value of that patent until it has been tested. It may prove to be very valuable, and consequently he may desire to secure patent rights in the other States. In such circumstances it would be a great pity if this Bill prevented him from doing so. If we cannot go as far as the right honorable member for South Australia, Mr. Kingston, wishes—a proceeding which is most desirable if the Constitution permits of it—I trust that the Prime Minister will look into the matter with a view to ascertain whether it is not possible to grant Commonwealth patents to State patentees.

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does not necessarily mean that a patent will be granted. The object of advertising is to enable people—rival inventors or others—to lodge objections, and to show cause why the patent should not be granted. Of course the report of the Examiner upon the novelty or otherwise of any invention will not be available to the public. But the advertisement is inserted with the object of directing attention to the proposed patent. I am assured that a practice is in vogue—much to the injury of honest inventors—under which, as soon as the specification relating to any invention is made public, patent agents send a copy of it to foreign countries, and take out patents there before the inventor here has had an opportunity to get his patent. The result is that the man in Australia whose brains are responsible for the invention loses the result of his work, and the thief abroad gets the benefit of it. It is this fact which induces me to oppose the idea of advertising specifications. The Bill, as introduced, provided for a thorough examination as to novelty.

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Mr. DEAKIN.—It will be kept from the public.

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ninety cases out of one hundred the fact that a thorough examination for novelty has been made by an official examiner gives a practical guarantee of novelty. The result is that the inventor is placed in a better position in dealing with capitalists and the public generally than would otherwise be the case. If a patent is granted only after an examination for novelty has been made, its value is practically ten times greater than is that of a patent which has been granted without any such precaution. It is true that the examination does not assure the novelty of the patent, but there is such a strong probability that an article which has stood that test is novel, that capitalists are willing to help the inventor by taking a share in his invention. I am assuming at present that the Committee will abide by its decision that there shall be no examination for novelty. If no such examination is to take place there will be still less reason for making a specification public. What is to be gained by adopting such a course? The fact that a patent has been granted will in no way prove that it relates to an article which is novel, and, therefore, nothing is to be gained by advertising a specification. Rival inventors and the public generally are not bound to read it, and even if an advertisement is published, inviting objections to the application, it does not follow that outsiders will accept the invitation. There is no assurance of novelty in regard to a patent which has been granted after the publication of an advertisement of this kind. I at one time met a patentee in America who felt very aggrieved. He complained bitterly that under the American law a patent is granted to only the actual inventor, and that it is only given to him if the invention was not known at the time of his discovery, as distinguished from the time of its introduction into America. He said that there are English patent agents in Washington who are always on the look out for new patents, and that when they discover anything of the kind they at once send particulars to England and secure the patent rights there. Owing to the English law, which allows a patent to be granted to the man who first imports an invention into the country, and not solely to the actual discoverer, the pilferer is able to obtain a right and to rob the brains of the American inventor. When these facts were placed before me by this gentleman, I began to speak to him about

the injustice of the United States copyright law, but he said—"A patent is far more valuable than anything relating to copyright, and in this regard you Britishers are the biggest robbers in creation." I feel that if in dealing with this Bill we find a provision which will assist pilfering of that kind, without giving any compensating benefit, we ought to strike it out. Having regard to the fact that there is no provision as to novelty in the Bill, what can be gained by requiring a specification to be advertised? It will be said, of course, that it is an evil to grant patents which are of no use, and which must mislead those who deal with the holders of them. That is quite true, and I admit that there ought to be an examination for novelty, but there is not—

Mr. WATSON.—We shall make another effort in that direction.

Mr. HIGGINS.—I trust that the honorable member will succeed in his endeavour to provide for such an examination, and I promise to give him my support. As the Bill stands, however, nothing is to be gained by advertising specifications as is proposed. It will simply enable strangers to take advantage of an inventor's genius. It will delay applications, and at the same time it will insure no greater certainty as to the grant of the patent being of service. It is true that the advertising of a specification will enable opposition to be entered; but even if objection were taken, no guarantee of novelty would be forthcoming. Very few people search for advertisements of this description. A few patent agents certainly do so, for they are always anxious to send details of inventions to other countries, in order to secure the patent rights there. The keenest look-out is invariably kept in America—I do not suppose that it is so strong in Australia—for any new and marketable invention; and it seems to me that no compensating advantage is to be gained by the publication of advertisements of this kind. The proper course to pursue would be to allow a patent to issue after the applicant had satisfied the examiners and the Commissioner, and to give power to revoke a patent by machinery as simple as could be devised. If, in these circumstances, a man said—"I do not want to have this patent standing in my way, the patentee has no right to it"; the answer would be—"The patent has been granted, but you are at liberty to take advantage of simple machinery for its revocation."



Mr. A. McLEAN (Gippsland). — The right honorable member for South Australia, Mr. Kingston, desires to insert in the Bill a provision by which any person who is not the patentee of an invention in one State may apply for and obtain patent rights in respect of it in any other State or throughout the rest of the Commonwealth. The impression of the Prime Minister is that the Constitution will not permit of that being done. Should further investigation confirm his present impression, would it not be possible to give to the same patentee the right to obtain a patent which will cover the whole of the Commonwealth, including the State in which he has already secured protection? The reason why we cannot interfere with a patent which is already in existence is that by doing so we should be meddling with individual rights. But where the same individual is concerned we are not trenching upon any person's right. Should he wish to substitute for a State patent a Commonwealth patent which will extend to the State in which he has already obtained protection, it would be extremely hard if he could not do so. A man may recently have patented an invention in one State. It is impossible for him to determine what is the value of that patent until it has been tested. It may prove to be very valuable, and consequently he may desire to secure patent rights in the other States. In such circumstances it would be a great pity if this Bill prevented him from doing so. If we cannot go as far as the right honorable member for South Australia, Mr. Kingston, wishes—a proceeding which is most desirable if the Constitution permits of it—I trust that the Prime Minister will look into the matter with a view to ascertain whether it is not possible to grant Commonwealth patents to State patentees.

Clause negatived.

Clauses 44 and 45 agreed to.

Clause 46—

In addition when a complete specification has been accepted, the Commissioner shall advertise the acceptance in the prescribed manner, and thereupon the application and specification shall be open to public inspection.

Mr. HIGGINS (Northern Melbourne). —I wish to call attention to this clause, which provides for advertising specifications after their acceptance. Of course the term "acceptance" means that any specification upon the face of it is a proper one, but it

does not necessarily mean that a patent will be granted. The object of advertising is to enable people—rival inventors or others—to lodge objections, and to show cause why the patent should not be granted. Of course the report of the Examiner upon the novelty or otherwise of any invention will not be available to the public. But the advertisement is inserted with the object of directing attention to the proposed patent. I am assured that a practice is in vogue—much to the injury of honest inventors—under which, as soon as the specification relating to any invention is made public, patent agents send a copy of it to foreign countries, and take out patents there before the inventor here has had an opportunity to get his patent. The result is that the man in Australia whose brains are responsible for the invention loses the result of his work, and the thief abroad gets the benefit of it. It is this fact which induces me to oppose the idea of advertising specifications. The Bill, as introduced, provided for a thorough examination as to novelty.

Mr. WATSON.—That provision still remains.

Mr. HIGGINS.—It has been to a large extent removed. The honorable member will realize presently that the only provision that now remains relates to the private report of the Commissioner—which is not to be used as a basis for granting or refusing a patent—as to whether the invention is novel.

Mr. DEAKIN.—That is to be communicated to the applicant.

Mr. HIGGINS.—Otherwise it will be kept private.

Mr. DEAKIN.—It will be kept from the public.

Mr. HIGGINS.—Under the Bill as it stands an application for a patent will not be refused because of want of novelty. I am and always have been in favour of a thorough official examination as to novelty. I do not mean to say that such an examination would provide a guarantee as to the novelty of the article or process sought to be patented. That guarantee could not be given because the examination would take place before the rival inventors and those who desired to use the article had been heard. It would be impossible to say on the *ex parte* statement of an applicant and a search made by the official examiners that the article in question was novel, but in



ninety cases out of one hundred the fact that a thorough examination for novelty has been made by an official examiner gives a practical guarantee of novelty. The result is that the inventor is placed in a better position in dealing with capitalists and the public generally than would otherwise be the case. If a patent is granted only after an examination for novelty has been made, its value is practically ten times greater than is that of a patent which has been granted without any such precaution. It is true that the examination does not assure the novelty of the patent, but there is such a strong probability that an article which has stood that test is novel, that capitalists are willing to help the inventor by taking a share in his invention. I am assuming at present that the Committee will abide by its decision that there shall be no examination for novelty. If no such examination is to take place there will be still less reason for making a specification public. What is to be gained by adopting such a course? The fact that a patent has been granted will in no way prove that it relates to an article which is novel, and, therefore, nothing is to be gained by advertising a specification. Rival inventors and the public generally are not bound to read it, and even if an advertisement is published, inviting objections to the application, it does not follow that outsiders will accept the invitation. There is no assurance of novelty in regard to a patent which has been granted after the publication of an advertisement of this kind. I at one time met a patentee in America who felt very aggrieved. He complained bitterly that under the American law a patent is granted to only the actual inventor, and that it is only given to him if the invention was not known at the time of his discovery, as distinguished from the time of its introduction into America. He said that there are English patent agents in Washington who are always on the look out for new patents, and that when they discover anything of the kind they at once send particulars to England and secure the patent rights there. Owing to the English law, which allows a patent to be granted to the man who first imports an invention into the country, and not solely to the actual discoverer, the pilferer is able to obtain a right and to rob the brains of the American inventor. When these facts were placed before me by this gentleman, I began to speak to him about

the injustice of the United States copyright law, but he said—"A patent is far more valuable than anything relating to copyright, and in this regard you Britishers are the biggest robbers in creation." I feel that if in dealing with this Bill we find a provision which will assist pilfering of that kind, without giving any compensating benefit, we ought to strike it out. Having regard to the fact that there is no provision as to novelty in the Bill, what can be gained by requiring a specification to be advertised? It will be said, of course, that it is an evil to grant patents which are of no use, and which must mislead those who deal with the holders of them. That is quite true, and I admit that there ought to be an examination for novelty, but there is not—

Mr. WATSON.—We shall make another effort in that direction.

Mr. HIGGINS.—I trust that the honorable member will succeed in his endeavour to provide for such an examination, and I promise to give him my support. As the Bill stands, however, nothing is to be gained by advertising specifications as is proposed. It will simply enable strangers to take advantage of an inventor's genius. It will delay applications, and at the same time it will insure no greater certainty as to the grant of the patent being of service. It is true that the advertising of a specification will enable opposition to be entered; but even if objection were taken, no guarantee of novelty would be forthcoming. Very few people search for advertisements of this description. A few patent agents certainly do so, for they are always anxious to send details of inventions to other countries, in order to secure the patent rights there. The keenest look-out is invariably kept in America—I do not suppose that it is so strong in Australia—for any new and marketable invention; and it seems to me that no compensating advantage is to be gained by the publication of advertisements of this kind. The proper course to pursue would be to allow a patent to issue after the applicant had satisfied the examiners and the Commissioner, and to give power to revoke a patent by machinery as simple as could be devised. If, in these circumstances, a man said—"I do not want to have this patent standing in my way, the patentee has no right to it"; the answer would be—"The patent has been granted, but you are at liberty to take advantage of simple machinery for its revocation."

Mr. HIGGINS.—But examination by public officers is less expensive than examination in the courts.

Mr. DEAKIN.—As a rule; but a case has been placed before me in which an Australian patent agent has been endeavouring for seven years to satisfy the American examiners, although he was able to obtain a patent in Australia in a very short space of time.

Mr. HIGGINS.—An invention may be novel in Australia, and yet not novel in America.

Mr. DEAKIN.—That is so; but a number of cases have been brought under my notice in which inventors have vainly endeavoured, year after year, to obtain patents in America for what they allege to be relatively simple inventions.

Mr. HIGGINS.—Every applicant for a patent thinks his invention a simple one.

Mr. DEAKIN.—A recent report of the United States Commissioner of Patents shows that upwards of 21,000 cases had been more than two years before the office, 2,000 cases more than five years, 150 cases more than ten years, and twelve more than fifteen years.

Mr. WATSON.—Sometimes a man wants to obtain a patent for a machine to provide perpetual motion.

Mr. DEAKIN.—These are not cases of that sort.

Mr. HIGGINS.—I think that in nine out of ten of those cases the American authorities have postponed the application, and said to the applicant—"If you bring us certain evidence we will consider the matter; but, as things stand, we cannot grant a patent."

Mr. DEAKIN.—I have another authority here, which will, I think, carry great weight with the honorable and learned member. The following excerpt is taken from an article published in *Engineering*, of 4th March, 1892—

As helping to show what small value ought really to be placed upon the preliminary examination system, it may be interesting to mention that in Germany many patents granted after official examination have been declared void for want of novelty, and that Dr. Edmunds, a barrister, who has devoted much attention to, and has written an exhaustive treatise upon, patent law, in the course of the discussion which followed the reading of Mr. Lloyd Wise's presidential address at the Chartered Institute of Patent Agents, last November, said that he had recently had an opportunity of personally inspecting the working of the examination as to novelty in the United States, and of talking to some of

the examiners on the subject. He must confess that he went to the States rather enamoured of the American examination system, but he had returned quite the reverse. It appeared to him that the examination as to novelty was in a large number of cases highly vexatious and troublesome, that it led to an enormous amount of correspondence and worry and expense, and, further, that even when the patent was granted there was very little guarantee as to its validity. He had been told by these who were in a position to know, that something like 70 per cent. of the total number of patents granted were, when litigated in the courts, declared void. What could be the value of an examination when that was the case? Not 70 per cent. of the patents granted in this country, or anything like that number, were declared void.

The *Scientific American* of 23rd April, 1892, contains a leading article on patents, which, after dealing with the huge monopoly unduly gained in the United States by the American Bell Telephone Company, suggests the amendment of the law, so that the effect would be—

To dispense with the present system of official examination into the novelty of the invention, and place that duty where it more properly belongs, viz., upon the applicant or his agent. . . . This proposed change would relieve the Patent Office from a vast amount of labour, enable it to issue patents promptly to every applicant, prevent the holding back of cases on legal or technical grounds, and prove of the highest advantage to the public and to inventors.

I do not attach great importance to these statements, because they were made ten years ago, but they tend to show that novelty is a relative term. We cannot be entirely satisfied of the novelty of an invention. No man can possibly be aware of all that has transpired in every country, and the question arises as to the measure of the novelty to which we are prepared to certify. When the honorable member for North Sydney put before the Committee the reasonable proposal that where there was obviously no novelty in an invention, a patent should be refused, I asked him not to press it at present, because we have the enormous task before us of putting the whole of the State records in order.

Mr. WATSON.—The proposal would affect only new patents.

Mr. DEAKIN.—Yes, but in the meantime the new office will have the burden of all the old patents upon it, and some considerable time must elapse before all the old records are adjusted, corrected, and indexed so that the information they contain may be readily available to every one interested.

Mr. WATSON.—But the Minister proposes to cast upon the office the extra burden of reporting as to the novelty of inventions.

Mr. DEAKIN.—Yes, but we do not cast upon the Patent Office the responsibility of defeating the proposal. We propose that the information shall be placed at the disposal of the inventor.

Mr. WATSON.—That would impose a great burden upon the office, without accomplishing any practical end.

Mr. DEAKIN.—No doubt it will impose a considerable burden upon the office, but it will mark a great step in advance in the practice with regard to patents, because inventors require to be informed of the circumstances which lead to the conclusion that there is an absence of novelty in their inventions. It seems to me that that is about as far as we can go in regard to the examination as to novelty at present. When we have established the Patent Office, steps will be taken to extend these examinations as to novelty. If, however, we were to be plunged into the adoption of a system altogether new to Australia, and which, although it has been followed in America, has its defects, we should find great difficulty in taking up the work of administration which has been carried on in the States upon entirely different methods. We are now face to face with difficulties which must be multiplied immensely if we introduce an entirely new system.

Mr. HIGGINS.—I desire to know whether the Prime Minister proposes to substitute any other provision for this clause or to modify it?

Mr. DEAKIN.—I do not see how we can modify it. The scheme of the Bill contemplates that any dispute with reference to a patent shall take place before it is granted. If there are no objectors, and the burden is to be thrown upon the examiners, and if, after the examiners have finished their work, the question is to be one entirely for the Courts, an entirely different scheme will have to be adopted. I believe the thefts of patents to which the honorable and learned member has referred as having taken place in America and Great Britain have now practically been done away with, because I understand that, under the Treaty of Paris, a reciprocal arrangement has been entered into by which twelve months' protection is assured. The Bill has been drafted with the object of enabling the Commonwealth Patent Office to receive similar consideration

under that Treaty. The evil referred to was a very grave one while it lasted, but now it seems to have been abolished. The honorable member's amendment, innocent as it may appear, would have the effect of substituting a system entirely different from that with which we are acquainted in Australia. It is true that under the Victorian and West Australian systems examinations as to novelty are provided for, but in neither case is so much responsibility thrown upon the examiners as is suggested by the honorable member.

Mr. HIGGINS.—How far does the Treaty of Paris cover section 103 of the English Patents Act which provides for provisional protection? I understand that under the treaty of Paris twelve months' protection is granted, but not under conditions such as I mentioned. If an application were pending here and the specifications were sent to France there would be nothing to prevent the registration in that country before the patent could be issued here.

Mr. DEAKIN.—I understood that provision was made against anything of that kind, but I may be in error. The information supplied to me led me to suppose that the protection was good for twelve months. The whole question now before us is whether we should alter the system proposed by the Bill and substitute that adopted in America, because that seems to be the natural corollary of the honorable member's proposal. If any such vital change were made it might be impossible to pass the Bill this session.

Clause agreed to.

Clause 47—

Except as provided in section forty-one, reports of examiners shall in no case be published or be open to public inspection, or be liable to be inspected or produced in any legal proceeding unless the Court or person having power to order inspection or production certifies that such inspection or production is desirable in the interests of justice and ought to be allowed.

Mr. KNOX (Kooyong).—I am advised that if this clause is passed in its present form, an applicant for a patent may be subjected to considerable hardship. There is no reason why an applicant should be called upon to fight in the dark, without any knowledge of the objections urged against his application. In the United States and Canada, if any difficulty arises the examiner reports fully to the applicant as to the grounds upon which he takes exception to

the application. I am not prepared to propose an amendment, but I mention the matter to the Prime Minister, because I am quite sure that he wishes to protect applicants for patents.

Mr. DEAKIN.—Practically, the invariable rule has been to treat the reports of the examiners in the way proposed, and it is very often to the interests of the applicants themselves that this practice should be followed. It is of great advantage to the applicants to be informed of the purport of the reports against them. We have made provision to that effect in clause 41, and consequential amendments are to be made later on. The question as to how far these reports should be made public has been very carefully considered by the officials concerned, who have advised that this provision should be retained. We have made a considerable step in advance by inserting provisions which will place the patentees in possession of the most material part of the information at our disposal.

Mr. HIGGINS (Northern Melbourne).—Is not the reference in this clause to clause 41 a mistake? There is no provision in clause 41 with regard to the publication or inspection of the reports of the examiners. I think that there must have been some change in the numbering of the clauses, and that clause 39 should be referred to.

Mr. DEAKIN.—I do not think there is any mistake, but I shall look into the matter.

Clause agreed to.

Clauses 48 to 50 agreed to.

Clause 51 verbally amended and agreed to.

Clause 52—

(1) Any person may within two months from the advertisement of the acceptance of a complete specification, or within such further time not exceeding one month as the Commissioner on application made within such two months allows, give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds, but on no other:—

- (a) That the applicant has obtained the invention from the person giving such notice (hereinafter referred to as the opponent), or from a person of whom he is the legal representative or assignee or nominee;
- (b) That the invention has not been communicated to the applicant by the actual inventor, his legal representative, or assignee (if the actual inventor, his legal representative, or assignee is not resident in the Commonwealth);
- (c) That the invention has been patented in the Commonwealth on an application of prior date or has been patented in a State;

(d) That the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification;

(e) That the invention is not novel or has been already in possession of the public with the consent or allowance of the inventor;

(f) That the invention has been described in a book or other printed publication published in the Commonwealth before the date of the application, or is otherwise in the possession of the public.

Mr. HIGGINS (Northern Melbourne).—Does the Prime Minister think that the provisions contained in this clause have been sufficiently worked out? For instance, paragraph c declares that any person within two months from the advertising of the acceptance of a complete specification may give notice of opposition to the granting of any patent, on the ground that the invention to which it refers has been previously patented in the Commonwealth, or in a State. The fact that an invention has been patented in a State is to be regarded as an objection to the issue of a Commonwealth patent. Of course, that provision bears directly upon the question which has already been raised by several honorable members. But I would point out that if any alteration is to be effected in the policy of this measure, a similar alteration must be made here. Paragraph e sets forth as a possible ground for opposition to the issue of any patent, that the invention to which it refers is not novel. Paragraph f covers the same ground. Is that intended?

Mr. DEAKIN.—I admitted last night that in portions of the Bill—and this is one of them—the drafting was not that which I should have adopted, nor do I think it is that which would have been followed by the right honorable and learned member for South Australia, Mr. Kingston, had it not been pressed upon him by the Patent Officers. They declare that the public have come to place a specific meaning upon these terms, and that therefore they should be adhered to. At the same time I think that they might have been disposed of by a briefer and simpler statement.

Mr. WATSON.—To what Acts do the side-notes refer?

Mr. DEAKIN.—To English Acts.

Mr. McDONALD (Kennedy).—I should like to ask the Prime Minister if he thinks that two months is a sufficient time within which to allow of objections being taken to the granting of any patent? Only this afternoon the case of the patenting of the cyanide process was mentioned. In that case the patentees really had no legal standing in Queensland until they secured an amendment of their patent. These matters are usually advertised in the *Government Gazette*—a publication which the average person does not read. As a result the patentees of the cyanide process were allowed to amend their patent in such a way as to give them power, in the event of any other chemical being discovered for the extraction of gold—no matter how remote it might be from cyanide—to claim that it was covered by their patent rights. Consequently the mining industry in Queensland had to pay a royalty upon a large quantity of gold which was extracted by this process. Indeed the northern portion of that State alone must have contributed £100,000 by way of royalty. I think that the period of two months prescribed in this clause should be extended to at least three months.

Mr. WILKINSON (Moreton).—I do not like this provision. More than two months might be occupied in reaching the centres of population, where the Patent Offices will be established, from the remote parts of the different States. The time limit imposed by the clause is altogether too brief. Paragraph *f* sets forth, as a ground of objection, that the invention has been described in a book or other printed publication issued in the Commonwealth before the date of the application. The provision, it seems to me, will deprive a man, who has obtained a patent in any State, of his right to become a Commonwealth patentee. I wish to preserve to him that right, and I am not at all sure that we have done that, despite the assurances of the Prime Minister to the contrary. Let us suppose for example that a man obtained a patent in New South Wales in 1899, and that another individual, taking advantage of that invention, obtained a patent in respect of it in Victoria the following year, under this Bill who would have the priority of claim? The original inventor would probably be the man who patented the invention first. But two conflicting claims would arise.

Mr. DEAKIN.—That is one of the many difficulties which must occur if we attempt to extend State patents to the Commonwealth.

Mr. WILKINSON.—Is it not possible to surmount those difficulties in a Bill of this kind?

Mr. DEAKIN.—I am inclined to think there is a great deal in the remarks of the honorable member for Kennedy. I find that the report which I have in my hand relating to the British patent system throughout the Empire does not refer to this point. Reference to the Victorian Act, however, shows that in connexion with the granting of patents in this State two months are allowed for lodging objections. If that period is not too long in the case of Victoria, it certainly does not err upon the side of liberality in the case of the Commonwealth. Of course it is very undesirable to keep an applicant whose patent has been accepted upon the tenter-hooks for a longer period than is necessary. Every extension of the time within which objections may be lodged constitutes an injury to him. We should, therefore, only allow such a period to elapse as will afford persons throughout the Commonwealth a fair opportunity to lodge their objections. I feel some hesitancy in suggesting any further term, but I am prepared to extend it to three months.

Amendment (by Mr. McDONALD) agreed to—

That the word "two," lines 1 and 5, be omitted, with a view to insert in lieu thereof the word "three."

Clause, as amended, agreed to.

Clause 53 agreed to.

Clause 54—

Any party aggrieved by the decision of the Commissioner may, in the time and in the manner prescribed, appeal to the Supreme Court.

Mr. L. E. GROOM (Darling Downs).—I move—

That after the word "appeal" the words "to the High Court or" be inserted.

There is just one other matter upon which I should like the opinion of the Prime Minister. Is it not advisable that we should preserve an appeal in these matters to the Crown Law officer? It has been suggested to me by several patent agents that instead of compelling an appeal to be made to the Supreme Court, it might be cheaper and more expeditious to permit first

an appeal to the Law Officer and afterwards, if necessary, a further appeal from him to the Supreme Court.

Mr. DEAKIN.—The undoubted difficulty is that the adoption of such a proposal would mean the introduction of still another tribunal. Although I am told that in Victoria comparatively few appeals have been made from the decisions of the Crown Law Officer, there is no doubt that the suggestion of the honorable and learned member, if carried into effect, would interpose another tribunal in cases in which contentious litigants were concerned. So far, I am without prejudice against the proposal, but I am assured by patent agents that they much prefer an appeal to the Supreme Court.

Mr. L. E. GROOM (Darling Downs).—I presume that the first Commonwealth Patent Office will be at the seat of Government.

Mr. DEAKIN.—Yes.

Mr. L. E. GROOM.—And this amendment will mean that while the seat of Government remains here there will be an alternative appeal to the Supreme Court of Victoria?

Mr. DEAKIN.—Exactly.

Mr. L. E. GROOM.—When we go to the Federal territory the sole Court of Appeal will be the High Court. That will be the effect of this amendment?

Mr. DEAKIN.—Yes

Amendment agreed to.

Clause, as amended, agreed to.

Clause 55 consequentially amended and agreed to.

Clauses 56 to 59 agreed to.

Clause 60—

(3) If . . . by accident . . . a patentee fails to pay the renewal fee within the prescribed time, he may apply to the Commissioner for an enlargement of the time for making that payment.

(4) Thereupon the Commissioner shall . . . on receipt of the prescribed fee for enlargement, not exceeding Two pounds, enlarge the time accordingly, subject to the following conditions:—

(a) The time for making any payment shall not in any case be enlarged for more than three months . . .

Mr. GLYNN (South Australia).—I do not know whether the Prime Minister is prepared to accept the amendment which I have circulated, but I have simply put it forward by way of suggestion. I have been consulted with regard to this question by

several patent agents, who think that the enlargement of the time of payment were extended to twelve months, and proportionate charges made for each additional month over the period at present provided for in the Bill, considerable revenue would be obtained. It is purely a matter of conjecture.

Mr. DEAKIN.—There is a good deal to be said for the amendment, and I do not object to it.

Mr. GLYNN.—I move—

That the words "not exceeding Two pounds" lines 7 and 8, be omitted, with the view to insert in lieu thereof the words "or, for a period not exceeding three months, not more than Two pounds and a proportionate fee for each additional month, not exceeding in all the period of a year and the sum of Eight pounds."

Mr. DEAKIN.—It will be necessary to amend paragraph (a) of sub-clause (4).

Mr. GLYNN.—Yes. We shall have to strike out that paragraph.

Mr. DEAKIN.—It will be sufficient to substitute the words "one year" for the words "three months."

Amendment agreed to.

Amendment (by Mr. GLYNN) agreed to—

That the words "three months," line 12, be omitted with the view to insert in lieu thereof the words "one year."

Clause, as amended, agreed to.

Clause 61—

A patent . . . shall be granted for one invention only . . . but it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it comprises more than one invention.

Mr. KNOX (Kooyong).—I am advised that it is desirable to amend this clause by adding the words—

or that the complete specification is not in conformity with the provisional—

This amendment is considered to be of some importance, in view of the provision in clause 36, by which the officials are required to deal specifically with the question of whether a complete specification describes substantially the invention set forth in the provisional specification. It is thought that, as this question is officially determined on acceptance, the patent when granted ought not to be allowed to be attacked on that ground.

Mr. GLYNN.—I have given notice of a similar amendment in a later clause, but I think it would be better to make it in the clause now under discussion.

Mr. KNOX.—If the Prime Minister offers no substantial objection, I shall move

the amendment which I have indicated. The patents agents who have given this matter a great deal of attention, consider that it should be made.

Mr. DEAKIN.—I shall not object to the amendment.

Amendment (by Mr. KNOX) agreed to—

That the following words be added, "or that the complete specification is not in conformity with the provisional."

Mr. GLYNN (South Australia).—Would the Prime Minister agree to add the words "any amendment allowed by the Commissioner."

Mr. DEAKIN.—Are they necessary?

Mr. GLYNN.—I am not quite sure that they are.

Mr. DEAKIN.—I do not know how far they would take us.

Mr. GLYNN.—Probably an amendment allowed by the Commissioner would not be considered as vitiating it in any way. I shall not press my suggestion.

Clause, as amended, agreed to.

Clause 62 consequentially amended and agreed to.

Clause 63—

A patent shall be sealed as soon as may be and not after the expiration of sixteen months from the date of application, except in the cases hereinafter mentioned, that is to say—

- (a) Where the sealing is delayed by an appeal or by opposition to the grant of the patent the patent may be sealed at such time as the Supreme Court directs.
- (b) Where the periods within which the complete specification may be left and accepted respectively (or either of such periods) have been expended as hereinbefore provided, then the patent may be sealed at any time within eighteen months from the date of the application.

Mr. DEAKIN.—I move—

That the words "except in the cases hereinafter mentioned that is to say," be omitted, with a view to insert in lieu thereof the words "or such further time as is prescribed, or as the High Court or the Supreme Court allows."

Mr. GLYNN.—That will allow the sealing to be done by the Commissioner?

Mr. DEAKIN.—This is a question relating to the time of sealing. It has been pointed out that the term of sixteen months, although apparently universally agreed upon as fair, might in some very exceptional cases be insufficient. It is thought that the difficulty might be met by regulation, and that this brief and general manner of dealing with the matter will permit of greater elasticity in these exceptional circumstances.

Amendment agreed to.

Amendment (by Mr. DEAKIN) agreed to—

That paragraphs *a* and *b* be omitted.

Clause, as amended, agreed to.

Clause 64 agreed to.

Clause 65 (Date of patent).

Mr. GLYNN (South Australia).—My attention has been drawn to this clause by representatives of the inventors, although I confess that I cannot see my way clear to move an amendment in the direction which they desire. They state that, occasionally, owing to opposition or other reasons, the sealing and issuing of a patent extends over a considerable period; and that the grant itself dates back to the time of application, so that sometimes as much as a year in the duration of a patent, which may be for only seven years, is lost. I cannot say that it is altogether lost, because a man may use his provisional patent to some extent, although he is not fully protected by it. He has only a limited use of his patent, and cannot dispose of it. The inventors desire that the patent should date from the time of sealing and issuing. I know that objections can be urged against such an amendment, but the gentlemen to whom I have referred are very anxious that this proposal should be considered.

Mr. THOMSON (North Sydney).—Reference is made in the clause to the "publication of the complete specification." I should like to know where provision is made for that publication.

Mr. DEAKIN.—In clause 46.

Mr. THOMSON.—Does that refer to the publication of the complete specification?

Mr. DEAKIN.—Yes, the provisional specification is never thrown open for inspection. After the patent has been granted a complete specification is open for examination.

Clause agreed to.

Clauses 66 to 70 agreed to.

Clauses 71 to 73 consequentially amended and agreed to.

Clauses 74 to 76 agreed to.

Clause 77 (Power to disclaim during action).

Mr. L. E. GROOM (Darling Downs).—The clause provides that in an action for infringement or in a proceeding for revocation the "Court or a Judge" may make certain orders. In other legislation, however, we have restricted the meaning of the word "Judge" to a Judge of a Supreme Court, and have used the word "Justice" when referring to Judges of the High Court. I

think that the word "Justice" should be inserted after the word "Court."

Mr. DEAKIN.—I think the amendment should be made.

Clause amended accordingly, and agreed to.

Clause 78 (Restriction on recovery of damages).

Mr. CROUCH (Corio).—Is there in the Bill any definite grant to the holder of a provisional specification of the right to use it as a patent; that is to prevent others from using his invention? Clause 49 provides that after an application has been lodged, the invention may be used and published without prejudice to the validity of the patent.

Mr. DEAKIN.—The provisional specification is not published, but if an applicant chooses to use it, he is protected from the time that he gets his patent.

Mr. CROUCH.—Is he protected from the date of the provisional specification?

Mr. DEAKIN.—The patent may be, and usually is, dated back.

Mr. HIGGINS (Northern Melbourne).—It would be a great convenience to practitioners, and to the public, if a uniform system of reference to other Acts were used in the marginal notes. In Victorian Acts references are given to the exact year of the British Acts cited, so that we know exactly where to look for the original legislation. I suggest that the word "British" should be used in the marginal notes where the reference is to a British Act, just as the word "Canada" is used before the word "Act" in the reference in the marginal note to clause 15.

Clause agreed to.

Clause 79 agreed to.

Clause 80 consequentially amended and agreed to.

Clause 81 (Additional patent).

Mr. HIGGINS (Northern Melbourne).—Under this clause a patentee may obtain an additional patent for the unexpired term of the original patent.

Mr. DEAKIN.—Yes, for half the fee.

Mr. HIGGINS.—The Commonwealth cannot expect to derive a large revenue from patentees, and while I am glad that we have hitherto treated would-be patentees so liberally, it must be remembered that the officers of the Department will be put to as much trouble in dealing with an application for an additional patent in respect of an improvement as they were put to in dealing

with the original patent, and therefore there seems to be no sufficient reason for charging a lower fee. If the same fee were charged, it might be an inducement to inventors to complete their inventions before applying for patents.

Mr. DEAKIN.—I had some doubt, in looking over this draft, about the advisability of retaining the clause, but as it has been accepted by the Senate I shall not ask honorable members to negative it.

Mr. A. PATERSON (Capricornia).—I know that many inventors do not divulge the real secret of their inventions. They make public certain parts of the machinery, but omit what is really vital. That is frequently done by first-class inventors. In one case of which I became aware, a great deal of money was thrown away in Melbourne and in London upon a pirated invention, owing to the fact that the inventor had not disclosed the actual secret of his invention. I think, however, that we should encourage inventors to disclose as much as possible of their inventions, and therefore I approve of the proposal to charge only half-fees for additional patents in respect to improvements.

Clause agreed to.

Clause 82—

(9) Where a patent has been revoked on the ground of fraud the Commissioner may on the application of the actual inventor made in accordance with the provisions of this Act grant to him a patent in lieu of and bearing the same date as the date of revocation of the patent so revoked, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

(10) An appeal shall lie from the decision of the Supreme Court to the High Court within the time and in manner prescribed.

Clause consequentially amended.

Mr. L. E. GROOM (Darling Downs).—Sub-clause 10 provides that an appeal shall lie from the decision of the Supreme Court to the High Court. If a party aggrieved by the decision by the Commissioner appeals to the Supreme Court under clause 54, will the decision of that Court be final?

Mr. DEAKIN.—No.

Mr. L. E. GROOM.—I ask the question because it might be argued that the omission from clause 54 of the statement that an appeal would lie from the decision of the Supreme Court to the High Court, and the insertion of that statement in the clause now under discussion, shows that it is not intended that there shall be an appeal from



a decision of the Supreme Court under clause 54.

Mr. GLYNN (South Australia).—Sub-clause 9 provides that where a patent is revoked on the ground of fraud, the Commissioner may grant a patent to the actual inventor on an application made "in accordance with the provisions of this Act." Strictly speaking, however, no such application could be made, because in such a case the inventor could not truthfully declare that the invention had not been previously used. I, therefore, move—

That after the word "Act," line 4, the words "with such modifications as may be prescribed" be inserted.

Amendment agreed to.

Mr. GLYNN (South Australia).—There is a provision in sub-clause 9 to the effect that where a patent has been revoked on the ground of fraud, the Commissioner may grant the actual inventor a patent bearing the same date as the date of revocation of the patent revoked. It has been represented to me that some other date should be provided for. I have seen a statement of the President of the Chartered Institute of Patent Agents in Great Britain, who characterizes this clause, which is copied from the British Act, as the most absurd of enactments. Personally, I am not inclined to attach very much importance to the point, because I assume that it is covered by a later provision, but I was asked to direct attention to the matter.

Mr. DEAKIN.—I think that the suggestion is good. I do not see why we should endeavour to fix upon the Court the necessity of attaching to the patent the date of the revoked patent obtained by fraud. I therefore move—

That the words, "the same date as," line 6, be omitted.

Amendment agreed to.

Mr. HIGGINS (Northern Melbourne).—Sub-clause 10 provides that an appeal shall lie from the decision of the Supreme Court to the High Court. For my part, I should much prefer to see the power to revoke a patent given to the Commissioner. He grants the patents, and why should he not have the power to revoke them? Of course, it might suit the lawyers to have as many applications as possible made to the Court, but I think that applications for revocations could be effectively dealt with by the Commissioner at far less expense than by the Courts.

Mr. DEAKIN.—It is a very serious matter to revoke a patent.

Mr. HIGGINS.—I do not know that it is any more serious than the granting of a patent.

Mr. DEAKIN.—Would not the honorable and learned member give the power of appeal from the Commissioner in every case?

Mr. HIGGINS.—Not always; because in some cases it is obvious that the patent should be revoked, and that no one could with any advantage proceed any further. I think it would be advisable to strike out paragraph 10, as it throws a doubt upon the question of the appeal to the High Court. We have already provided in the Judiciary Act for appeals in all such cases, and that should be sufficient.

Mr. DEAKIN.—I have no objection to adopting the suggestion of the honorable and learned member.

Amendment (by Mr. HIGGINS) agreed to—

That the words "(10) An appeal shall lie from the decision of the Supreme Court to the High Court within the time and in manner prescribed" be omitted.

Clause, as amended, agreed to.

Clause 83—

(1) Any person interested may after the expiration of two years from the granting of the patent present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence.

(2) The Commissioner shall consider the petition and if the parties do not come to an arrangement between themselves, the Commissioner, if satisfied that a *prima facie* case has been made out, shall refer the petition to the Supreme Court, and, if the Commissioner is not so satisfied he may dismiss the petition.

(3) Where any such petition is referred by the Commissioner to the Supreme Court, and it is proved to the satisfaction of the Court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by rule or order to grant licences on such terms as the said Court thinks just.

(4) On the hearing of any petition under this section the patentee and any person claiming an interest in the patent as exclusive licensee or otherwise, shall be made parties to the proceedings, and the Commissioner shall be entitled to appear and be heard.

(5) If it is proved to the satisfaction of the Court that the patent is worked or that the patented article is manufactured exclusively or mainly outside the Commonwealth, then, unless the patentee can show that the reasonable requirements of the public have been satisfied, the

petitioner shall be entitled to an order for a compulsory licence.

(6) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied if, by reason of the default of the patentee to work his patent or to manufacture the patented article in the Commonwealth to an adequate extent, or to grant licences on reasonable terms—

(a) any existing industry or the establishment of any new industry is unfairly prejudiced, or

(b) the demand for the patented article is not reasonably met,

(7) A rule or order directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding.

Mr. GLYNN (South Australia).—This clause is copied from the provision in the English Act of 1902 with regard to the issue of compulsory licences. There are, however, some omissions which the Prime Minister might explain. The words of sub-clause 1 are taken from the English section, which contains these words in addition “or in the alternative for the revocation of the patent.” I do not know why these words should have been struck out. Some of the patent agents think that they should be restored.

Mr. DEAKIN.—I did not modify the wording of the clause. The words quoted by the honorable and learned member were struck out in another place.

Mr. GLYNN (South Australia).—There must have been some mistake. I therefore move—

That the following words be added to sub-clause 1 :—“or in the alternative for the revocation of the patent.”

Amendment agreed to.

Amendments (by Mr. DEAKIN) agreed to—

That before the word “Supreme,” lines 12 and 16, the words “High Court or the” be inserted.

Mr. GLYNN (South Australia).—Following up the amendment made in sub-clause 1, I now propose to add to sub-clause 3 the words contained in the similar sub-section of the English Act. I move—

That the following words be added to sub-clause :—“or if the Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences the Court may order the revocation of the patent. Provided that no order for revocation shall be made before the expiration of two years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

Amendment agreed to.

Amendment (by Mr. GLYNN) agreed to—

That the following words be added to sub-clause 5 :—“or subject to the above proviso to the revocation of the patent.”

Mr. DEAKIN.—I desire to specially direct the attention of honorable members to the provision contained in sub-clause 6. The powers given in the English Act, from which this clause is copied, are very extensive, and should prove very valuable. In the war upon which those great industrial corporations called trusts are at present entering against the unorganized industries of different peoples, this particular clause is likely to be of extreme service. In fact, apart from this clause, I do not know what protection could be offered against such corporations as those which have bought up all the inventions connected with machinery used in some of the great manufacturing industries. These trusts will not sell the machines which have become essential to such industries, but only rent them at rates which practically pay for the cost of the machines. They levy further charges for their use, at the same time making it a condition that all other machinery of a similar class shall be purchased from them. As a result of this, manufacturers in other States are likely to be reduced to the position of hirers of the machines which have become essential to them. These operations have been very much commented upon in Great Britain, and it was partly owing to the representations made regarding this development that the provision was introduced into the English law. I propose to amend the sub-clause so that it will read as follows :—

For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied if by reason of the default of the patentee to work his patent, or to manufacture the patented article in the Commonwealth to an adequate extent, or to sell the patented article at a reasonable price, or to grant licences on reasonable terms, or to sell the patented article at a reasonable price.

An HONORABLE MEMBER.—The Minister is opening a very large field.

Mr. DEAKIN.—Yes. But I am prepared to meet that objection by pointing out that the word “reasonable” allows such a large amount of latitude that no Court would press unduly upon the proprietors of a machine. In construing a point of this kind, the Courts would lean in every way towards protecting the interests of the seller, and they would only take action

against him in the event of some abuse of his proprietorship. It might, perhaps, be objected that the phrase is not so strong as it ought to be. At all events it appears to me to take a step in a direction to which my attention has been pointedly called by the Melbourne Chamber of Manufactures. I have been shown conditions in leases to which manufacturers in this State are now obliged to conform which absolutely restrict their freedom of operations. This proposal inflicts no hardship upon the patentee. He is granted a monopoly, and so long as he either hires or sells at what the Court does not consider to be unreasonable prices no one can interfere with him. It is only when he seeks to obtain a trade monopoly that any Court would dream of interposing. In view of the gravity of the situation which is being created here, as well as in the mother country, I move—

That the words "or to sell the patented article at a reasonable price," be inserted after the word "terms," sub-clause 6.

Mr. HIGGINS (Northern Melbourne).—I think that it is absolutely absurd to give any man a monopoly which not only enables him to make a considerable profit out of his invention, but prevents others from making use of it upon reasonable terms. Whilst we ought to offer every legitimate encouragement to inventors, some limit must be imposed. If this proposal be carried, is it the intention of the Prime Minister to propose that all inventions shall be worked within the Commonwealth?

Mr. DEAKIN.—Yes; I intend to move that in a new clause.

Mr. GLYNN (South Australia).—This amendment seems to involve a much bigger issue than honorable members would imagine from the gentle manner in which the Prime Minister has moved it. The object of patenting an invention is to allow its author to obtain a special price for his article—a price which he otherwise could not secure. Surely then, it is the height of inconsistency to subsequently ask the Court to fix the price of it. We propose to extend to an inventor protection for fourteen years, and afterwards to allow the Court to cut down the price of his invention to what it regards as a reasonable sum. Probably that price will approximate to what competitors in other lines of business think it is worth.

Mr. HIGGINS.—The whole object of patent laws is to encourage the use of the best appliances.

Mr. GLYNN.—And to stimulate inventive genius by affording inventors protection for a prolonged term. Under this proposal, an inventor may be harassed by a series of actions during the whole of that period. Applications may be made to the Court to vary the price of his patent from year to year. Thus, by the time his patent rights have expired, he may have lost the greater part of the benefit which he had anticipated receiving. Certainly, if he has to defend five or six actions in the Supreme Court during the fourteen years' currency of his patent, he will be involved in considerable expense. I trust that the Prime Minister will reconsider this matter. If we establish this precedent, it will develop in the same way that legislation has developed in New Zealand under Mr. Seddon's rule. Only a fortnight ago I saw by the newspapers that he proposes to cure the effects of his protective Tariff by establishing a board to fix the price of articles the sale of which has become a monopoly.

Mr. CROUCH (Corio).—I thoroughly agree with the honorable and learned member for South Australia in regard to this proposal. I am anxious that the formation of trusts shall be prevented, but I think that honorable members should be allowed more than five or six minutes in which to consider a matter of such grave importance. To my mind, the words in sub-clause 6, "to manufacture the patented article in the Commonwealth to an adequate extent," fully meet the position. Let me point to the inventor of the linotype as an example. I believe that the actual material and workmanship in that machine costs less than £200, although the machine itself cannot be purchased under £1,200. At the same time I am very doubtful whether any court would decide that 500 per cent. was a proper profit for its inventor to make. If we start to consider such matters, we shall only get ourselves into the most awkward of dilemmas. If an inventor is not to enjoy the right to use his patent as he chooses for fourteen years, what is the use of ingenuity and ability? Moreover, under this proposal, an opportunity will be afforded to drag every patentee before the Court, and, as a result, endless litigation will arise. Every man who imagines that

the price of a patented article is in excess of what it should be, will invoke the aid of the Court. I need scarcely remind honorable members that in the early days of his career, Mr. Edison himself was greatly harassed by rivals, who involved him in litigation. I support the position taken up by the honorable and learned member for South Australia, Mr. Glynn.

Mr. KNOX (Kooyong).—It seems to me that the objection which has been taken to this clause deserves careful consideration at the hands of the Prime Minister. If we deprive inventors of their right to make all that they possibly can out of their inventions we shall rob them of their greatest incentive. I hold that the public are amply protected against an unreasonable charge being made for any patented article, by reason of the fact that an excessive price would result in its disuse. The proposal of the Prime Minister involves a very vital departure, and one which follows upon the lines of that policy which seeks to regulate the value of a man's work, his inventive genius, and his capacity by Act of Parliament.

Mr. THOMSON (North Sydney).—Although the proposal of the Prime Minister sounded very plausible, when closely examined it amounts to this: We are framing at considerable trouble a patent system to encourage invention, whilst under this proposal we shall strike a death-blow at invention. The value of any invention must be determined by a comparison between what the user was paying for his appliances prior to the invention being placed upon the market, and what he pays for the invention itself. If the appliances which he was previously using were superior, there will be no demand for the invention. If, on the other hand, the invention is superior, there will be a demand for it, and the price paid for it will be in proportion to its superiority. This is a limitation on the patentee.

Mr. WATSON. — An unrestricted right does not invariably work to the advantage of the consumer.

Mr. THOMSON.—It does to this extent: that if the invention had not been discovered the consumer or user of it would probably have had to incur greater cost.

Mr. WATSON.—The consumer would not obtain the full advantage of it.

Mr. THOMSON.—Not at first; but he would do so after the expiration of fourteen

years. The principle of a patent law is that the chief advantage derivable from a patent should for a limited time go to the inventor.

Mr. WATSON.—What about the incandescent gas light? In Sydney, a few years ago, one had to pay 15s. for a complete burner which, although the patent has now run out, can now be obtained for 3s. It is the same invention.

Mr. THOMSON.—I am not sure, but I think that in that case the reduced price is due somewhat to the reduced cost of the production of the article. We have to recognise that if a man was prepared a few years ago to pay 15s. for the burner in question it was because he obtained some advantage from its use. If, by its use, he could reduce the quantity of gas consumed on his premises, it was to his advantage to purchase the burner, and to allow the inventor the advantage of his patent rights for fourteen years, knowing that at the expiration of that period he would effect a still greater saving. Thus the public have been advantaged by that patent, although the patentee, in the first instance, may have received a very high price for his invention. It is very difficult to determine what is a fair price to allow for a patented article. We know that in many cases inventors have devoted the best part of their lives to the work of perfecting some improvement in a process or article of manufacture; and that in some cases they have lost thousands of pounds belonging to themselves or to other people in making that effort. When, after such an experience, an inventor at last achieves success, it is very difficult to say what he should receive in respect of his patent during the fourteen years over which it extends. The only true guide to the proper price to be fixed is the consideration of the question whether the public gains an advantage by purchasing the invention at the price demanded by the patentee. It would not suit a patentee to demand a price for his invention that would discourage its use.

Mr. HIGGINS.—It often suits their book to do so.

Mr. THOMSON.—It cannot do so, just as it can scarcely suit a barrister—and this is not a personal reference—to demand too high a fee for his services, and consequently reduce his income.

Mr. HIGGINS.—There are cases in which a barrister charges too high a fee in order to avoid being retained.

**Mr. THOMSON.**—But if he desires to be employed his income must suffer if he demands too high a fee for his services.

**Mr. HIGGINS.**—Some corporations do not sell articles patented by them, because they desire that some other article shall be used.

**Mr. THOMSON.**—I cannot conceive such a case.

**Mr. HIGGINS.**—It has been done.

**Mr. THOMSON.**—We should not leave it open to a patentee to be harassed merely because of some extraordinary circumstance which may have occurred in relation to a particular patent. Under this proposal a patent granted to a poor man will be practically worthless to him. He will be constantly harassed by men who desire to obtain possession of his patent, and who are better able to bear the cost of proceedings at law. A patent will be worth nothing to a man who has no means to defend actions brought against him under this provision. Will a rich monopoly suffer under it? No. The man who will suffer will be the individual who cannot afford to go into court and contest the points of law which a provision such as this will enable people who want to secure his patent to raise. In these respects this is a very dangerous provision. I admit that in a few cases it may confer some advantage on the public, but it will be a serious danger to patentees, and more especially to patentees in poor circumstances. Ample provision is made for the Court to deal with the difficulties which have been suggested. If in a case such as that to which the Prime Minister has referred, powerful foreign monopolists desired to retain the advantages of their invention for their own country they would probably secure patent rights for it abroad—in Australia, for example—and might charge a price for the article which would exclude its use or consumption here. But we have here a provision enabling the Court to grant a compulsory licence to others if it is shown that any existing industry, or the establishment of any new industry, is unfairly prejudiced by the action of the patentee. That is a fairly strong provision, and constitutes a great source of protection to the public. The Court has also power to determine what shall be done if the demand for a patented article is not reasonably met. That touches the question of cost to which the honorable and learned member for Northern Melbourne has referred. When

the sale of a patented article is absolutely restricted, and people are unable to obtain possession of it because of the high price demanded by the patentee, the Court may be called upon to determine what shall be done in order to remedy that difficulty. But to say that in every case brought before it the Court shall decide what is a fair price to be charged for a patented article is a very serious matter. An invention may be hit upon by chance, while on the other hand, another patentee may have devoted many years of his life to the work of improving and perfecting an invention useful for the same purpose. In such a case the Court would have to say, "These patents, although distinct, are useful for the same purpose, and the public must take their choice. The price of this patent accidentally hit upon by this inventor, shall be so and so; but as the other invention was devised after years had been spent in conducting experiments, and as the result of a considerable outlay the proper price to fix for it should be higher." Is that a fair way to make a comparison? If these articles were designed for the same purpose and were practically equal, would they not be of equal value to the public? This proposal will reduce the value of patents. It will operate to the disadvantage of the poor patentee, and will not accomplish more than would be accomplished by the other provisions designed to protect the public interest.

**Mr. HIGGINS.**—We have already determined that the Court shall decide whether an article is adequately manufactured, and why should we not leave it to the Court to say whether a patented article is adequately sold?

**Mr. THOMSON.**—Because the two questions are wholly different. If the honorable and learned member were a judge, how would he deal with the case which I have just mentioned? Surely he would have a right to take into consideration the plea made by an inventor that he had spent twenty or thirty years of his life in perfecting his invention, and to allow him to charge what he considered to be a fair price for it? If another man came before him and produced an equally useful patent which he had perfected without the expenditure of much time or money upon it, what would he do? Would he say—"These two articles, designed for the same purpose, although different in construction, should be sold at

different prices," and thus practically deprive the man who had spent much time and money in perfecting his invention of a market for his patent? The only way in which to decide these questions is by having regard to the principle which is really at the root of all patent laws. Let us assume, for example, that there is a certain process or article in use by the public, and that some one effects what he believes to be an improvement upon it. The public test it, and, finding that it is an improvement, they are willing to pay a certain price for it.

Mr. HIGGINS.—If there is a person ready to sell it to them

Mr. THOMSON.—Does not the honorable and learned member see that the clause already provides for the case of a man who declines to sell a patented article? The public will only buy a patented article at a price which will enable them to obtain better results by using it than they could get by doing without it. I think that the Bill itself provides for cases in which the patentees will not sell. We are departing from the principles of patent law. Those principles are, first, that in order to encourage invention patentees should be given a monopoly for a certain period of the right to sell their inventions. But unless an invention is sold to the public at a price at which they can gain an advantage by using it, they will not buy it.

Mr. HIGGINS.—Is the honorable member in favour of allowing the Crown to take over a patent upon paying compensation for it, as is provided in clause 88?

Mr. THOMSON.—I shall be prepared to answer the honorable and learned member when we come to clause 88.

Mr. HIGGINS.—The principle is the same.

Mr. THOMSON.—The provisions of clause 88 have nothing to do with the question now under discussion. Although for a limited period patentees have a monopoly of the right to sell their inventions, at the end of that period the public have the full advantage of the inventions. There is no occasion for such an amendment as the Minister has moved, and I regard it as a dangerous one. It will be difficult to administer, and will play into the hands of those who wish to worry patentees, and especially poor patentees. Moreover, it will make patents of much less value than is the intention of most patent laws.

Mr. DEAKIN.—If I, for one moment believed that the amendment would have any of the effects to which the honorable member has referred, I should not have moved it. I do not support it on merely theoretical grounds. Some of the most substantial manufacturers in Melbourne have represented to me that they are already commencing to feel what men in similar businesses in England are suffering.

Mr. THOMSON.—They are the men who want their own goods to be protected.

Mr. PONTON.—Yet they wish to rob others of the protection afforded by the patent law.

Mr. DEAKIN.—I have before me the conditions of some of the leases upon which they are obliged to obtain machinery. It is patented machinery which they are bound to use, and it is the property of trusts who have a monopoly of its disposal.

Mr. O'MALLEY.—That is especially so in the boot business.

Mr. DEAKIN.—The trust will not sell the machinery; it leases it upon the condition that the manufacturers using it shall pay the price in instalments, and shall pay a rent according to the business done.

Mr. THOMSON.—The trust compels the bootmakers to use certain machines, while the bootmakers, by means of the Tariff, compel the public to buy and wear certain makes of boots.

Mr. DEAKIN.—In the case of the machinery to which I am referring there is no competition, whereas in the case of the bootmakers there is great competition, and the public are free to choose for themselves what brands of boots they will wear. The trust to which I am referring commands millions of capital. It has bought all the machinery used in a certain manufacture, and other trusts are buying machinery to control other manufactures. This trust requires the manufacturers to procure all their machinery from it, and holds itself free to terminate its leases at any time.

Mr. GLYNN.—But it must pay the manufacturers to use the machinery.

Mr. DEAKIN.—They must use it, because the trust has bought up the latest patents. Proceedings of this kind were incredible to me until I was given proof of them, because I did not believe that it was possible for such a condition of dependence in business to be created in Australia. I find, however, that some of our manufacturers are absolutely at the mercy of a

foreign trust, which holds them in the hollow of its hand. My amendment is designed to provide a means to put an end to such a state of things.

Mr. THOMSON.—The amendment goes much beyond that, and deals with every patent.

Mr. DEAKIN.—It deals with every patent in regard to which certain conditions are not fulfilled. I am open to consider suggestions for the improvement of the phraseology which I have used.

Mr. THOMSON.—The amendment would allow any patentee to be worried and harassed.

Mr. DEAKIN.—Then the English Act of last year allows patentees to be worried and harassed, if it is believed that they are using their patents to plunder the public.

Mr. THOMSON.—What is the wording of the English Act?

Mr. DEAKIN.—Sub-clause 6 has been borrowed from the English Act. What I aim at is the utter misuse of the monopoly created by patents. The profits of patents ought to be large, because it is necessary to offer great prizes in order to encourage inventors. But we should prevent wealthy combinations from obtaining control of whole trades by getting into their possession all the machinery which is necessary for carrying on those trades. Perhaps it would be better if I substituted for the amendment which I have already moved the words—

Or his refusal to sell the patented article absolutely or except at oppressive and unreasonable prices.

Amendment amended accordingly.

Mr. THOMSON (North Sydney).—Although the honorable member's alteration is an improvement upon his original amendment, I would point out that the words do not meet the case to which he referred, because the machinery of which he spoke is, he says, leased and not sold to the manufacturers. I think it would be better to say "or to provide or sell the patented article except upon unreasonable terms."

Mr. WINTER COOKE (Wannon).—The amendment, although a very important one, has been moved at a late hour, and all the evidence that has been adduced in support of it is the *ex parte* statements of certain Melbourne manufacturers.

Mr. DEAKIN.—There are the statements contained in a book which had a large circulation a few years ago, *The American Invaders*.

Mr. WINTER COOKE.—Then why did not the Prime Minister insert these words in the clause in the first place?

Mr. DEAKIN.—I sent down the facts, so that a provision might be inserted. The drafting was not in my hands. If it had been, some provision of the kind would have been framed.

Mr. WINTER COOKE.—This is the first time that the question has been put before honorable members, but surely we ought also to hear a statement of the case of patentees and patent agents. The honorable member for North Sydney has pointed out that inventors have often spent years in bringing to fruition something upon which their brains have been working. For instance, the inventor of the Wolsley shearing machine worked at it for, I am afraid to say, how many years.

Mr. HIGGINS.—The original inventors are generally very anxious to sell.

Mr. WINTER COOKE.—Surely when an inventor has perfected his invention and obtained a patent for it, he should be able to obtain a large reward. Some inventors are lucky, and are able to perfect their ideas in a few hours or days, but very often an inventor has spent years in perfecting his invention. It is proposed to leave in the hands of the Government the decision as to the reward which shall be given to a man for many years of labour. It would be just as fair to cut down the fees of a barrister after he had proved himself especially competent and skilful. I know that there is such a thing as a taxing master attached to the Courts, but some barristers are allowed much higher fees than are others. We might, by imposing a condition of the kind now proposed, prevent some big combination from doing harm, but at the same time we should work infinite mischief to a large number of poor inventors.

Mr. O'MALLEY (Tasmania).—I have known great industries in America to be absolutely ruined by the patentees of certain machinery refusing to rent their machines to the manufacturers. For instance, large boot factories in some parts of the United States have been absolutely closed and thousands of employes have been turned out with their swags on their backs to tramp towards the setting sun.

Mr. GLYNN.—We have provided against all that.

Mr. O'MALLEY.—My object is to show honorable members that great danger is to be apprehended if we allow a few monopolists to purchase a patent and then refuse to allow others to share in its benefits, except by paying prohibitive rates. The manufacturers of the Wagner and the Mann railway cars were ruined by the Pullman Car Manufacturing Company, which captured every important invention used in car-building. The other works were crushed out, and a gigantic monopoly was reared upon their crumbling remains. Then, again, the whole world is to-day paying tribute to one man in Pennsylvania for the use of the Westinghouse brake.

Mr. THOMSON.—That brake has proved of the greatest advantage to the world.

Mr. O'MALLEY.—No doubt. But since it was invented many others which were equally as good have been designed, but have been crushed out by the power of the monopolists.

Mr. THOMSON.—The proposal in the Bill will help to crush out all new patents.

Mr. O'MALLEY.—On the contrary it will enable every man to place his invention upon the market. It is only fair that the Courts should decide what is reasonable or unreasonable. It has been pointed out that one man may work for thirty years upon an invention, whilst another may hit upon an important discovery by a flash of thought, as did Holliday of San Francisco, the inventor of the cable tramway system. All these diverging circumstances in connexion with inventions cannot, however, be sufficiently provided for. We must recognise the doctrine of the survival of the fittest. I am glad that the Prime Minister has endeavoured to embody in this Bill the principle that the people shall rule. If a man does not wish to sell his patent we should compel him to make it available to the public at a reasonable price. We know that inventors require the fullest encouragement; but, at the same time, we should protect the public against monopolies. Inventions of the utmost value and importance in mining operations have been purchased by two or three big monopolists, who have crushed out all smaller competitors. We must look after the "little fellows," because the time has come when no individuals in the community should be allowed to profit by the misfortunes or follies of their fellows.

Mr. POYNTON (South Australia).—I think we may regard this proposal as a crowning piece of cheek on the part of protectionists. It is characteristic of the whole movement. First of all the big manufacturers aimed at securing a monopoly of the trade in the Commonwealth by means of the high protective duties imposed by the Tariff. Then they claimed that all their machinery and tools of trade should be admitted free of duty, and now, forsooth, they ask that they should be granted the benefits of other men's brains. They want to compel inventors to sell the product of their brain work for years at any price that may be fixed upon by those who require to use the inventions. This Bill will prove to be so much waste paper if this provision is retained in it, and I shall fight it by every means in my power.

Mr. HIGGINS (Northern Melbourne).—I thought that the advantage of introducing such a provision as that now under discussion would be so obvious that no objection would be raised. I do not think any question of protection is involved. The conditions of the boot trade were mentioned only by way of illustration, and boot manufacturers are not more interested in this matter than are others. In these matters we must go back to first principles. Patents are monopolies, and some people think that no patents should be granted. The State having adopted the view that inventors must be encouraged to a limited extent, we must not allow patents to be so used as to prevent inventions from being employed to proper advantage. In some cases, manufacturers who have large plants purchase the patent rights of new inventions which would have the effect of displacing their antiquated appliances, with the object of preventing the new machines from being adopted.

Mr. THOMSON.—Does the honorable member know of any such instance?

Mr. HIGGINS.—I have heard of several cases of the kind, and I can fully understand that it might be good business to keep a new invention in the background, at least for a time.

Mr. THOMSON.—It would be bad business.

Mr. HIGGINS.—This provision is intended to improve the position of the poor inventor, who is only too glad to sell his



invention if he can obtain a reasonable price. Under the British law the Crown can compel a patentee to make his invention available to them for nothing. If the Crown is to be allowed to use inventions without compensation, and we are to give to the patentees advantages which are not conferred upon them by the existing law, surely we are entitled to compel patentees to give to the public the benefit of their inventions at a reasonable price? May I also point out that we are really haggling over a matter which the clause already concedes in other directions. It provides that, in case of default on the part of the patentee to work his patent or to manufacture it within the Commonwealth to an adequate extent, or to grant licences upon reasonable terms, the Commissioner shall have power to grant a compulsory licence or to revoke the patent. Surely we ought to be as hard upon the vendor of patented articles as we are upon their inventors. A great deal has been said in reference to the liability of the poor patentee to be attacked upon all sides. But I would point out that he cannot be attacked unless with the consent of the Commissioner. Under sub-clause 2, no person can attack a patentee for not fulfilling the reasonable requirements of the public, unless he first obtains the leave of the Commissioner.

Mr. CROUCH.—There is an appeal against the Commissioner's decision.

Mr. HIGGINS.—No. The applicant must satisfy the Commissioner in the first instance, and if he cannot do so that officer will dismiss the application. There is no power of appeal from the Commissioner's discretion. That fact alone affords adequate protection to the patentee. I feel that honorable members who have opposed this proposal have done so chiefly because it constitutes a new departure. But, after all, it will inflict no hardship upon the patentee, and, therefore, I sincerely hope that honorable members may see their way to allow the clause, in its modified form, to be carried.

Mr. CROUCH (Corio).—I have been very much impressed by the arguments which have been used by the honorable and learned member for Northern Melbourne, and particularly by the amendment of the amendment; but, at the same time, I do not like the word "default." It seems to me that mere neglect on the part of the

patentee to work his patent should not subject him to any oppressive treatment. In its modified form, however, the clause is not open to the same objection which I previously urged against it.

Mr. THOMSON (North Sydney).—The Prime Minister has been able to give only one illustration of the necessity for such a provision as he proposes. The case which he cited had reference to certain machines, which are used in an industry to which consideration has been given by the State, in order that a demand may be created for the article which they produce. But I would point out to him that that case is already met by sub-clause 6, which declares—

For the purposes of this section, the reasonable requirements of the public shall not be deemed to have been satisfied, if by reason of the default of the patentee to work his patent, or to manufacture the patented article in the Commonwealth to an adequate extent, or to grant licences on reasonable terms—

(a) Any existing industry or the establishment of any new industry is unfairly prejudiced.

The one claim which could be urged in the case instanced by the Prime Minister was that the industry employing these machines was unfairly prejudiced. That case, therefore, is fully provided for by the provision in question. The only instance which was mentioned by the honorable and learned member for Northern Melbourne was one in which the patentee or his assignee refused to sell a patented article. Such a case, I contend, is fully met by paragraph *b* of the same sub-clause. But the Prime Minister desires to go further and to introduce the question of price. Such a proposal must tend to the injury of the poorer inventor. The honorable and learned member for Northern Melbourne declares that the Commissioner must first decide that a *prima facie* case has been established. That is just one of the means which will be adopted for harassing the poor patentee. A complaint can be made to the Commissioner that the price demanded for any article is excessive. If the patentee is possessed of means, of course he will fight the matter, but the poor patentee will be compelled to prove to the Commissioner that the price demanded by him is not excessive. If persons wish to reduce the value of his patent, they will merely require to appeal to the Commissioner. If they make certain statements in order to support their complaint

that the price charged for any article is unduly high, he will be compelled to bring rebutting evidence. This may involve him in a considerable outlay. The Prime Minister has expressed his admiration for the English Act. Then why does he not follow the language which is employed in it? I find, from the twentieth report of the Comptroller-General of Patents in Great Britain, that—

Before the second reading of the Bill, strong representations were made to the Board of Trade by the Chambers of Commerce and others, that the clause as thus drawn was open to objection, and that unless amended it would fail to afford an effective remedy for the evils which it was designed to meet. It was therefore very carefully reconsidered with a view of seeing whether such of the objections raised to it as appeared to be well founded could be met without departing unnecessarily from the recommendations of the Departmental Committee; and in the result amendments were made in the clause, which were generally accepted as satisfactory.

There they have arrived at what is generally considered a satisfactory solution of the difficulty. If the Prime Minister has a preference for the English Act, why does he not follow it in its entirety?

Mr. DEAKIN.—I am doing so.

Mr. THOMSON.—In a matter of this sort, Great Britain has more to lose than has any other country in the world. I have shown that the Bill provides for the cases mentioned by the Prime Minister and by the honorable and learned member for Northern Melbourne. We shall incur great risks, and we do not know where the consequences may end. We shall also place the poor inventor at a greater disadvantage than before. Questions affecting his patent will be constantly raised under this provision by those who wish to depreciate his invention, in order to obtain possession of it at a lower price than he is entitled to receive. The Prime Minister admits that the gain will be slight. I do not think that any advantage will be derived from this proposal, and I contend that we should not incur these additional risks. We should accept the provision as it stands, for the best guide to the price of an article is its value to the public.

Question—That the words proposed to be inserted be so inserted—put. The Committee divided.

Ayes ...	...	...	18
Noes ...	...	...	10
—			
Majority ...	...	...	8

## AYRS.

Brown, T.  
Chapman, A.  
Clarke, F.  
Cook, J. H.  
Crouch, R. A.  
Deakin, A.  
Groom, L. E.  
Higgins, H. B.  
Knox, W.  
Lyne, Sir W. J.

Mabon, H.  
Mauger, S.  
McDonald, C.  
O'Malley, K.  
Tudor, F.  
Turner, Sir G.

## Tellers.

Batchelor, E. L.  
Watson, J. C.

## NOES.

Cook, J.  
Cooke, S. W.  
Glynn, P. McM.  
Hartnoll, W.  
Kirwan, J. W.  
Paterson, A.

Poynton, A.  
Thomson, D.

## Tellers.

Fisher, A.  
Willis, H.

Question so resolved in the affirmative.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 84 agreed to.

Clause 85 (Old inventions not in use).

Mr. THOMSON (North Sydney).—intended to move the addition of the following words at the end of the clause "or has been described in a work accessible to the public during that time," but if the Prime Minister objects to such an amendment shall not press it.

Mr. DEAKIN.—It would again bring in the question of novelty.

Mr. THOMSON.—If it would interfere with the decision already arrived at, I shall not propose it.

Clause agreed to.

Clause 86—

In any action for infringement the Court may if it is of opinion that any claim in the complete specification is invalid, order the plaintiff to pay to the defendant the whole or such part of the cost of the action as it thinks just, notwithstanding that the patent is held to be valid so far as it relates to any other claim.

Amendment (by Mr. GLYNN) agreed to—

That the following words be added—"and order the patentee to file a disclaimer at the patent office of the invalid claim."

Clause, as amended, agreed to.

Clause 87 agreed to.

Clause 88 (Patent to have effect against Crown).

Mr. FISHER (Wide Bay).—I would suggest that this is the clause in which the Government should take power to purchase any patent.

Mr. DEAKIN.—That is provided for in sub-clause 2. We can purchase on such terms as are agreed upon, or, in default of agreement, on such terms as are settled by arbitration.

Mr. FISHER.—I do not think the clause covers the whole ground. The Government should have clearly-defined powers to purchase any patent.

Mr. DEAKIN.—We can do that without any Act.

Mr. FISHER.—If the Prime Minister is satisfied that the Government have power to purchase any patent that would be beneficial for the whole Commonwealth, or for a State, it covers the whole difficulty we have been arguing lately.

Mr. DEAKIN.—We have an inherent power to buy anything Parliament authorizes us to buy.

Mr. FISHER.—Take, for instance, the cyanide patent. Some similar invention may take place, the purchase of which will prove beneficial to the Commonwealth, and the Government might obtain the monopoly of it by paying a substantial sum.

Mr. DEAKIN.—There is no question about our right.

Mr. JOSEPH COOK (Parramatta).—I should like to raise another point, which I can best do by giving a concrete case. I have in my mind the case of the Sydney telephone switchboard. At the time we purchased that board, the Western Electric Company had patent rights for New South Wales. A switchboard sold by the Ericson Company was regarded by our experts as much superior, and the price of it was about £4,000 less than was asked for the board we purchased.

Mr. THOMSON.—The Government could have taken the superior board.

Mr. JOSEPH COOK.—To do so would have been to outrage the spirit of the law, although we might, perhaps, have conformed to its letter. As a matter of fact, we did purchase some jacks, which were considered to be of a much superior character, from an agent in Victoria, but the agent for the Western Electric Company in New South Wales took the company from whom we purchased them to Court, and the Equity Judge gave us a good drubbing—rightly so, I believe. I did not think we had any right to do as we did, and I was not aware of it until it was done. Ought there not to be some provision by which the Government can make arrangements to take an improvement upon terms which would be financially fair to existing patentees?

Mr. DEAKIN.—I think we can do that under sub-clause 2.

Mr. FISHER.—What is the objection to putting in the word "purchase"?

Mr. DEAKIN.—Only that it is unnecessary.

Mr. JOSEPH COOK.—The question is, should the Government be content to take an article for which patent rights exist when a very much superior one is offered? It is a question how far the Government ought to tie themselves up in such a way as to prevent themselves from taking advantage of the scientific inventions which are falling in upon us every day. In Sydney we are using inferior appliances in the Telephone Department because of the existence of the patent rights to which I have referred. In a matter of this kind it is only a question of payment between the Government and the patentee. If a Government took care that a patentee lost nothing, it should be at liberty to use any other invention.

Mr. L. E. GROOM (Darling Downs).—There is one aspect of the question raised by the honorable member for Wide Bay to which I would direct the attention of the Prime Minister. It might happen that in one of the States a patented process for some mining operation was being sold at an extortionate price, and the Parliament of that State might desire to acquire the patent rights in order to enable the public to make use of the invention more cheaply. Under the Bill as it stands, however, the patentee could not be compelled to sell his patent to a State. A State could not compel him to sell what he has acquired under a law of the Commonwealth. I understand that the honorable member desires that power shall be given to the Governments of the States to acquire patent rights for use by the public on the same terms as those upon which they can be acquired for use in the Public Service.

Mr. DEAKIN.—I will consider the matter.

Mr. FISHER (Wide Bay).—I am glad that the honorable and learned member for Darling Downs has thrown more light upon my suggestion. Those who have any knowledge of Australia must know that there are in existence patents which it would be advisable for either a State or the Commonwealth to purchase right out for the benefit of the public. Such a step would also be beneficial to the patentees, because they would at once receive the profit of their inventions. I should like to see it specifically provided in the Bill that

patentee may go to a State Government and say, "I am willing to accept a certain sum for the patent rights I hold within this State."

Mr. DEAKIN.—There is nothing to prevent a patentee from doing that, but it will be necessary to insert a special provision in order to enable the Government of a State to say to a patentee—"You must sell to us your patent rights."

Mr. FISHER.—Yes. I contend that such a provision is necessary to the public welfare.

Clause agreed to.

Clause 89—

The inventor of any improvement in instruments or munitions of war may assign the invention and the patent . . . . . to the Commonwealth . . . . .

Amendment (by Mr. CROUCH) agreed to—

That the words "improvement in instruments or munitions of war" be omitted with a view to insert in lieu thereof the word "invention."

Clause, as amended, agreed to.

Clauses 90 to 92 agreed to.

Clause 93 consequentially amended and agreed to.

Clause 94 agreed to.

Clause 95 —

Any person on passing the prescribed examination and on paying to the Commissioner a fee of £5, may be registered by the Commissioner as a patent attorney.

Mr. CROUCH (Corio).—I move—

That the word "attorney" be omitted with the view to insert in lieu thereof the word "agent."

The word "attorney" has a special meaning throughout Australia, and the use of the term "patent attorney" is likely to mislead the public in regard to the qualifications of those to whom the clause refers.

Mr. DEAKIN.—We use the phrase, "agent or attorney," in other parts of the Bill.

Mr. CROUCH.—Where it is so used, the word "attorney" means an attorney under a power, and the person so acting would probably be a solicitor. Many patent agents at the present time have the title printed on their windows and upon their stationery, and the amendment would therefore be an advantage to them, while it would also meet the wishes of the members of the legal profession.

Mr. POYNTON (South Australia).—The clause provides that a layman who passes a prescribed examination and pays a fee of £5 may be registered as a patent attorney, but, under a subsequent clause, any solicitor

may practise as a patent attorney without passing the prescribed examination or paying the fee.

Mr. CROUCH.—Because he has already passed a similar examination.

Mr. DEAKIN.—And has paid a fee of £50 to become a solicitor.

Mr. POYNTON.—That fee is paid for something else.

Mr. DEAKIN.—It includes the privilege to practise as a patent attorney.

Mr. POYNTON.—I think that the provision as to fees should be made uniform and I shall propose an amendment at a later stage with that object in view.

Amendment negatived.

Mr. THOMSON (North Sydney).—There are persons other than solicitors, or those who are at present practising as patent agents, who might be equally entitled to become registered as patent attorneys. For instance, when the Commonwealth Patent Office is brought into existence the whole of those officers now employed in the State offices may not be absorbed into the Commonwealth service. Some of these might be specially qualified to act as patent attorneys, and I do not see any reason why they should be required to pass an examination, and to pay a fee of £5 whilst others, perhaps less competent, are admitted without complying with any such conditions. I suggest that, in addition to those who pass the prescribed examination, the Commissioner should register any person who supplies proofs of competency in accordance with the regulations. Many persons now engaged in Patent Offices would be able to comply with all reasonable requirements without being subjected to an examination, and persons who have been engaged in the patents business in other parts of the world might also be able to give satisfactory evidence of their qualification for the position. I hope that the Minister will consider the matter.

Mr. DEAKIN.—I think that there is some reason in the suggestion of the honorable member, and perhaps his object might be met by inserting after the word "examination" the words "or if they have been officers in a patent office and comply with the prescribed conditions."

Mr. THOMSON.—My object is to relieve persons such as I have described from the necessity of paying the fee of £5, and perhaps it will be better to make an amendment in clause 100.

Clause agreed to.

Clauses 96 to 98 agreed to.

Clause 99—

Any person who proves to the satisfaction of the Commissioner that he was at the commencement of this Act *bona fide* practising as a patent agent in any part of the Commonwealth, and had been so practising for six months prior to such commencement may be registered as a patent attorney without passing the prescribed examination.

Mr. POYNTON (South Australia).—I desire to ask the Prime Minister whether it is intended that patent attorneys shall pay any fees?

Mr. DEAKIN.—Yes. Of course those who are at present practising will not pay.

Mr. GLYNN.—Oh, yes.

Mr. POYNTON.—I do not see why patent agents who have been practising for six months prior to the commencement of this Act should be exempt from the payment of fees any more than those who enter the profession at a later period.

Mr. DEAKIN.—They pay a fee upon entering the profession.

Mr. POYNTON.—It seems to me that the clause will have the effect of creating a legal monopoly. With a view to testing the question, I move—

That the following proviso be added:—"Provided they pay a fee of Five pounds."

Mr. L. E. GROOM (Darling Downs).—I would point out that there are certain persons who have practised professionally as patent agents. In the past, when dealing with professional men by legislation, we have endeavoured to preserve to them their existing status. The proposal of the honorable member for South Australia would impose a specific tax upon these individuals.

Mr. POYNTON.—Why should they not pay the fee as well as those who enter the profession at a later date?

Mr. L. E. GROOM.—The clause simply declares that certain persons can enter the profession in the future under prescribed conditions. It is not fair to insist that the present patent agents, who have already paid their professional fees, shall be subjected to additional charges.

Mr. GLYNN (South Australia).—I do not think there is any doubt that patent attorneys will be required to pay fees under this clause. I would point out that clause 95 provides that—

Any person, on passing the prescribed examination, and on paying to the Commissioner a fee of Five pounds, may be registered by the Commissioner as a patent attorney.

This clause provides that any person who proves that at the commencement of the Act he has been practising as a patent agent in the Commonwealth for six months, may be registered as a patent attorney without passing the prescribed examination. The provision does not say that he may be so registered without paying the fee. Then, under clause 100, honorable members will notice that unless a man is a solicitor he must be registered, and to be registered he must pay a fee and, unless he has previously practised, pass an examination.

Mr. DEAKIN.—I would ask the honorable member for South Australia, Mr. Poynton, to temporarily withdraw his amendment, with a view to enabling me to submit a prior one.

Amendment, by leave, withdrawn.

Amendment (by Mr. DEAKIN) agreed to—

That after the word "commencement," line 6, the following words be inserted:—"and any person who has been an officer in a State patent office on complying with the prescribed conditions."

Clause, as amended, agreed to.

Clause 100 agreed to.

Clause 101—

No person shall describe himself as a patent attorney unless he is registered or entitled to practise as a patent attorney under this Act. . .

Mr. DEAKIN.—I move—

That after the word "shall" the words "practise or act or" be inserted.

If a person be prohibited from describing himself as a patent attorney, he ought to be prohibited from acting as such.

Mr. GLYNN (South Australia).—It has been suggested to me that there ought to be a clause defining what is "acting" as a patent attorney. I have the terms of a clause suggested by the Patents Institute of England.

Mr. DEAKIN.—I shall be glad to look at the suggested clause, and see whether it is necessary.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 102 to 111 agreed to.

Clause 112—

The Commissioner may refuse to grant a patent for an invention of which the use would, in his opinion, be contrary to law or morality.

Mr. THOMSON (North Sydney).—To what law does this clause refer? Is the clause confined to Commonwealth law, or

does it apply to States laws, as I think it should?

Mr. DEAKIN.—The clause means the principles of law—law in general.

Clause agreed to.

Clauses 113 and 114 agreed to.

Clause 115 (International arrangements for protection of inventions).

Mr. GLYNN (South Australia).—This clause is not quite in accordance with the English Act, which contains an additional sub-section inserted, I believe, on the recommendation of the International Convention. The words in the English Act are those contained in a proposed new sub-clause, of which I have given notice. I move—

That the following new sub-clause be added:—“(5) The application must be accompanied by a complete specification which, if it be not accepted within the period of twelve months, shall, with the drawings (if any), be open to public inspection at the expiration of that period.”

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 116 and 117 agreed to.

Clause 118 (Exhibit at exhibition).

Mr. GLYNN (South Australia).—I do not know whether the Prime Minister will accept the new clause which I propose shall be substituted for clause 118. The proposed new sub-clause is taken from the South Australian Act, and is as follows:—

An application for a patent shall not be barred by the fact of an invention having been exhibited or tested either publicly or privately, and shall not in itself be deemed any ground for refusal of a patent or justify any other person than the inventor in using such invention. Provided that such exhibition must have been within one year of the date of the inventor filing his application for a patent.

I have received a communication from some patent agents who are of opinion that the present clause in the Bill is cumbrous and would be of little use, besides failing in the main object, namely, that of preventing an inventor from having his invention unwittingly lost through exhibiting before he has filed his application for a patent. The patent agents suggest that the practice under the South Australian Act, the Victorian Act, the Canadian Act, and the United States revised rules of 1899 and other patent laws, should be adopted.

Mr. DEAKIN.—I have re-drafted the South Australian provision, and I move—

That all the words after the first word “The” be omitted, with a view to insert in lieu thereof

the following words:—“fact that an invention has been exhibited or tested, either publicly or privately, shall not in itself be deemed a ground for refusing a patent. Provided that any public exhibition or testing must have been within one year of the date of the inventor lodging his application for a patent.”

Amendment agreed to.

Clause, as amended, agreed to.

Mr. DEAKIN.—I do not think that there is much value in the remaining clauses, which I shall ask the Committee to negative.

Mr. WATSON.—Is not clause 121, relating to evidence, likely to be useful?

Mr. DEAKIN.—No. We have another provision for that purpose.

Clauses 119 to 122 negatived.

Mr. BROWN.—What does the Prime Minister propose to do in the matter of permitting registration of patents between the passing of the Bill and its coming into operation?

Mr. DEAKIN.—I am drafting new clauses for that purpose.

Progress reported.

## FEDERAL CAPITAL SITE.

Mr. SPEAKER.—I have to announce the receipt of the following Message from the Senate:—

The Senate having considered Message No. 21 of the House of Representatives, requesting concurrence in certain resolutions transmitted therewith, in regard to the procedure for the selection of a Federal Capital Site, acquaints the House of Representatives that the Senate does not concur in such resolutions.

R. C. BAKER,  
President.

The Senate,  
Melbourne, 30th September, 1903.

## ADJOURNMENT.

OPENING OF HIGH COURT: FEDERAL CAPITAL SITE: RECRUITING OF POLYNESIANS.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. GLYNN (South Australia).—Some time ago some members of the Bar in South Australia expressed a desire to be present at the opening of the High Court as an act of courtesy to the Judges; but if its first sitting were held on a Monday, it would be very difficult for them to come, as it would be necessary to start on the Friday. Perhaps the Attorney-General will take this

matter into his consideration. The honorable member for Tasmania, Sir Edward Braddon, is anxious to know when the promised synopsis of the evidence taken by the Royal Commission on the Capital sites will be laid on the table.

Mr. BROWN (Canobolas).—I should like to know whether the Prime Minister is in a position to say what he proposes to do further respecting the important question of selecting a site for the Federal Capital—whether or not he proposes to ask the Parliament to arrive at a decision during the currency of this session.

Mr. FISHER (Wide Bay).—I desire to ask the Prime Minister whether his attention has been drawn to a Brisbane telegram in to-day's newspapers to the effect that the Queensland Government have been notified that the recruiting of Polynesians from the Solomon Islands has been stopped, and that no further returns to the islands will be made. I wish to know whether the notification has emanated from the Commonwealth or some other authority—whether, in fact, the Prime Minister knows anything about the matter.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I was so closely engaged to-day—first with the Cabinet, and then with the Patents Bill—that I have not had time to deal with the papers of my Department for the last two days. I take it that the intimation has arrived from Mr. Woodford, who is the British Resident in the Solomon Islands. If I find any information in the papers I shall inform the honorable member for Wide Bay to-morrow. I shall ask the Attorney-General to convey to the Chief Justice the intimation that inter-State members of the legal profession wish to do the Bench honour, and I have no doubt that an arrangement for the sitting of the Court will be made to meet their convenience. The presentation of the evidence taken on Capital sites was delayed by the discovery at the last moment that three sheets were missing. The missing sheets have been obtained from Sydney, and I believe that the report will be circulated early to-morrow. When the House meets to-morrow I shall probably have a statement to make, and perhaps a proposition to submit in reference to the Federal Capital.

Question resolved in the affirmative.

House adjourned at 11.2 p.m.

## Senate.

Thursday, 1 October, 1903.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### PACIFIC CABLE CONFERENCE.

Senator STANFORTH SMITH.—I desire to ask the Vice-President of the Executive Council, without notice, if he can state when and where the proposed Pacific Cable Conference will sit, and how it will be constituted?

Senator PLAYFORD.—I must ask the honorable senator to give notice of the question for the next sitting day, as I am not in a position to give him any information at the present time. Perhaps I may be permitted to state that if the two Bills on the order paper are disposed of to-day, I do not propose to ask the Senate to sit until next Wednesday.

### NOTICE OF QUESTIONS.

Senator CLEMONS.—I wish to indicate the nature of a question which I propose to ask on the next sitting day of the Senate.

The PRESIDENT.—The honorable and learned senator can ask the questions without notice, but the new Standing Orders contemplate that notices of questions shall simply be handed in to the Clerk at the table.

Senator CLEMONS.—I do not wish to raise a controversy, sir, but merely to draw your attention to the fact that under the new Standing Orders it is purely optional for an honorable senator to hand in his notice of questions. No honorable senator is forbidden by the Standing Orders to read the questions which he proposes to ask, but, for the purpose of convenience, he is allowed to indicate the nature of the questions.

The PRESIDENT.—The Standing Orders draw a clear-cut distinction between notices of questions and notices of motion. Standing order 96 says:—

Notice of question shall be given by a senator delivering the same at the table, fairly written, signed by himself, and showing the day proposed for asking such question.

That seems to me to indicate that nothing else shall be done. Standing order 98 says—

Notice of motion shall be given by the senator, stating its terms to the Senate, and delivering at the table a copy of such notice, fairly written, signed by himself, and showing the day proposed for bringing on such motion.

My ruling is, and has been, that it is not in accordance with the Standing Orders for an honorable senator to state the nature of any questions which he proposes to ask. This matter was discussed in the Standing Orders Committee, and the decision was that it would save time if honorable senators would simply hand in their notices of questions. The distinction which is drawn by the Standing Orders is that in one case the terms have to be stated, and by implication in the other case the terms are not to be stated.

Senator CLEMONS.—At the present stage I am not going to dispute your ruling, sir, but at some other time I shall.

The PRESIDENT.—If the honorable and learned senator does not dispute my ruling, there is nothing before the Senate.

#### FEDERAL CAPITAL SITE.

Senator Lt.-Col. GOULD.—I desire to ask the Vice-President of the Executive Council whether the Government have yet decided what course of action they will take with regard to the selection of a site for the Federal capital?

Senator PLAYFORD.—A statement on the subject will be made by the Prime Minister to-day in another place.

Senator Lt.-Col. GOULD.—Cannot the honorable senator anticipate that statement?

Senator PLAYFORD.—No.

Senator Lt.-Col. NEILD.—I desire to know whether it is the intention of the Government to treat this branch of the Parliament as inferior to the other—to make a communication to the other House with reference to an important matter, and not to make any communication to the Senate?

Senator PLAYFORD.—We do not intend to treat the Senate in a different way from the other House. The Senate has sent down a message, stating that it has disagreed with certain resolutions of the other House. In the circumstances, that is the proper place for the Government to state what course they intend to pursue.

Senator Lt.-Col. NEILD.—I agree with the honorable senator. Some time ago either the late Vice-President of the Executive Council or the Attorney-General promised that the minutes of proceedings of the Royal Commission on the capital sites should be laid on the table. This afternoon the minutes of evidence have been distributed, but not the minutes of proceedings, showing the wide divergences of opinion alleged to exist among the Commissioners with reference to the recommendations which were finally made. I desire to know whether it is intended that the promise made to the Senate shall be kept?

Senator DRAKE.—I do not think that that there was any promise made.

Senator Lt.-Col. NEILD.—I brought the matter before the Senate on two or three occasions, and a most distinct promise to that effect was made. Perhaps I shall refresh the recollection of the Attorney-General by stating that a question arose as to whether the minutes of the proceedings were the personal property of the chairman of the Commission or the property of the Government.

Senator DRAKE.—I do not remember whether the answer to the former question was given by myself, but, if so, my recollection is that it was to the effect that the minutes of the proceedings were the property of the chairman and were not available, but that the Government would have a précis of the evidence prepared and printed. The Government are about to lay on the table of each House not a précis of the evidence, but the whole of the evidence; but with regard to the minutes of proceedings, the position is unchanged.

Senator Lt.-Col. GOULD.—I desire to ask the Attorney-General whether it is not necessary for a Royal Commission to furnish minutes of its proceedings?

Senator DRAKE.—I do not think it is.

Senator Lt.-Col. GOULD.—Were not minutes kept, showing when meetings were held, who attended, and what resolutions were arrived at, as is done in the case of an ordinary select committee?

Senator DRAKE.—I do not know. My recollection of the answer to the previous question is that it was to the effect that if any minutes of that kind existed, they were the property of the chairman.

Senator Lt.-Col. NEILD.—I wish to draw the attention of the Attorney-General to



the question and answer of the 27th August—

Senator LT.-COL. NEILD.—I desire to ask the Vice-President of the Executive Council, without notice, whether the minutes of proceedings of the Capital Sites Commission are yet available to be laid upon the table?

Senator O'CONNOR.—I have received no further information, but I shall endeavour to ascertain what the position is, and let the honorable senator know before the Senate adjourns.

Senator DRAKE.—There is no promise there except to make an inquiry?

Senator MILLEN.—And to let the Senate know.

Senator DRAKE.—That was done.

### MR. CHAMBERLAIN.

Senator DOBSON.—It will be recollected that about six weeks ago I asked the Attorney-General whether the Government intended to invite the Secretary of State for the Colonies to visit Australia. I desire to ask the Vice-President of the Executive Council whether they intend to invite Mr. Chamberlain to visit the Commonwealth and explain precisely the meaning of his preferential trade policy?

Senator PLAYFORD.—Nothing further has been done; the subject has not come before the Cabinet when I have been present, and therefore I cannot answer the question.

Senator DOBSON.—It is time that it did.

### OPENING OF THE HIGH COURT.

Senator KEATING.—I desire to ask the Attorney-General, without notice, whether it is true that there is to be a formal opening of the High Court, and, if so, will he state when and where?

Senator DRAKE.—I am not in a position to answer the question.

### OVERSEA MAIL TENDERS.

Senator PULSFORD asked the Vice-President of the Executive Council, *upon notice*—

With regard to the mail tender advertisement, dated 3rd September, is the Government in a position to entertain tenders for the conveyance of mails from as well as to the United Kingdom, and what, if any, is the arrangement with Great Britain on the subject?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The Government is in a position to entertain tenders for the conveyance of mails from as well as to the United Kingdom. No arrangement has been made with Great Britain on the subject.

### PACIFIC ISLAND LABOURERS.

Senator HIGGS asked the Vice-President of the Executive Council, *upon notice*—

1. Has the Government observed the following telegram in the Melbourne *Argus* of the 30th September:—

“Brisbane, Tuesday.—The Government has been advised that pending further legislation the recruiting from and landing of kanakas at the Solomon Islands has been discontinued.”

2. Is it the duty of the Federal Government to see that kanakas who have been brought to Queensland and wish to return to their islands are so returned?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. No. Except so far as required by the Pacific Island Labourers Act 1901, section 8.

### CUSTOMS TARIFF (PAPUA PREFERENCE) BILL.

Senator HIGGS asked the Vice-President of the Executive Council, *upon notice*—

1. Does the Customs Tariff (Papua Preference) Bill provide that—

3. Notwithstanding anything in any Customs Tariff of the Commonwealth there shall be paid on goods produced or manufactured in the territory of Papua and thence imported into the Commonwealth duties of customs at rates one-third less than are charged upon the like goods imported into the Commonwealth from other countries?

2. Do the Government intend under this clause to admit sugar at 4s. per cwt. duty, bacon and hams at 2d. per lb., butter and cheese at 2d., boots and shoes at 20 per cent?

Senator PLAYFORD.—The answer to the honorable senator's questions is as follows—

1 and 2. It is not customary to give information in one House of Parliament as to measures which are before the other House. When the Bill in question reaches the Senate full information in regard to its provisions will be furnished.

### EXTRADITION BILL.

*Resolved* (on motion by Senator DRAKE)—

That leave be given to bring in a Bill for an Act relating to Extradition.

Bill presented and read a first time.

### DEFENCE BILL.

*In Committee.* Consideration resumed from 11th September (*vide* page 5004) on motion by Senator DRAKE—

That the Chairman report the Bill with amendments.

Upon which Senator PLAYFORD had moved by way of amendment—

That all the words after the word "That" be left out, with a view to insert in lieu thereof the words "clauses 4, 8, 9, 17, 39, 51, 55, 80, and 89 be reconsidered."

Senator PEARCE (Western Australia).—I ask that clauses 71 and 120 be included. In clause 71 I desire to insert after the word "equipment" the words "or animal of draught or burden," because the word "equipment" in the British Army Act is held not to cover animals. We all know from experience that contractors have swindled the War Office to a great extent by supplying inferior animals. If we desire to protect the Government against swindling in regard to equipment we ought to extend that protection to the supply of animals. With reference to clause 120, it is the clause under which the Government have power to make regulations, and I desire that it should be reconsidered in order that power should be given to make regulations governing the compensation to be granted under clause 55 to the widows and families of members of the Defence Force who have become incapacitated or have died in the service.

Senator DRAKE.—I have no objection.

Amendment amended accordingly.

Senator MATHESON (Western Australia).—I desire the reconsideration of clause 27 with a view to bringing up again the subject of a Council of Defence, and that may possibly involve a consequential amendment in clause 120. I also desire the reconsideration of clause 35 in order to move that the words "and reserves" be left out. My reason is that the reserves consist of members of the active force who are enrolled as members of the reserve force, and members of rifle clubs; and I see no reason why either of them should be enrolled for a prescribed period of not less than two years. A fixed period of enrolment is reasonably applicable to members of the active forces, but not to persons who are practically civilians.

Senator DRAKE.—I have no objection.

Amendment further amended accordingly.

Senator DOBSON (Tasmania).—I desire the reconsideration of clause 60. Honorable senators will no doubt have read the report of the Royal Commission which inquired into the conduct of the South African war.

Senator DRAKE.—We have not received

Senator DOBSON.—That may be, but a synopsis of it has appeared in the press; and Senator Drake will admit that the report of the Commission bears out the arguments I used in connexion with the compulsory training of cadets. I hope that without any necessity for the making of a long speech, the honorable and learned senator will allow the clause to be recommitted. If not, I shall have to speak at greater length.

Senator DRAKE (Queensland — Attorney-General).—I hope the honorable and learned senator will not press his request for the reconsideration of clause 60. I am not asking for the reconsideration of any matters which the Senate has already decided. Where in the course of discussion matters have been left in an unsatisfactory state, or it has been necessary that consequential alterations should be made, I have asked for the reconsideration of the clauses affected. On the subject of warrant officers, and the question of who should sign a warrant, three clauses are affected by the action of the Committee, and I asked for their reconsideration. The other clauses which I asked should be reconsidered require amendments of a consequential character. The amendments suggested by Senator Pearce involve new matters which have occurred to the honorable senator in the meantime; and it is considered that their inclusion may improve the Bill. But Senator Dobson is asking us to reconsider clause 60 in order that we may again discuss a subject which occupied the Committee for the best part of two days.

Senator DOBSON.—No; for two or three hours.

Senator DRAKE.—The debate began on one day and was continued on the next. The subject was thrashed out and we took a division. It is therefore not fair that we should be asked to reconsider the matter. If it is right that we should do so we might just as well recommit the Bill over and over again.

Senator DOBSON.—So we should for cause shown.

Senator DRAKE.—The honorable and learned senator has shown no cause for what he proposes. He has made a reference to the report of the Commission which inquired into the conduct of the South African war, although we have not yet received that report. I have taken steps to secure early copies of the report.

and when we receive it we shall be able to learn what the Commission really recommends. At this stage of the session I submit that we cannot afford the time to re-discuss a subject which has been exhaustively debated, and which the Committee decided the week before last.

Amendment, as amended, agreed to.

Question, as amended, resolved in the affirmative.

Senator DOBSON (Tasmania).—I move—

That clause 60 be reconsidered.

I make no apology to the Committee for trying to secure the reconsideration of this clause. Since I urged the matter ineffectually the other day, information concerning the terms of a report issued by perhaps the most important Commission that ever sat to deal with matters affecting the British Army has reached us. If Senator Drake has not been able to secure a copy of the report, the press has been able to get information concerning it; and I make this quotation from a reference to the matter appearing in the *Age* which will justify me in every way in asking for the reconsideration of this clause—

A third suggestion, offered by Sir George Taubman-Goldie, and agreed with by three other members of the Commission—Lord Esher, Sir Frederick Darley, and Sir John Edge—is that a national scheme of military education should be organized, which would include the extension of the cadet system, and the compelling of every physically sound youth of seventeen years unprovided with a cadet certificate of efficiency to serve a term in the National Cadet School under officers of the regular army. This, it is held, is the only practical alternative to conscription.

Senator DAWSON.—As a point of order, I should like to know if the honorable and learned senator is in order in reading an article from a newspaper commenting upon a measure before the Senate?

Senator DOBSON.—It is not before the Senate; it is before the Empire.

The CHAIRMAN.—The honorable senator would not be in order in reading an article which in any way reflected upon any debate in the Senate. As I understand the matter, Senator Dobson is merely quoting an authority. So long as the article does not in any way reflect upon any debate in the Senate, it is quite in order to refer to it.

Senator DOBSON.—Senator Drake has suggested that nothing has transpired, since the Committee came to a decision upon this matter, which would justify us in reconsidering it. But since then, the best military experts who could be obtained have, in their

report, said that there should be a cadet system, which would not be a farce but a reality, and that any cadet of the age of seventeen years, who had not obtained a certificate that he was efficient in his drill, should be compelled to continue his education in order that he might be able to defend his country. The report of the Commission goes on to say that this is the only alternative to conscription. That in every way bears out the arguments I have previously used. I called attention to the fact that in another place it was proposed that young men between the ages of eighteen and twenty-one years should attend compulsory drill. There were certain objections to that scheme on the ground that it would interfere with the ordinary work of persons of that age. No such objections can apply to cadets between the ages of twelve and seventeen years. I have pointed out that we have a right to demand that these young people should be trained to take part in the defence of their country, just as we demand that they shall be educated in reading, writing, and arithmetic. Since I used those arguments we have received information of the report to which I have referred, which is a complete justification for the reconsideration of clause 60. Education is the foundation of life, but to say that we should compel boys to learn how to read and write, and should not compel them to learn how to defend themselves when we have the right to call out tens of thousands of them in times of need, is a perfect farce. I point out that the Senate is often placed in a very awkward predicament. A Bill comes up from the other House, and in order to save time and trouble the Minister in charge of it in the Senate says, "This is the policy of the Government; I cannot allow any amendment whatever."

Senator DRAKE.—I did not say that in regard to clause 60. I gave very good reasons why the Committee should not agree with the honorable and learned senator.

Senator DOBSON.—Senator Drake does not say that, but he acts it. I say that repeatedly honorable senators have been prevented from exercising their intelligence, and insisting upon the consideration of suggestions offered, simply because the Minister in charge of a Bill would not depart from what had been done in another place to carry out the policy of the Government.

Senator DRAKE.—I did not advance that as an argument.

Senator DOBSON.—I ask the honorable and learned senator to recognise that the question of defence affects every man, woman and child in the Commonwealth. It affects every home and every individual; and if any honorable senator can suggest anything which will make the Bill more perfect, and our system of defence more perfect, and which will more certainly give us the citizen army for which we are working, Senator Drake should welcome the suggestion instead of trying to snuff it out. I am prepared to bow to the decision of the Committee if it is against me. Men who know more of the subject of defence than all the members of the Senate put together have said that the course I suggest is the only alternative to conscription. They say, further, that the officers who were first sent to South Africa were untrained and absolutely unfitted for their duties, and that the second batch who were sent out were worse than the first. Here I am trying to provide that men shall be educated in matters of defence when they are boys, so that when the time of danger arrives, and we have to call them out, they will at least have a foundation of training in the duties which they will have to perform. I cannot understand why the Minister should object to the reconsideration of clause 60.

Senator DRAKE.—I think it is very unfair for Senator Dobson to represent me as having used an argument which I did not use, and at the same time studiously ignore the arguments I did use. The chief argument I used against the honorable and learned senator's proposal was that the education system is at present in the hands of the States. They fix the hours of attendance of the children, and they control the schools entirely. It is not advisable at the present time for the Federal Parliament to attempt to interfere with the education of children. That is the great difficulty. The cadet system is going on very well in the States now, under the control of the States Governments.

Senator DOBSON.—No; it is perfect chaos; the whole system is unorganized.

Senator DRAKE.—It is progressing as part of the States schools system, and it is not advisable that we should at the present time interfere with it. I may be wrong, but that is the principal argument I used, and

Senator Dobson has entirely ignored it. We discussed this matter fully, and took a division upon it. Senator Dobson says that he will bow to the decision of the Committee, and I ask the honorable and learned senator why he does not bow to it? Honorable senators have already decided that the scheme which Senator Dobson proposes should not be engrafted on this Bill, and the honorable and learned senator should accept that decision.

Senator KEATING (Tasmania).—I am very sorry that the Attorney-General should take up the same attitude on this question as that which he adopted when Minister of Defence. The attitude the honorable and learned senator takes in regard to the powers of the Commonwealth in connexion with States services is not a desirable attitude for any Minister of the Commonwealth to adopt. We have in the matter of defence the fullest sovereign powers which can be conferred upon a community such as Australia is. We have the fullest possible powers in the regulation of the methods of dealing with the citizens of Australia in what we consider to be necessary for the effective defence of the Commonwealth. I still adhere to the argument I used on a previous occasion, that in connexion with our postal and telegraph service we, by our legislation, practically commandeer the services of the Railway Departments of the States, and in that we have an analogy to this proposal. I know that it will be answered that we pay them for those services, as Senator Gould previously pointed out. But payment or no payment, we are entitled, having sovereign power in the matter of defence, to provide as we think fit for equipping citizens of the Commonwealth with the necessary military training to fit them to carry out the defence we desire. It is, therefore, absolutely idle for the Attorney-General to object that the education of the children of the Commonwealth is in the hands of the States, because we can ask, and we can go further and insist, that the several States Educational Departments shall carry out such a scheme as the Commonwealth authorities may think necessary for the training of the youths of the Commonwealth in the schools of the several States, to enable them afterwards to assist in the defence of Australia. I should be very sorry if Ministers generally were to take up the attitude adopted by the Attorney-General, and contend that we should

be hesitant or careful in this regard. If we accept that position, we shall strip ourselves of many of the powers we undoubtedly possess. When I was offering myself as a candidate for the honour of a seat in the Senate I gave expression to my opinion that it was desirable, in connexion with the defence of Australia, that Australians should be taught from the earliest years, when they were capable of receiving instruction with advantage, in the matter of defence. I expressed that opinion from numerous platforms, and although I was asked at various centres how it was possible for the Commonwealth to carry out such a scheme when the subject of education had not been transferred to the Federal Parliament, I pointed out that it was quite possible for the Commonwealth authorities to arrange with the States authorities to carry out such a scheme; and that if the States authorities were not amenable to requests or instructions from the Commonwealth authorities in the matter, the Federal Parliament had still the reserve power of compulsion, and might say, "We are responsible for the defence of Australia."

Senator Lt.-Col. NEILD.—Nothing of the kind.

Senator KEATING.—With all deference to Senator Neild, I give it as my opinion that in the event of the States authorities refusing to act upon the suggestion or request of the Commonwealth authorities, we could compel them to do so. I do not for a moment believe that it would be necessary to resort to compulsion. It could be amicably arranged between the Commonwealth and States authorities that in the curriculum of every State school and every private school subject to State inspection, there should be some training of the lads towards enabling them to take their place when the time came in the defence of Australia. I hope honorable senators will see their way to support Senator Dobson's motion for the reconsideration of clause 60, that we may determine what steps should be taken to train the youth of the Commonwealth to take their proper stand in connexion with the defence of Australia.

Senator Lt.-Col. NEILD (New South Wales).—After twenty-five years of parliamentary experience it has struck me as a novelty to hear an honorable senator, who is supposed to supply certain useful services to the Ministry of the day, castigating Ministers

for their failure to do their duty. It is something new, and no doubt in the making of history it is interesting and instructive. I suggest to the Attorney-General that it will be of no use to have a double outburst of oratory in connexion with the proposal for the compulsory training of children who have not votes, when the proposal would never be attempted in respect of persons who have votes. We should not be subjected to a double outburst of this paltry patriotism. I call it paltry patriotism, because there is no reality in it.

Senator DOBSON.—Nonsense! This is the foundation of the whole scheme.

Senator Lt.-Col. NEILD.—It is a transparent sham. I suggest that Senator Dobson should be allowed to have his little way at this stage, because the Senate will undoubtedly deal promptly with the real question when we come to consider it.

Question—That clause 60 be reconsidered—put. The Committee divided.

Ayes	...	...	...	9
Noes	...	...	...	16
				—
Majority	...	...	...	7

AYES.

Cameron, C. St. C.	O'Keefe, D. J.
De Largie, H.	Pearce, G. F.
Dobson, H.	Pulsford, E.
Higgs, W. G.	<i>Teller.</i>
Matheson, A. P.	Keating, J. H.

NOES.

Baker, Sir R. C.	Playford, T.
Barrett, J. G.	Saunders, H. J.
Best, R. W.	Smith, M. S. C.
Dawson, A.	Stewart, J. C.
Drake, J. G.	Styles, J.
Gould, A. J.	Walker, J. T.
Macfarlane, J.	
Millen, E. D.	<i>Teller.</i>
Neild, J. C.	Clemons, J. S.

Question so resolved in the negative.

Clause 4—

"Member" includes any officer, non-commissioned officer, sailor, and soldier.

Amendment (by Senator DRAKE) agreed to—

That the words "non-commissioned officer" be left out.

Amendment (by Senator WALKER) agreed to—

That the following words be inserted:—  
"Oath" includes affirmation in the case of any person who has a conscientious objection to take an oath."

Clause, as amended, agreed to.

## Clause 8—

The Governor-General may . . . . .  
appoint and promote officers of the Defence  
Force and issue commissions to them . . . .

Senator Lt.-Col. NEILD (New South  
Wales).—I move—

That after the word “commissions” the words  
“and warrants” be inserted.

This is the only one amongst the amend-  
ments given notice of by me which has been  
held over, and my desire is that the prac-  
tice in regard to the issue of warrants shall  
be that which has obtained for many years  
in New South Wales, namely, that they  
shall be issued by the Governor-General.  
Warrant officers stand between the com-  
missioned officers and the non-commissioned  
officers, and occupy a position which is of  
more importance in citizen forces than in  
regular forces. I have already discussed  
this matter at length, and do not propose  
to detain the Committee. Senator Cameron  
will bear me out that in forces where the  
officers are necessarily civilians, the war-  
rant officer, who is a professional soldier,  
and a man of experience, occupies a position  
of great responsibility. And the position  
has more responsibility attached to it in  
view of the fact that adjutants are no longer  
professional men, though they receive the  
magnificent remuneration of 5s. per day.

Senator DRAKE.—I have gone into this  
matter very carefully, and it is with regret  
that I find myself unable to support the  
amendment. I should like, if possible, to  
make some alteration, so that the practice  
which has hitherto obtained in New South  
Wales should not be interfered with; but it  
must not be forgotten that only in New  
South Wales of all the States are these  
warrants issued by the Governor, and that  
similar warrants in England are not signed  
by the King. No one can tell me how the  
practice of having these warrants signed by  
the Governor sprang up in New South  
Wales; and, in any case, I think that the  
one State ought to give way for the sake of  
uniformity. The warrant officers of New  
South Wales will be placed at no disad-  
vantage under the clause, because those  
already appointed have their warrants signed  
by the Governor; and the amendment, if  
carried, would entail a lot of extra work. I  
think Senator Neild will see that New  
South Wales ought to fall in with the prac-  
tice followed everywhere else in the British  
Dominions.

Question—That the words proposed to be  
inserted be inserted—put. The Committee  
divided.

Ayes	...	...	...	8
Noes	...	...	...	14
Majority	...	...	...	6

## AYES.

Charleston, D. M.	Smith, M. S. C.
Gould, A. J.	Walker, J. T.
Higgs, W. G.	
Millen, E. D.	<i>Teller.</i>
Neild, J. C.	Pearce, G. F.

## NOES.

Baker, Sir R. C.	Drake, J. G.
Barrett, J. G.	Matheson, A. P.
Best, R. W.	O'Keefe, D. J.
Cameron, C. St. C.	Playford, T.
Clemons, J. S.	Stewart, J. C.
Dawson, A.	
De Largie, H.	<i>Teller.</i>
Dobson, H.	Keating, J. H.

Question so resolved in the negative.

Amendment negatived.

Clause 9 verbally amended and agreed to.

Clause 17—

1. Warrant officers and non-commissioned  
officers in the military forces shall be appointed  
by officers commanding regiments and corps  
subject to the approval of the General Officer  
Commanding or by officers deputed by him in that  
behalf.

2. Warrant and petty officers in the Naval  
Forces shall be appointed by the Naval Officer  
Commanding or by officers deputed by him in that  
behalf.

3. Warrant officers, non-commissioned officers,  
and petty officers shall hold their appointments as  
prescribed.

Senator DRAKE.—I move—

That the following be inserted as sub-clause  
1. — “Warrant officers and non-commissioned  
officers in the permanent military forces shall  
be appointed by the General Officer Commanding  
or by officers deputed by him in that behalf.”

If this amendment be carried, I propose to  
amend the present sub-clause 1, so as to  
make it apply only to the citizen forces.

Amendment agreed to.

Amendment (by Senator DRAKE) agreed  
to—

That before the word “military,” line 2, the  
word “citizen” be inserted.

Amendment (by Senator DRAKE) pro-  
posed—

That the words “General Officer Commanding,”  
lines 4 and 5, be left out with a view to insert in  
lieu thereof the words “District Commandant.”

Senator Lt.-Col. NEILD (New South Wales).—If this amendment, to which I have no objection, is made, I shall move the omission of the words “or by officers deputed by him in that behalf.” There is no officer in the force between a District Commandant and the head of a regiment, therefore it is not sensible to propose that the District Commandant shall authorize an officer to approve of an appointment made by a regimental commander.

Senator DRAKE.—I do not think there is any force in the objection of my honorable friend, because the District Commandant could not depute an officer to perform this duty who was not higher in rank than an officer commanding a regiment. I do not see, however, why we should in all cases insist on the District Commandant exercising the power of approval.

Amendment agreed to.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That the words “or by officers deputed by him in that behalf,” lines 5 and 6, be left out.

If the head of a regiment appoints a sergeant or corporal, subject to the approval of the District Commandant, it is quite sufficient for the latter to exercise his power of veto instead of delegating that duty to some person unknown. It is commonly the case in the States for the members of the staff to be officers of inferior rank to the officers in command of regiments. I can cite a case where the staff officers are majors. How could the District Commandant appoint a major to veto the appointment of the colonel of a regiment?

Senator DRAKE.—I do not see that there is very much in the objection of my honorable friend; but as the approval will probably be given in writing, and it can be given by the District Commandant at any time, I shall not contest the matter.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 27—

The Governor-General may appoint a Board of Advice to advise on all matters relating to the Defence Force submitted to it by the Minister.

Senator MATHESON (Western Australia).—I move—

That the word “may,” line 1, be left out, with a view to insert in lieu thereof the word “shall.”

On that question I shall ask the Committee to decide whether in place of a Board of Advice there shall be a Council of Defence, consisting of the Minister for Defence, the

General Officer Commanding the Commonwealth Forces, the Officer in Command of the Naval Forces, two members of the Senate, and two members of the House of Representatives. In deference to an expression of opinion by certain honorable senators, I propose to leave out any allusion to a selection of members from the Opposition. I do not intend to elaborate the question, because I spoke very fully on a previous occasion. I quoted what Mr. Balfour had said in the House of Commons in support of a very similar Committee to assist the Government to deal with defence questions in England. What I then said has received most unexpected confirmation, and has been very greatly strengthened by the report of a Royal Commission, which was appointed in England to consider the condition of the Army in respect to the Transvaal War. It has made very serious disclosures. It has shown that the War Department, which was organized very much on the lines of our Defence Department, was thoroughly disorganized. According to the London correspondent of the *Argus*—

It is strongly suspected that much of the trouble arose out of the strained relations of the War Secretary and the Commander-in-Chief, and very largely too out of the desire of the Cabinet to avoid spending money.

I may point out that the same motives are operating in Australia. Time after time the recommendations of the General Officer Commanding have been shelved or ignored because the Cabinet have been unwilling to place the necessary funds at the disposal of the Department. It was pointed out in the report of the Royal Commission that in numerous instances the recommendations of the Intelligence Department and the recommendations of the War Office had been completely ignored, and that, as Ministers had come in and gone out, it was impossible to place the responsibility on anybody. It will be remembered that in his speech in the House of Commons, Mr. Balfour laid particular stress on the desirability of continuity in military policy. It appears to be thought that the Council of Defence which I advocate will operate in the way of reducing the power of the General Officer Commanding. At the present moment his recommendations go to the Minister, who has the sole right of shelving them, or of adopting them, or of putting a certain portion of them before Parliament. I am convinced from all I know, see, and read,

that this power is too great to be left with any one man. I propose that the Council of Advice should sit to receive the recommendations of the General Officer Commanding, and call for expert evidence, if they found themselves unable to come to a conclusion on any of them. For instance, if they felt any doubt about a matter involving the organization of the militia, they could summon the officer commanding the militia forces, or any other officer whom they thought it desirable to examine. In the same way, if a question arose in connexion with the volunteer forces they could ask the commanding officer to give evidence. But those officers would not be members of the Council. It would be impossible, with any due regard to discipline, to have the naval and military commandants sitting on the same board with their subordinates. Obviously the subordinates would be practically muzzled by a sense of discipline. I propose that the Council, after considering the recommendations of the naval and military commandants, should report to the House of Representatives at the same time as the Minister for Defence submits his Estimates, and honorable members would then be able to know exactly what they were doing when they voted, or refused to vote, any sums. Perhaps honorable senators may not realize how important it is that the Parliament should be furnished with the fullest information on all these subjects. I propose to state, as shortly as possible, what happened in connexion with the Estimates for last year, and to point out that no attention was called to this matter in another place, when the Estimates for the current year were being considered. Last year a sum of £28,700 was voted for certain military works, but it has entirely escaped the notice of honorable members elsewhere that only £5,500 has been spent. Owing to the divided control in these matters—owing to the fact that the Department of Home Affairs controls the execution of works quite apart from the Defence Department—works, which last year were considered most essential, have not been carried out, and the result is that this year we shall be asked to vote £29,000 for those works. Rifle ranges, which are urgently needed in the States, drill halls, schools of instruction and fortifications, have all been left unexecuted, simply from want of some authority to see that the recommendations of Parliament were carried out. There is another

*Senator Matheson.*

matter arising out of the Estimates for the current year. The General Officer Commanding has issued a report—very voluminous, but not sufficiently ample, to my mind—in which he points out that £125,000 should be spent this year on equipment. In his report he regrets that a larger sum is not available, and he points out that it would be impossible, even with that expenditure, to place the various parts of the service in an efficient state. Yet we find that the Government, simply with a view to economy, have cut down the proposed vote to £70,000. In other words, £1,000 has been knocked off the vote for medical stores; £31,000 has been knocked off the vote for arms and ammunition, while £23,000 has been knocked off the vote for field artillery. In relation to field artillery arms and ammunition, the General Officer Commanding in his report is most emphatic. He points out that twenty-four field guns are required to complete the peace establishment: that he proposed to purchase eight out of this year's vote; that there are hardly any ammunition waggons; that the batteries are absolutely valueless without waggons; and that it is just the same in regard to harness. Of course, honorable senators are well aware of the position in regard to ammunition. The guns must have ammunition, otherwise they will be absolutely useless. If a Council of Defence existed it would be their duty to see that the recommendations of the General Officer Commanding were properly laid before the Parliament, and, if adopted, carried out. I shall follow up this amendment, if adopted, with other amendments.

Senator DRAKE.—This matter was fully discussed on the 17th September, and decided by a majority of the Committee. It was discussed then on a new clause proposed by Senator Matheson, who is now bringing up the same matter by moving an amendment on another clause.

Senator MATHESON.—We have further evidence.

Senator DRAKE.—I do not think so. We have had some telegrams with regard to a report, which has not yet reached Australia, concerning military affairs in Great Britain. The proposal means the usual effort to avoid responsibility by means of boards, but experience has shown that when we have boards we are in much the same position as before. This is a matter which we cannot deal with at the present time. At the close of the session we are discussing



a Bill which has really been before Parliament for a couple of years, and it is quite out of place now to introduce what would be a very extensive alteration in the system of administration proposed. I think it is hardly fair for the honorable senator to bring the matter up in this way, because one cannot repeat one's speeches, and it would be very unfair if the honorable senator were to secure votes in favour of his proposal because those who have already spoken exhaustively upon the subject do not feel disposed to repeat their arguments. My opinion in connexion with the matter is unchanged, and I apprehend that the decision to which the Committee came the week before last will be adhered to to-day.

Senator PULSFORD (New South Wales).—I should like to say a few words upon this subject, which is a very important one. We cannot lose sight of the fact that within a few months the Defence Department of the Commonwealth has had three different Ministers in charge of it. It will not be contended that that is likely to conserve continuity of action, or that it in any way tends to a very high appreciation of the importance of the Department. I feel very strongly that the value of the military and naval forces of the Commonwealth would be increased if some proper Council of Defence could be provided. I can see very great difficulty in carrying out the proposal made by Senator Matheson. There would be difficulty in getting together a Council of Defence when it was wanted. I am not certain that the scheme outlined in the amendments is the best that could be adopted, but I am quite certain that it is time the Commonwealth turned its attention to the subject, and that we thought out some scheme by which the administration of the military and naval affairs of the country could be strengthened, and the wish of the Parliament more fully carried out. It is quite possible that the House of Representatives and the Senate might unite in desiring that some course of action should be followed, and that that desire might be more or less ignored by the authorities who at present control our forces.

Senator PLAYFORD.—Or by a Board of Advice.

Senator PULSFORD.—Perhaps also by a board; but so long as we recognise that there is a difficulty, and we do our best to meet it, Parliament will have done its duty.

I think that at the present time the best we can hope for is that the attention of the Commonwealth will be directed to this important subject, and that some scheme will be carefully thought out by which the Minister for Defence and the General Officer Commanding will be, I will not say controlled, but subject to some little supervision, and the wishes of Parliament given effect to.

The CHAIRMAN.—I desire to acquaint the mover of the amendment, and honorable senators generally, that it has just crossed my mind that it will be quite impossible for me to entertain the amendment as foreshadowed by Senator Matheson. I do not think I can prevent him from moving to strike out the word "may," with a view to inserting the word "shall," but as this motion is only preliminary to the insertion of a provision which has already been negatived in this Committee, it is not competent for me to receive the subsequent amendment which the honorable senator proposes to move. It will be the duty of the honorable senator, if he desires to press the matter, to move when the Bill is reported to the Senate that the clause be recommitted with a view to make certain amendments. Honorable senators are aware that a motion contradictory to a previous decision of the Committee cannot be entertained by the same Committee. We have already decided the question which Senator Matheson raises, and it is therefore not competent for me to entertain the proposal now suggested.

Senator MATHESON.—I thought we were dealing with these amendments upon recommitment. I ask leave to withdraw the amendment.

The CHAIRMAN.—We are dealing with these matters now only on reconsideration.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 35 (Period of enlistment).

Senator MATHESON (Western Australia).—I desire in this clause to omit certain words, but I do not know whether I shall be in order in moving the amendment except upon recommitment.

The CHAIRMAN.—The honorable senator can only propose his amendment upon recommitment.

Senator HIGGS.—I wish to raise a point of order. I understood, and I believe that every other honorable senator was under

the same impression, that these amendments were to be considered on recommittal. I never heard the word "reconsidered" used, and honorable senators will see that on the business-paper there is a reference to amendments to be moved "on recommittal" by the Minister.

Senator DRAKE.—I am not responsible for that. That is a mistake.

The CHAIRMAN.—The honorable senator must be aware that we have never gone out of Committee. It is quite immaterial what words are used in the business-paper. When we report to the Senate certain motions may be moved with a view to amending clauses upon recommittal; but we are now engaged upon a reconsideration of the Bill, and not a recommittal.

Clause agreed to.

Clause 39 (Discharge of members of citizen forces).

Senator DRAKE.—I find that the amendments I desire to make in this clause and in clause 51 can only be made upon recommittal.

The CHAIRMAN.—I hope there will be no misunderstanding. The Committee has determined to reconsider certain clauses. I do not think that where certain words have been inserted by the Committee, we can alter them on reconsideration, so as to make the meaning inconsistent with a previous decision. When it is proposed that certain clauses shall be reconsidered, I cannot possibly know the character of the alterations proposed to be made in them until the amendments are submitted to the Chair.

Clause agreed to.

Clause 51 agreed to.

Clause 55 (Provision for families of men killed, &c.)

Senator DRAKE.—I propose that this clause should be negatived, because we have dealt with the subject more fully in the new clause, 54A, which has been agreed to.

Clause negatived.

Clause 71—

(6) Any contractor, purveyor, or other person, and any employé of any such contractor, purveyor, or other person, who fraudulently and knowingly supplies to the Commonwealth or any officer of the Commonwealth for use by the Defence Force, or any part thereof, any article of food which is inferior in quality or quantity to that specified in the contract, agreement, or order under which it is supplied, or any material or equipment which is inferior to that specified in the contract, agreement, or order under which it

is supplied, and any officer of the Commonwealth who fraudulently and knowingly receives for use by the Defence Force, or any part thereof, any article of food or any material or equipment supplied in contravention of this sub-section, shall be guilty of an indictable offence, and shall be liable to imprisonment, with or without hard labour, for any period not exceeding three years.

Senator PEARCE (Western Australia).

—This is the clause which provides a penalty for the supply of inferior provisions, material, or equipment. I move—

That after the word "equipment," line 10, the words "or beast of draught or burden" be inserted.

This amendment was brought under the notice of the present Prime Minister in another place. The honorable and learned gentleman agreed that something of the kind was necessary, and promised to look into the subject, but it was overlooked. I was asked by an honorable member in another place to take up the amendment here.

Amendment agreed to.

Amendments (by Senator PEARCE) agreed to—

That after the word "material," line 15, the word "or" be omitted.

That after the word "equipment," line 15, the words "or beast of draught or burden" be inserted.

Clause, as amended, agreed to.

Clause 80—

(3) Any person who trespasses on any fort battery fieldwork fortification or any military or naval work of defence, or any land reserved for or forming part thereof, and whether any erection fort fortification or work of any kind is thereon or not, shall be liable to a penalty not exceeding Twenty pounds.

Senator Lt.-Col. NEILD (New South Wales).—This clause is of a most extraordinary character. It lays open to a penalty of £20 any person who strolls on a piece of land which has been reserved for military purposes, even though that land be unfenced and unoccupied. Something should be done to protect members of the public who may accidentally stroll on to military property.

Senator DRAKE.—There will be no penalty for accidentally strolling on to such land.

Senator Lt.-Col. NEILD.—In Port Jackson, for instance, there are thousands of acres reserved for military purposes, though I daresay that a military uniform has never been seen there. The land is commonly used for picnic purposes, and the State

Commandant has caused a notification to be published that it may be so used.

Senator DRAKE.—In such a case there could not possibly be any trespass.

Senator Lt.-Col. NEILD.—But the permission might be withdrawn at any moment, and I am only showing how largely the grounds are used by the public, as they have been used, I daresay, for the last sixty years. Military ground should at least be enclosed before a penalty is imposed for trespass, and I move—

That after the word “any,” line 3, the word “enclosed” be inserted.

I do not desire to hamper military operations, nor do I desire that any unnecessary law shall interfere with the innocent recreation of the citizens of the Commonwealth.

Senator DRAKE.—I hope the Senate will not agree to the amendment. The clause does not prevent people from making ordinary lawful use of military land which may be unenclosed, and the amendment, if passed, would mean that persons might, for instance, trespass on rifle ranges with impunity.

Senator Lt.-Col. NEILD. — Surely this clause does not include rifle ranges?

Senator DRAKE.—I believe rifle ranges have been taken to be included, and the clause ought not to be altered in such a way as to make it impossible to convict a person for trespassing on unenclosed land. In many cases the areas could not be enclosed except at great expense, and it is absurd to suppose that the Defence authorities would prosecute people for making a harmless use of such land.

Amendment negatived.

Clause agreed to.

Clause 89—

A court martial may in a summary manner convict any person guilty of contempt of court within the hearing or view of the court.

Senator DRAKE.—In order to meet the views of honorable senators, I move—

That the word “person” be left out, with a view to insert in lieu thereof the words “any member of the Defence Force.”

Amendment agreed to.

Clause, as amended, agreed to.

Clause 120 (Regulations).

Senator PEARCE (Western Australia).—The clause gives the Governor-General power to make regulations for a number of purposes, and I move—

That the following new sub-clause be added :—  
“(a) The payment of compensation to wives and

families of members of the Defence Forces, as provided in part 3, division 4, of this Act.”

It is provided that compensation shall be paid in sums as prescribed by regulation, and, I take it, that it is also necessary to have regulations, in order to insure that the fund is not abused. This a far more important matter than some others which have been made the subject of regulations. We have all heard of the historic soldier in the United States, who lived on a pension for over a hundred years.

Amendment agreed to.

Clause, as amended, agreed to.

Senator Lt.-Col. NEILD (New South Wales).—I believe we have now completed the reconsideration of the measure, and I desire to take the present opportunity of tendering my thanks to the Minister for the more than courteous manner in which he has conducted the Bill through Committee. I particularly feel a debt of gratitude to the Minister, and to the members of the Senate generally. It has fallen to my lot to submit more amendments than are usually submitted by a private member, and the great consideration I have met with at the hands of the Minister and honorable senators demands from me the words of thanks which I very respectfully tender.

Senator DRAKE.—Allow me to thank honorable senators generally, and more particularly Senator Neild, and other military gentlemen in the Chamber for the assistance I have received,

Bill reported with amendments.

Motion (by Senator DRAKE) proposed—

That the Standing Orders be suspended to enable the Bill to pass through its remaining stages without delay.

Senator MATHESON.—I understood the Minister had some clauses to recommit.

Senator DRAKE.—I do not propose to move for a recommittal.

Question resolved in the affirmative.

Motion (by Senator DRAKE) proposed—

That the report be adopted.

Senator MATHESON (Western Australia).—I move, as an amendment—

That all the words after “That” be left out with a view to insert in lieu thereof the words “clauses 27, 35, and 120 be recommitted.”

Senator DRAKE.—For what reason?

Senator MATHESON.—The Minister knows the reason I desire a recommittal. I

submit the amendment with the view of substituting a Council of Defence for the Board of Advice.

Senator HIGGS (Queensland).—I support the amendment. The representatives of the Government seem in an extraordinary state of anxiety to get this Bill through. Their idea apparently is that all the Senate has to do is to pass Bills as they are introduced. It is necessary for me, in view of that attitude, to urge a few reasons why the Bill should be recommitted for the purposes indicated by Senator Matheson. The General Officer Commanding is to all intents and purposes the Minister.

Senator DRAKE.—No.

Senator HIGGS.—The measure before us, which purports to be the Bill of the Federal Government, is the Bill of the General Officer Commanding.

Senator DRAKE.—That is quite incorrect.

Senator HIGGS.—In various parts of the world where there are military systems, we find that General Officers Commanding are being abolished in favour of Boards or Councils such as that suggested by Senator Matheson. I am of opinion that in this part of the world we are safer from foreign aggression than are the people of any nation on the face of the earth. At the same time the general public evidently desire that considerable sums shall be spent for defence purposes, and it is necessary to have a general Council, of which the Minister for Defence and a representative of the Senate shall be members, in order to see that that money is properly expended, and our military system put on a proper footing. While we give Senator Drake every credit for the care and attention he devotes to the particular Department of which he may have charge, we know that when Parliament is in session, all his time is taken up in defending the Government against the aggressive criticism of honorable senators. The Minister for Defence is in the same position, and, under the circumstances, he has not sufficient time to devote to the affairs of the Department, with the result that the opinions of the General Officer Commanding are those of the Minister. If I were of opinion that we could at an early date obtain the services of an Australian officer who is in sympathy with Australian ideals—

Senator FRASER.—Why should an Australian officer be better than an expert from home?

Senator HIGGS.—If we could obtain the services of such an Australian officer, who has seen service in other parts of the world—and we have Australians of that character and capacity—I should not be so anxious to have the suggested Council. But, for some years, at any rate, we shall have an Imperial officer, to control whom there ought to be a Council. The recent disclosures in regard to the British Forces and the South African war, prove that the idea of one-man rule is a fallacy.

Senator PLAYFORD.—I never heard that said in England.

Senator HIGGS.—The honorable senator must have seen the report of the Royal Commission, in which it is proposed to have the British Forces controlled by a Board or Council such as that suggested by Senator Matheson. We are not bound to accept "board" or "council," or any particular name; all we want is some new blood in the control of the military forces. A Council would insure that hundreds of thousands of pounds would be spent in a legitimate and proper way, and would secure a better morale in the rank and file, as well as amongst the subordinate officers. The careers of Australian officers are at present absolutely in the hollow of the hand of the General Officer Commanding; but if there were a Board or Council, grievances could be stated and remedied. The members of the Council would be subject to criticism in Parliament, just as the Minister is; and criticism of that character is in the best interests of the Australian Defence Forces generally. In the United States, the Commander-in-Chief has been abolished in favour of a Board of Control, and as the people of that country have had recent experience of war, and are an up-to-date nation, we might well follow their example. In Germany the staff management is under a chief of staff, each army corps commander being absolutely supreme in his own command, and directly responsible to the Government. In France there is practically the same system, while in Switzerland there is a Board of Control, and in Japan a Board of Military Advisers. The Board in Japan was established after the Japanese, in keeping with their usual modern policy, had sent officers abroad to inquire as to the best system. I hope that honorable senators will not, in their desire to close the session, rush this

Bill through without due consideration. The Defence Bill is of such an important character that it may well be held in abeyance until next session. Where is the need for hurry? We have been able to exist without this measure for two or three years, and we can very well allow it to stand over for another year, especially if we can show that Senator Matheson's proposal is of such importance that it demands our consideration. What has been revealed in connexion with the military system in the old country proves that we ought to have a Council of Defence. Who can believe that if such a clause as that suggested by Senator Matheson, and as is now proposed in England, were in existence, the great disasters that occurred in South Africa would have taken place? I do not believe that they would. We see from the evidence that no preparations were made with regard to the clothing of the men, the rations, and a thousand other things that are necessary for the proper equipment of an army. I am fully of opinion that those defects were brought about by the faults of the old system, and that if the two Houses of this Parliament were represented on a military council outside the Government not only should we be in a better position when trouble threatened from outside, but in time of peace we should have some guarantee that our money was wisely expended, and that subordinate officers were properly treated. I do not propose to pursue the matter any further at the present stage, but I hope that the Senate will agree to recommit the clause.

Senator DOBSON (Tasmania).—I feel bound to support the recommitment of the clause in question, because experience has shown us that the present state of affairs is hardly satisfactory. It is not common sense to expect one General Officer Commanding to have such a perfect knowledge of all the branches of a military Department as will enable him to administer it with efficiency. We cannot possibly expect a trained fighting man to understand everything. On the question of arms and ammunition we are at once brought face to face with the question of free-trade and protection—as to whether we shall have a Commonwealth factory or shall continue to import our arms and ammunition from the old country. Questions of that kind could be dealt with by such a board as is proposed. I am not prepared to say that

the body favoured by my honorable friend, Senator Matheson, is the pattern board, but it would be a beginning, and might develop into a perfect board which would give satisfaction. I should be inclined to think that such a body should have upon it certain political officers, and one or more military officers. It should be representative of the volunteers, the militia, and the engineers, and at least one officer from each of those corps should be added. But that, of course, is a question of detail. It is perfectly certain from the way the military Estimates have been cut about, without any relation whatever to the needs of the country, that we need a brain for our army, and we cannot expect one man to supply what we want. I am quite in accord with the idea that the moment war commences the naval and military commanders must have absolute control, and that we must put our defence in their hands. But in matters of administration during times of peace, I believe in control by a board. I understand that the idea is to do away with control by a Commander-in-Chief and to have the whole military system administered and vested in a board. That is a condition to which we may attain hereafter. It may be found to be the system we require, but under present circumstances I think we need to give the present administration of some body like that suggested. The present position is unsatisfactory. At one moment the Government may make much of the General Officer Commanding for the time being. They may say—"We now have an expert who wants to spend thousands of pounds, and we are going to let him do it." But at another time the General Officer Commanding may advise certain things, and the Government may keep his report in the back ground. For these reasons I think that a change in the direction proposed by Senator Matheson may be made with advantage.

Senator Lt.-Col. CAMERON (Tasmania).—I have very few words to say. It seems to me that we are wasting time and beating the air. This matter was very exhaustively discussed on the last occasion, and nothing that I have heard since warrants it being brought up again. In fact, I feel so strongly upon the matter that I think that a Council, such as is proposed, will be one of two things. It will be either a fifth wheel to the Ministerial coach, or a useless tribunal to which no one will pay any attention. If

an indictment such as I have heard to-day from Senator Matheson and Senator Dobson, can be brought against any Government we ought to turn them out of office, and put in another Government to administer the affairs of the country properly. But it is not for any Council to decide upon the management of the defences of Australia. I think that what has occurred in England has put a great many people on the wrong track. The General Officer Commanding must of necessity be an expert, and be the vehicle by which the Minister is informed of the requirements of the Defence Forces and of the country. Army administration and army discipline should be concentrated in the General Officer Commanding, and there should be a clear line of cleavage between the two branches, so that both may be thoroughly well organized, and every one belonging to them may have his specific place, and know what is required of him whether in time of peace or during war. There would then be no hitch, and no difficulties except such as were the result of differences in the qualifications of the officers, or of the accidents of service. To speak of what political exigencies in England have brought about is beside the question. In the past, want of attention to mobilization has produced a want of development on the part of the Intelligence Department, or the brain of an army; and that has led to the condition of affairs to which Senator Dobson has referred. But that is not a question for Parliament to meddle with. It is a matter of the internal economy of the Department; and I hold that essentially Parliament should devote its energies to maintaining the responsibility of the Minister and to determining broad principles, leaving the minutiae entirely to the departmental heads. I feel certain that if, in case of a great national emergency arising, we had a board of control, in whom the affairs of the Defence Forces were centered, we should lose one of the foremost necessities, and that is the confidence of the forces in the Commander-in-Chief. On these grounds I strongly oppose the suggested Council of Defence.

Senator O'KEEFE (Tasmania).—I support Senator Matheson's proposal. After hearing the remarks of Senator Cameron, whom we all recognise as an expert, I have come to the conclusion that he has not added to the strength of the opposition to that proposal. Senator Cameron started by saying

that he had heard nothing during the debate to cause him to alter his opinion, or to warrant him in thinking that there was any justification for bringing this question before the Senate again. We have heard a number of quotations from a report which was published in the *Age* a few days ago concerning the inquiries of the Commission which has been sitting in England. I cannot understand how an expert of Senator Cameron's knowledge can fail to pay attention to that report. The case for the establishment of a Council of Defence has become much stronger since the question was previously discussed. At all events, I am convinced that if we cannot improve matters we certainly cannot make them worse. The Council of Defence has been likened by Senator Cameron to the fifth wheel of a coach. We have often heard that expression used concerning a Ministry of four. I have a distinct recollection of a case where, when a Ministry of four were running the business of a country, the "fifth wheel of the coach" was about the most useful of the lot. Then, again, Senator Cameron says that if we are not satisfied with the administration of the Defence Department, the proper course is to turn out the Government and put in another one. But, unfortunately, we cannot always do that at the time when we should like to. Even if we were able to turn out a Ministry owing to some defects in its administration, we should still be in the same danger of having blunders made by its successor in office. I am also prompted to support the motion for the reason that we ought to have more attention paid to our citizen soldiery. The necessity for a citizen soldiery was a popular cry previous to the last elections. It is not less popular to-day. The majority of honorable members in another place and in the Senate, and the greater proportion of the public, are more in favour of a citizen soldiery than of anything that will encourage the spirit of militarism to become rampant throughout Australia. While our forces are under the supreme control either of Major-General Hutton, the present General Officer Commanding, or of some other gentleman from the old country who has Imperial notions, we are not likely to have such attention paid to our citizen soldiery as they deserve. Whether for good or evil—whether it is in the best or worst interests of the defences of the country—all

Imperial officers are imbued with the spirit of militarism. We must acknowledge, in the light of our experience, that the present General Officer Commanding has not shown his sympathy with a citizen soldiery. That is the strongest reason which prompts me to support this proposal. I believe that if we have a Council of Defence, greater attention will be paid to that question, in regard to which I know I have Senator Cameron with me. Absolutely nothing has been done by the present General Officer Commanding to spread the desire for a citizen soldiery, or to assist in that direction. I do not think that he, or any other gentleman that might take his place, will do what the public desire in that respect. I believe that the appointment of a Council of Defence would be of assistance; and that consideration, coupled with other reasons, induces me to support Senator Matheson. As to the question raised by Ministers, that what is now proposed will delay the passage of the Bill, it has been rightly urged that we have done for two or three years without the measure. Of course that is not altogether a good thing. It will be much better for the forces when they are controlled under a Bill of this kind. But seeing that the main objects of the people in regard to defence have not received attention, I, for one, would rather that the Bill did not become law this session than see it enacted as it is. I do not care very much whether it is delayed until next session or not, because I believe that time is working with those of us who are paying great attention to the question of a Commonwealth citizen soldiery.

Question—That the words proposed to be left out be left out—put. The Senate divided.

Ayes	...	...	...	10
Noes	...	...	...	7
Majority	...	...	...	3

AYES.

Barrett, J. G.	Smith, M. S. C.
Best, R. W.	Stewart, J. C.
De Largie, H.	Walker, J. T.
Dobson, H.	
Higgs, W. G.	Teller.
Reid, R.	Matheson, A. P.

NOES.

Baker, Sir R. C.	Saunders, H. J.
Cameron, C. St. C.	Zeal, Sir W. A.
Drake, J. G.	Teller.
Playford, T.	Keating, J. H.

PAIRS.

Pearce, G. F.	Neild, J. C.
Styles, J.	Fraser, S.
McGregor, G.	Charleston, D. M.
O'Keefe, D. J.	Clemous, J. S.
Pulsford, E.	Gould, A. J.

Question so resolved in the affirmative.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

*In Committee.* (Recommittal).

Clause 27—

The Governor-General may appoint a Board of Advice to advise on all matters relating to the Defence Force submitted to it by the Minister.

Senator MATHESON (Western Australia).—I have already explained my object in asking for a recommittal of the clause. It would be wasting the time of honorable senators if I were to recapitulate my arguments; therefore I move—

That the word "may," line 1, be left out with a view to insert in lieu thereof the word "shall."

Senator DRAKE.—I cannot allow the amendment to go without saying a few words by way of protest. As I pointed out before, this matter was discussed at great length on the 11th September.

Senator HIGGS.—And we have altered our minds since the discussion took place.

Senator DRAKE.—I do not know whether the honorable senator has altered what he calls his mind. I think that he has been voting in the same way all the time; and I am not sure that other honorable senators have altered their minds. In the first place, I would point out to Senator Matheson that it is a most unheard of thing to use the word "shall" in connexion with the Governor-General, and that the parliamentary custom is to use the word "may" in that regard. That is one reason why honorable senators should hesitate to vote for the amendment. But on the merits of the proposal, if there are any, I would ask those who wish to see the Bill passed, not to vote for its acceptance. They must see that at this period of the session there is no possibility of being able to make such a tremendous alteration as is proposed by the transference of the duties of the General Officer Commanding and the Minister to a Board of Control. It would be introducing an altogether different system. We are told that the proposal is made upon the strength of the report of a Royal

Commission in England—a report which I may say we have not yet received.

Senator HIGGS.—And what is taking place in other parts of the world.

Senator DRAKE.—No.

Senator HIGGS.—For example, in the United States.

Senator DRAKE.—I have no evidence that the United States have adopted this system. If their military organization is so perfect that they can afford to go in for an experiment of this nature, it is a different thing; but this is certainly not the right time for us to experiment. Suppose that the amendment were carried, would it be possible at this period of the session for us to induce the two Houses to agree on any scheme for carrying out the proposal of Senator Matheson? What he proposes to do is to make one or two amendments, and then to fling the clause down with the remark, "That is an indication of what I mean," leaving the two Houses to put the clause in such a shape as to carry out his intention. That could not be done. This is practically the third year in which this Bill has been before the Parliament. In 1901 it was introduced in the other House; it has been discussed thoroughly and altered, and now, when we should be putting the finishing touches to its provisions, the honorable senator comes forward to propose a radical alteration of our system. Naturally, he is supported by those honorable senators who say that they do not care whether the Bill is passed or not. They would sooner have the passing of the Bill delayed for another year. I can quite understand those who hold that view supporting the amendment; but I cannot quite understand Senator Matheson making this proposal, seeing that he has on the floor of the Senate taken a very intelligent interest in military matters. I think he must see that it is desirable to have a Defence Bill passed this session, in order that the Defence Forces, under our present system of administration, may be brought to as great a state of efficiency as possible. If he feels strongly on this subject, let him come forward with a well-considered scheme next session, when no doubt it would receive every attention and consideration at the hands of the Parliament. Just when there is a thin attendance, both here and elsewhere, is certainly not the time to force on the statute-book such an alteration of our system as is proposed. I appeal to the

honorable senator not to press an amendment which, if carried, would probably have the effect of wrecking the Bill.

Senator MATHESON (Western Australia).—It has been pointed out to me by the Chairman that it is unusual, as Senator Drake has said, to use the word "shall" in relation to the Governor-General. In the circumstances, I propose to withdraw my amendment, and to proceed with the other amendments to carry out my object.

Senator HIGGS.—Would not the Government interpret "may" to mean "may" and not "shall"?

Senator MATHESON.—It has been suggested to me that "shall" would have no greater strength than "may."

Senator HIGGS (Queensland).—The Attorney-General has referred to what I call my mind. Let us consider his mind for a moment. It is of such an original character that he had to ransack through the *Cornhill Magazine* to find a remark to apply to me. When Lord Westbury was appearing before some Judges he said—"What your Lordships please to call your mind." When we do venture to offer a few observations to the Senate, there is some pretence to originality about them. But, from my experience of Senator Drake in Queensland, he has never had anything more original than what appeared in the Bill before him. In the Senate he is so pleased with that kind of originality that he cannot be dragged away from it, and the result is that the Government is very often seen in a most dismal minority. I hope that Senator Matheson will adhere to his proposition to substitute "shall" for "may," because, if a possible loop-hole were given, the Minister would wriggle through it. The Governor-General is only the mouth-piece of the Government, and if we were to substitute "shall" for "may" we should give an imperative instruction to the Government.

Amendment, by leave, withdrawn.

Amendment (by Senator MATHESON) proposed—

That the words "Board of Advice," lines 1 and 2, be left out, with a view to insert in lieu thereof the words "Council of Defence."

Question put. The Committee divided.

Ayes ... .. 10

Noes ... .. 8

Majority ... .. 2



AYES.

Barrett, J. G.  
Best, R. W.  
De Largie, H.  
Dobson, H.  
Matheson, A. P.  
Reid, R.

Smith, M. S. C.  
Stewart, J. C.  
Walker, J. T.  
*Teller.*  
Higgs, W. G.

NOES.

Baker, Sir R. C.  
Cameron, C. St. C.  
Drake, J. G.  
Macfarlane, J.  
Playford, T.

Saunders, H. J.  
Zeal, Sir W. A.  
*Teller.*  
Keating, J. H.

PAIRS.

Pearce, G. F.  
Styles, J.  
McGregor, G.  
O'Keefe, D. J.

Neild, J. C.  
Fraser, S.  
Charleston, D. M.  
Clemons, J. S.

Question so resolved in the affirmative.  
Amendment agreed to.

Amendment (by Senator MATHESON) proposed—

That the following words be left out:—"to advise on all matters relating to the Defence Force submitted to it by the Minister."

Senator DRAKE.—Even if honorable senators are determined to substitute a Council of Defence for a Board of Advice, I think these words should be retained, unless it is intended to deprive the Minister, although he still remains responsible to Parliament, of all control in military matters. Why should he not submit to the Board the questions upon which he desires advice? I shall not allow the amendment to pass without protest.

Senator MATHESON (Western Australia).—I have moved the amendment because it is desired that the Council shall deal with all matters brought before the Minister by either the General Officer Commanding or the Officer in Command of the Naval Forces.

Question—That the words proposed to be left out be left out—put. The Committee divided.

Ayes	...	...	...	10
Noes	..	...	...	8
Majority	...	...	...	2

AYES.

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Best, R. W.  
De Largie, H.  
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Macfarlane, J.  
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*Teller.*  
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McGregor, G.  
Pearce, G. F.  
Styles, J.  
O'Keefe, D. J.  
Pulsford, E.

Charleston, D. M.  
Neild, J. C.  
Fraser, S.  
Clemons, J. S.  
Gould, A. J.

Question so resolved in the affirmative.  
Amendment agreed to.

Amendment (by Senator MATHESON) proposed—

That the following words be inserted:—"consisting of—

1. The Minister for Defence.
2. The Officer in Command of Naval Forces.
3. The General Officer Commanding the Commonwealth Forces.
4. Two members of the Senate.
5. Two members of the House of Representatives.

The Council shall receive and review all recommendations of the General Officer Commanding and Naval Commandant in respect to the organization, administration, and financial policy of their respective branches of the Defence Forces, and shall, if thought necessary, obtain expert advice on any questions arising under such recommendations.

It shall be the duty of the Council from time to time to make such recommendations to Parliament as it may think desirable for most effectually securing the efficiency of the Defences and Defence Forces of the Commonwealth, and to take such steps as may be necessary to secure effective compliance with the directions of Parliament in respect to all such matters.

At every meeting of the Council the Minister shall preside, or, in his absence, a chairman to be chosen by those members present."

Senator DRAKE.—If honorable senators who have voted for the last two amendments are prepared to swallow Senator Matheson's proposal whole, it will be useless to divide the Committee upon this amendment. The proposal, however, involves a great absurdity. Honorable senators cannot instance any case in which a Council of Defence has been constituted as Senator Matheson proposes to constitute this body. Moreover, although it provides that there shall be two members chosen from the Senate and two from the House of Representatives, it makes no provision for the manner of their selection.

Senator MATHESON.—I will deal with the matter in another clause.

Senator DRAKE.—The honorable senator proposed originally that one member for

will give notice of his question for Tuesday, I shall be very glad to supply him with information as to what is being done.

Mr. POYNTON.—In view of the possibility of Colonel Lyster being transferred to another State, will the Minister for Defence take steps to prevent further money being wasted by that officer in travelling through the State of South Australia?

Mr. AUSTIN CHAPMAN.—It is my intention to prevent waste of money in every way possible. I cannot, however, deal with possibilities until they assume the form of probabilities.

### RIFLE CLUBS IN WESTERN AUSTRALIA.

Mr. KIRWAN.—I desire to ask the Minister for Defence what has been done towards placing the rifle clubs of Western Australia upon the same footing as those in other States, pending the passing of the Defence Bill?

Mr. AUSTIN CHAPMAN.—The honorable member was good enough to give me notice of his intention to ask this question, the answer to which is as follows:—

The rifle clubs in Western Australia have not hitherto been enrolled under any regulations, and therefore have no official standing. Steps are now being taken to gazette these clubs under the Commonwealth Rifle Club Regulations. An arrangement was made by Sir John Forrest, prior to these regulations coming into force, by which these rifle clubs in Western Australia, voluntarily formed, but which are affiliated with the National Rifle Association, were able to acquire certain issue of ammunition; and in order to avoid discouragement, pending the gazettement of these clubs under the new regulations, and therefore bringing them into line with all other rifle clubs in the Commonwealth, the Commandant of Western Australia has been authorized to continue the issue of ammunition within reasonable limits to those clubs which have applied in the regular manner to come under the new regulations.

### SEAT OF GOVERNMENT BILL.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—With the permission of the House, I desire to move—

That leave be given to bring in a Bill for an Act to determine the seat of the government of the Commonwealth.

It is proposed to proceed with the second reading of the Bill on Tuesday next.

JOSEPH COOK (Parramatta).—I should be the last to suggest any delay in matter, but I wish to point out that

Monday is a holiday, and that, perhaps, it might be inconvenient for some honorable members to attend on Tuesday.

Mr. SPEAKER.—The question as to the date to be fixed for the second reading will come on for consideration at a later stage.

Question resolved in the affirmative.

### TRANSCONTINENTAL RAILWAY.

Sir LANGDON BONYTHON.—I wish to ask the Prime Minister, without notice, whether any additional correspondence has passed between the Federal Government and the Government of South Australia with regard to the proposed railway to Perth?

Mr. DEAKIN.—No reply, I believe, has been received to our last communication to the South Australian Government.

### ELECTORAL ACT: REGULATIONS.

Mr. BROWN.—I desire to ask the Minister for Home Affairs, without notice, when he expects to have ready for distribution the regulations under the Electoral Act? I also desire to know, in connexion with the forthcoming elections, whether the honorable gentleman intends to utilize the services of the officers who conducted the last Federal elections, and whose services it is customary to use at State elections; or whether he intends to confine this work entirely, or as far as possible, to members of the Federal Public Service?

Sir JOHN FORREST.—I hope within a few days to have the regulations ready for use. In regard to the officers who are to conduct the elections, I have already informed honorable members that the desire of the Government is to utilize, as far as possible, Commonwealth officers. Of course it will not be possible to do that in all cases. In some instances we shall use those officers who have hitherto conducted elections; but, generally speaking, we shall as far as possible utilize the services of Commonwealth officers.

### HUNTER ELECTORATE.

Mr. FISHER.—Seeing that the Ministers have to-day introduced a Bill dealing with a very important matter, I should like to ask you, Mr. Speaker, whether it would not be desirable to issue a writ for the election of a member for the electorate of Hunter, in order to give the electors in that portion

of New South Wales an opportunity to exercise a voice in the matter?

Mr. SPEAKER.—When I have seen the Bill referred to I shall be able to decide whether steps should be taken to issue a writ.

### PUBLIC SERVICE REGULATIONS.

Mr. POYNTON.—I wish to ask the Prime Minister, without notice, whether he has considered the point which I brought under his attention yesterday with regard to the alterations suggested by the Senate to be made in the Public Service Regulations, and whether he has any intention of giving effect to those alterations?

Mr. DEAKIN.—I asked for the regulations to be brought before me to-day, but owing to the number of callers and the quantity of correspondence I had to deal with, I was unable to read them. I will look into the matter as soon as I have a moment's leisure.

### FEMALE TYPISTS.

Mr. MAUGER.—I should like to ask the Minister for Home Affairs, without notice, whether he will make inquiries as to the number of hours overtime that the young lady typists in his Department have been working; and whether he will remove the very great strain that has been put upon these employes? I am quite aware that at times overtime work is necessary. But I am quite sure that a great strain has been put upon both the male and the female employes, and I believe that in some instances the health of the female typists has broken down. While we desire to be as economical as possible, we do not want to kill our employes. I trust that the right honorable gentleman will inquire into the matter.

Sir JOHN FORREST.—I shall be very glad to make inquiries, but I have not heard anything about the subject alluded to. It is astonishing what information the honorable member is able to obtain concerning matters in my Department of which I know nothing. I have seen some of the young ladies, and it did not seem to me that their health was being injured; but probably the honorable member is a better judge of that than I am. However, I shall be very glad to make inquiries.

### PRESERVATION OF FRESH FRUIT.

Sir JOHN QUICK asked the Prime Minister, *upon notice*—

Whether there is any chance of an opportunity being given to discuss Notice of Motion No. 1, in favour of a reward being given, open to the world, for the discovery of some new scientific method by which fresh fruit can be preserved in a merchantable condition and transported at reasonable rates to European countries. If not, will the Government consider the suggestion?

Mr. DEAKIN.—I fear that there is no chance of an opportunity being given to discuss the motion this session; but I shall be very glad to receive any suggestion or information relating to the subject.

### ALLOWANCES TO POSTAL OFFICIALS.

Mr. FOWLER asked the Postmaster-General, *upon notice*—

1. Do not the allowances paid to postal officials on the gold-fields of Western Australia at the transfer of the Department to the Commonwealth constitute a privilege under section 84 of the Commonwealth Constitution?

2. Can any of these allowances be legally reduced?

Sir PHILIP FYSH.—The following are the answers to the honorable member's questions:—

1. No.
2. Yes.

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Sir JOHN QUICK asked the Minister for Trade and Customs, *upon notice*—

1. Whether his attention has been directed to the evidence given by R. Lavers, a manufacturer's agent, in a Customs prosecution in Sydney:—

“On cotton-seed oil there is a duty of 2s. per gallon. How do the Customs deal with it?—It is imported in bulk, re-bottled here, and sold in different States as castor and olive oil.”—*Argus*, 29th September.

2. Will he consider the propriety of protecting the growers of true olive oil in Australia by Federal legislation, excluding from Inter-State trade such fraudulent adulterations?

Sir WILLIAM LYNE.—In reply to the honorable and learned member—

1. Yes.
2. I have already instructed that the fullest inquiry be made as to the accuracy of Mr. Lavers' statement. If such a practice does exist, the Customs Act provides for the punishment of the offenders, and every effort will be made to them.

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1. Yes.

2. I have already instructed that the fullest inquiry be made as to the accuracy of Mr. Lavers' statement. If such a practice does exist, the Customs Act provides for the punishment of the offenders, and every effort will be made to reach them.

## ARMoured HORSE-CAR.

Sir JOHN QUICK asked the Minister for Defence, *upon notice*—

1. Whether his attention has been directed to the following paragraph in a Bendigo paper, dated 29th September :—

“Mr. A. R. Thurlow, who resides off Forest street, and who was formerly a sergeant in the Submarine Mining Company of Engineers, has constructed a model of a military invention (an armoured horse-car) which he is bringing under the notice of the War Office. The invention is one which, in Mr. Thurlow's estimation, will prove capable of effecting an immense saving of the lives of horses and men on the battle field.”

2. Will he bring the matter under the notice of the State Commandant, so that the armoured car may be inspected and reported on by some competent staff officer at an early opportunity?

Mr. AUSTIN CHAPMAN.—In reply to the honorable and learned member, I beg to state :—

1. This invention has not been brought under the notice of the Department.

2. The attention of the General Officer Commanding will, however, be directed to the matter.

## APPROPRIATION BILL (1903-4).

## THIRD READING.

Motion (by Sir GEORGE TURNER) proposed—

That the Bill be now read a third time.

Sir EDWARD BRADDON (Tasmania).—Will the Prime Minister make arrangements for the vote of the House on the Bill relating to the selection of the Capital site not to be taken until Wednesday next?

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The request which the right honorable member makes is, that under the circumstances the vote on the Bill relating to the selection of the Federal Capital Site shall not be taken before Wednesday next. I do not think there need be the least difficulty about that undertaking. But I wish the House to be prepared to commence the discussion on Tuesday; it will certainly be Wednesday before we can come to a decision. To prevent any loss of time it will be necessary to commence dealing with the question on Tuesday, though there is no prospect, I am afraid, of concluding the debate on that day.

Mr. THOMSON (North Sydney).—The Prime Minister is now asking us to pass the third reading of the Appropriation Bill. I think that before we do so we should have an assurance from him that the Capital

site matter will be carried to a definite conclusion before Parliament rises. What I mean by a definite conclusion is that either the site shall be selected, or that the matter shall reach the deadlock stage, at which it will be absolutely impossible to select a site this session. I gather that it is the honorable and learned gentleman's intention to try to attain a definite conclusion, but I wish to hear a statement made by him before the Appropriation Bill receives our assent.

Mr. DEAKIN.—We certainly will endeavour to reduce the Capital sites to two—one chosen by this House and one by the Senate; and if it be possible we will bring about an agreement between both Houses.

Mr. JOSEPH COOK (Parramatta).—I should like to know what violent hurry there is for the passage of this Bill?

Sir GEORGE TURNER.—The Senate must have a fair opportunity to deal with it.

Mr. JOSEPH COOK.—Undoubtedly the Senate will have an opportunity. I have no doubt that that House will deal with it as quickly, perhaps, as we did. We put the Bill through in almost as many minutes as there are stages. I have never seen an Appropriation Bill which received less consideration than this one has had.

Mr. DEAKIN.—The Estimates took a long time to consider, and this Bill will be considered from the stand-point of Estimates in another place.

Mr. JOSEPH COOK.—I wish to know whether there is any special need for urgency at the present time.

Mr. DEAKIN.—Yes, because while this House is dealing with the question of the Capital site we wish to give the Senate an opportunity to deal with the Estimates which are embodied in this Bill. It must be remembered that from the point of view of the Senate the discussion on this Bill is equivalent to our discussion on the Estimates. The Appropriation Bill is the only measure that gives the Senate an opportunity to consider the Estimates for the year.

Mr. JOSEPH COOK.—This is the one measure which we ought not to surrender too hurriedly to the Senate. We ought not to give them the Appropriation Bill whenever they think fit. There are obvious reasons why an Appropriation Bill is held back in all Parliaments. How do we know what is going to result in connexion with the selection of the Capital sites? No one

can see the end of that troublesome business, and none of us knows precisely what is going to eventuate between the two Houses.

**Mr. FISHER.**—If we pass this Bill we shall soon know the end.

**Mr. JOSEPH COOK.**—We have been promised that we should see the end of this business ever since we commenced to consider it. But we seem to be progressing backwards. I believe that on the first consideration in the Senate there was only a difference of one vote between the two parties. But we have progressed so much in regard to the solution of this difficult matter that, last night, there was a difference of seven votes on a division. That does not augur a speedy and definite settlement of this matter. I wish that I could be as optimistic in regard to its decision as some honorable members appear to be. I do not think that this Bill ought to pass its third reading until the Capital site has been selected, or at any rate until some promise of finality has been reached. Under the circumstances I would ask the Ministry to defer the third reading of the measure for at least a week. Certainly it ought not to be sanctioned until the important business which is before the two branches of the Legislature is in a fair way of being determined. That is one of the fundamental principles of parliamentary government. I would urge upon the Ministry to agree to the course which I have suggested, and to postpone the third reading of the Bill for a week.

**Mr. FISHER (Wide Bay).**—I do not blame the Government for attempting to get this measure passed as early as possible. To get the Appropriation Bill out of the way is a wise proceeding on the part of any Ministry, because it places them in the position of being able to settle with Parliament whenever they may think fit. Of course there is something to be said in favour of the early passage of the measure through this House, because of the position of the Senate under the Constitution. The other Chamber naturally desires time to consider it. Nevertheless, as was stated by the late Prime Minister, the determination of the Capital site is one of the most important questions with which this Parliament has been called upon to deal. It is quite unusual for a subject of such magnitude to be decided after Supply has been granted to the Government for the full period

of the year. At the same time if the Opposition do not think it worth while to enter a protest against the adoption of the course which is proposed, no charge of haste can be laid against the door of the Government.

**Mr. G. B. EDWARDS (South Sydney).**—I quite indorse the remarks of the honorable member for Parramatta and the honorable member for Wide Bay. According to my parliamentary experience, the Appropriation Bill is the very last measure which should be passed by Parliament. Seeing that the selection of the Capital site constitutes the most important business with which we have had to deal during the present session, that question ought certainly to be decided before this Bill is disposed of. Generally speaking, the Appropriation Bill is finally dealt with only a few hours before the prorogation of Parliament. I admit that our Constitution is somewhat different from the Constitution of the States, and that some deference must be paid to that difference. That fact in itself, however, is not sufficient to justify the passage of an Appropriation Bill at the present juncture. Throughout the session I have constantly blamed the Ministry for neglect in failing to submit for our early consideration the question of the selection of the Capital site. But despite the gravity of the present position I think that the reputation of the Prime Minister is such that the House will be prepared to accept his assurance that the list of eligible sites will be reduced to two, and, if possible, to one, before the session closes. It is only upon that understanding that I am prepared to allow the third reading of this measure to pass.

**Mr. BROWN (Canobolas).**—It was only to be expected that the Government would endeavour to push this very important measure to its final conclusion as soon as possible. To my mind, however, there is no immediate hurry to pass its third reading. Several other measures are awaiting our attention. Despite the fact that the question of the selection of the Federal Capital site has been given considerable prominence from the very inception of this Parliament, its consideration has been deferred till the closing days of the present session, and very little time is now available in which to deal with that matter. Moreover, present appearances point to the probability of future complications with the other Chamber which must inevitably result in further delay. I repeat that there are other

important measures which have still to engage our attention—notably the Patents Bill and the Defence Bill. If we agree to the passing of this measure, it means that we shall lose control over the Government. The latter will then be able to close the session at any time they choose without consulting the House. But so long as the Appropriation Bill is held in abeyance, honorable members are in a position to exercise a controlling influence upon our procedure. I do not think that it is unreasonable to ask that the third reading of this Bill should be deferred a little longer. The adoption of such a course will not inflict any hardship upon the public servants, and, therefore, there is no need whatever to unduly hurry the passing of the measure, unless the Government desire to bring the session to a close at an earlier stage than Parliament would be disposed to approve of in view of the incomplete state of the business upon hand. I would strongly urge the Ministry to consider the request which has been preferred by some members of the Opposition.

Mr. WILKS (Dalley).—The honorable member for Wide Bay has certainly given the members of the Opposition a very timely reminder of their duty. He has declared that, whilst it is to the interests of the Government to secure the early passage of this Bill, if members of the Opposition are alive to their responsibility they will insist on its further consideration being deferred. I thoroughly agree with his remarks. In view of the fact that the Federal Capital site has not yet been selected, I hold that it would be unwise to sanction the third reading of this measure. As has already been pointed out, several important measures have yet to be passed. How would honorable members feel to-morrow morning if, when they arrived at the House, they found the parliamentary shutters up? Immediately the Appropriation Bill is passed, the Government will be in a position to flout the will of Parliament, and to close its doors. I feel strongly tempted to submit an amendment which will have the effect of compelling the Treasurer to furnish us with some information in regard to this matter. If the Treasurer now replies the debate will be closed.

Mr. SPEAKER.—No.

Mr. WILKS.—That being the case, it is necessary for me, at this stage, to move amendment in order that honorable

members may have full opportunity to discuss this question. I trust that the Treasurer will make a statement to the House, as requested by the honorable member for Parramatta. At a most critical stage in her history, New South Wales to-day finds herself without her full measure of representation in either House, and if the leader of the Opposition were present I should hope to hear him strongly oppose the third reading of this Bill, pending the settlement of the Capital site question. We have received an assurance from the Prime Minister that the matter will be dealt with, but we know that the Victorian press and various public meetings held in this State have bitterly opposed the selection of a site, and therefore there is a danger of the question being shelved for this session. By preventing the third reading of this Bill to-day we shall be able to avert the anticipated danger, and it is my duty to join with other honorable members in exercising that power. I ask the Treasurer to say that he will not press the passing of this Bill through its remaining stages before New South Wales has secured her full measure of representation in the Federal Parliament.

Mr. McDONALD (Kennedy).—If the House agrees to the third reading of the Bill it will create a very dangerous precedent. It is the duty of every honorable member to protest against the adoption of such a course. The moment we agree to the third reading of the Bill our power over the Ministry will disappear. We know that important legislation materially affecting all the States still remains to be dealt with by us, and if we allowed this Bill to pass we should have no means to combat an attempt made by the Government on some flimsy pretext to shelve that legislation. I think that every honorable member should protest against the granting of such a power to the Ministry. I have never heard of the adoption of this practice in the House of Commons, or in any Legislature in Australia. Of course, if the House is foolish enough to acquiesce in the Government proposal, the Treasurer cannot be blamed for making it. If it is necessary that another place should have ample time to deal with the Estimates, an arrangement should have been made to enable it to consider them as soon as they left this Chamber, the Appropriation Bill meanwhile being kept back until the last moment. In that way we should have been able to overcome the difficulty suggested



by the Treasurer. This is a very serious matter, and if a division is called for I shall certainly vote against the motion. I feel inclined to move that the debate be adjourned until next week; but in any event I think that the Government should give us some assurance that they will not seek to pass the Bill through its remaining stages for at least another week.

Sir GEORGE TURNER.—I quite admit that the practice usually followed in the States Parliaments is to keep back the Appropriation Bill until all other measures have been dealt with. We must not forget, however, that we are working under a new Constitution, and that the position of the Senate is altogether different from that of the Legislative Councils of the States. The Senate has a right to request the reduction of any item in the Appropriation Bill, and it is therefore only fair that it should have a reasonable time to consider the Estimates, and to obtain the fullest explanation in regard to them. In these circumstances we cannot adopt the practice of the States Governments, and hold back this Bill until the last moment. That practice works very well in the States Legislatures, because the Legislative Councils of the States can simply reject or accept an Appropriation Bill, and, as a rule, they agree to such measures as a matter of course. This House, if it doubted the promise given by the Prime Minister, would be justified in refusing to pass the Bill at this stage. The only object which honorable members could have in view in adopting that course would be to retain control over the Government. But, as my honorable and learned leader has given a definite and distinct pledge to the House that the Federal Capital question will be advanced this session as nearly as possible to finality, even if it is impossible to finally settle it, I fail to see why any opposition should be shown to the Bill being read a third time to-day. An Appropriation Bill is held back, as a rule, simply to enable the House to have a check upon the Government. The honorable member for Dalley is afraid that if this Bill be passed to-day he may find to-morrow that Parliament has been prorogued, and that the question of the Federal Capital has been shelved. I am astonished that he should make such a suggestion.

Mr. WILKS.—My only fear is that the Government will not be able to control another place.

Sir GEORGE TURNER.—The honorable member did not base his objection on that ground. He said he was afraid that if we passed this Bill to-day he would find to-morrow that the doors of Parliament had been closed, and that the Government had failed to invite the House to proceed with the consideration of the Capital site. If we held back this Bill until both Houses had dealt with that question, we should have to send it to another place at a time when it would be impossible for honorable senators to give it proper consideration. In view of the pledge given by the Prime Minister—which I am certain is accepted by the majority of honorable members—I see no reason why we should not now agree to the Bill being read a third time, and thus give another place a fair opportunity to discuss it.

Mr. HENRY WILLIS (Robertson).—No doubt the Government will endeavour to keep the promise made to-day by the Prime Minister, but we cannot overlook the fact that they have no control over another place. I occupied a seat in the gallery of another place yesterday, and, whilst there, saw the will of the Government flouted by the majority of the members of that Chamber. Doubtless if they considered their purpose would be served by again taking up that attitude they would not hesitate to do so. I do not think that the Government will fail to make an effort to carry out their promise to this House, but we have no guarantee that they will be able to do so. If we allow this Bill to pass we shall part with our control over the Government. I contend that it is the duty of representatives of New South Wales to see that this measure does not pass through its remaining stages until the question of the site of the Federal Capital has been dealt with. The Treasurer urges that another place must be given ample time to consider the Appropriation Bill. Let us remain here in order that it may have an opportunity to do so. Let honorable members of this House be the sufferers. I therefore feel inclined to move that the debate be now adjourned.

Mr. SPEAKER.—The honorable member, having spoken to the motion, cannot move the adjournment of the debate.

Mr. HENRY WILLIS.—Then I suggest that the adjournment should be moved by the Government. It is necessary for the representatives of New South Wales to see that the interests of that State are conserved.

## ARMOURD HORSE-CAR.

Sir JOHN QUICK asked the Minister for Defence, *upon notice*—

1. Whether his attention has been directed to the following paragraph in a Bendigo paper, dated 29th September :—

“Mr. A. R. Thurlow, who resides off Forest street, and who was formerly a sergeant in the Submarine Mining Company of Engineers, has constructed a model of a military invention (an armoured horse-car) which he is bringing under the notice of the War Office. The invention is one which, in Mr. Thurlow's estimation, will prove capable of effecting an immense saving of the lives of horses and men on the battle field.”

2. Will he bring the matter under the notice of the State Commandant, so that the armoured car may be inspected and reported on by some competent staff officer at an early opportunity?

Mr. AUSTIN CHAPMAN.—In reply to the honorable and learned member, I beg to state :—

1. This invention has not been brought under the notice of the Department.

2. The attention of the General Officer Commanding will, however, be directed to the matter.

## APPROPRIATION BILL (1903-4).

### THIRD READING.

Motion (by Sir GEORGE TURNER) proposed—

That the Bill be now read a third time.

Sir EDWARD BRADDON (Tasmania).

—Will the Prime Minister make arrangements for the vote of the House on the Bill relating to the selection of the Capital site not to be taken until Wednesday next?

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The request which the right honorable member makes is, that under the circumstances the vote on the Bill relating to the selection of the Federal Capital Site shall not be taken before Wednesday next. I do not think there need be the least difficulty about that undertaking. But I wish the House to be prepared to commence the discussion on Tuesday; it will certainly be Wednesday before we can come to a decision. To prevent any loss of time it will be necessary to commence dealing with the question on Tuesday, though there is no prospect, I am afraid, of concluding the debate on that day.

Mr. THOMSON (North Sydney).—The Prime Minister is now asking us to pass the third reading of the Appropriation Bill. I think that before we do so we should have an assurance from him that the Capital

site matter will be carried to a definite conclusion before Parliament rises. What I mean by a definite conclusion is that either the site shall be selected, or that the matter shall reach the deadlock stage, at which it will be absolutely impossible to select a site this session. I gather that it is the honorable and learned gentleman's intention to try to attain a definite conclusion, but I wish to hear a statement made by him before the Appropriation Bill receives our assent.

Mr. DEAKIN.—We certainly will endeavour to reduce the Capital sites to two—one chosen by this House and one by the Senate; and if it be possible we will bring about an agreement between both Houses.

Mr. JOSEPH COOK (Parramatta).—I should like to know what violent hurry there is for the passage of this Bill?

Sir GEORGE TURNER.—The Senate must have a fair opportunity to deal with it.

Mr. JOSEPH COOK.—Undoubtedly the Senate will have an opportunity. I have no doubt that that House will deal with it as quickly, perhaps, as we did. We put the Bill through in almost as many minutes as there are stages. I have never seen an Appropriation Bill which received less consideration than this one has had.

Mr. DEAKIN.—The Estimates took a long time to consider, and this Bill will be considered from the stand-point of Estimates in another place.

Mr. JOSEPH COOK.—I wish to know whether there is any special need for urgency at the present time.

Mr. DEAKIN.—Yes, because while this House is dealing with the question of the Capital site we wish to give the Senate an opportunity to deal with the Estimates which are embodied in this Bill. It must be remembered that from the point of view of the Senate the discussion on this Bill is equivalent to our discussion on the Estimates. The Appropriation Bill is the only measure that gives the Senate an opportunity to consider the Estimates for the year.

Mr. JOSEPH COOK.—This is the one measure which we ought not to surrender too hurriedly to the Senate. We ought not to give them the Appropriation Bill whenever they think fit. There are obvious reasons why an Appropriation Bill is held back in all Parliaments. How do we know what is going to result in connexion with the selection of the Capital sites? No one

can see the end of that troublesome business, and none of us knows precisely what is going to eventuate between the two Houses.

Mr. FISHER.—If we pass this Bill we shall soon know the end.

Mr. JOSEPH COOK.—We have been promised that we should see the end of this business ever since we commenced to consider it. But we seem to be progressing backwards. I believe that on the first consideration in the Senate there was only a difference of one vote between the two parties. But we have progressed so much in regard to the solution of this difficult matter that, last night, there was a difference of seven votes on a division. That does not augur a speedy and definite settlement of this matter. I wish that I could be as optimistic in regard to its decision as some honorable members appear to be. I do not think that this Bill ought to pass its third reading until the Capital site has been selected, or at any rate until some promise of finality has been reached. Under the circumstances I would ask the Ministry to defer the third reading of the measure for at least a week. Certainly it ought not to be sanctioned until the important business which is before the two branches of the Legislature is in a fair way of being determined. That is one of the fundamental principles of parliamentary government. I would urge upon the Ministry to agree to the course which I have suggested, and to postpone the third reading of the Bill for a week.

Mr. FISHER (Wide Bay).—I do not blame the Government for attempting to get this measure passed as early as possible. To get the Appropriation Bill out of the way is a wise proceeding on the part of any Ministry, because it places them in the position of being able to settle with Parliament whenever they may think fit. Of course there is something to be said in favour of the early passage of the measure through this House, because of the position of the Senate under the Constitution. The other Chamber naturally desires time to consider it. Nevertheless, as was stated by the late Prime Minister, the determination of the Capital site is one of the most important questions with which this Parliament has been called upon to deal. It is quite unusual for a subject of such magnitude to be decided after Supply has been granted to the Government for the full period

of the year. At the same time if the Opposition do not think it worth while to enter a protest against the adoption of the course which is proposed, no charge of haste can be laid against the door of the Government.

Mr. G. B. EDWARDS (South Sydney).—I quite indorse the remarks of the honorable member for Parramatta and the honorable member for Wide Bay. According to my parliamentary experience, the Appropriation Bill is the very last measure which should be passed by Parliament. Seeing that the selection of the Capital site constitutes the most important business with which we have had to deal during the present session, that question ought certainly to be decided before this Bill is disposed of. Generally speaking, the Appropriation Bill is finally dealt with only a few hours before the prorogation of Parliament. I admit that our Constitution is somewhat different from the Constitution of the States, and that some deference must be paid to that difference. That fact in itself, however, is not sufficient to justify the passage of an Appropriation Bill at the present juncture. Throughout the session I have constantly blamed the Ministry for neglect in failing to submit for our early consideration the question of the selection of the Capital site. But despite the gravity of the present position I think that the reputation of the Prime Minister is such that the House will be prepared to accept his assurance that the list of eligible sites will be reduced to two, and, if possible, to one, before the session closes. It is only upon that understanding that I am prepared to allow the third reading of this measure to pass.

Mr. BROWN (Canobolas).—It was only to be expected that the Government would endeavour to push this very important measure to its final conclusion as soon as possible. To my mind, however, there is no immediate hurry to pass its third reading. Several other measures are awaiting our attention. Despite the fact that the question of the selection of the Federal Capital site has been given considerable prominence from the very inception of this Parliament, its consideration has been deferred till the closing days of the present session, and very little time is now available in which to deal with that matter. Moreover, present appearances point to the probability of future complications with the other Chamber which must inevitably result in further delay. I repeat that there are other

We shall be placed in a very unenviable position if we have to return to our constituents and to say that we allowed the Appropriation Bill to pass before the Capital Site question was dealt with. I ask the Government, in order that they may be protected against action which may be taken in another place, to consent to the adjournment of the debate until the Capital question has been dealt with.

Mr. HUGHES (West Sydney).—I desire to emphasize, if it be necessary, the remarks of the last speaker and of other honorable members as to the need for an adjournment of the debate. As has been well pointed out, no control can be exercised by the Government over the members of another place, nor indeed can they exercise an effective control over the members of this House after the Appropriation Bill has been passed. Whilst I have every confidence in the honesty of the Government, their intentions are one thing, and the intentions and acts of their supporters here and of the members of another House are quite another thing. The representatives of the State of New South Wales in this House are entirely at the mercy of honorable gentlemen who, not to put too fine a point upon it, are not exactly eager for the selection of the Federal Capital. They would not bother very much if it were not selected this session, could view with equanimity the possibility of its not being selected during the first session of next Parliament, and doubtless would sleep well if they knew that it would never be selected at all. Therefore, as the Government cannot effectively control the members of this House, and have no control whatever over members of another place, I think that they should agree to the suggested adjournment of the debate, at any rate until an opportunity has been given to this House to decide the Capital question. I do not think that we are asking too much in making that request. The Government cannot state definitely that they will not prorogue until the matter has been dealt with, because they have no means of carrying that promise into effect.

Mr. McCAY (Corinella).—I confess to being unable to follow the line of reasoning adopted by honorable members who ask for the adjournment of the debate upon the ground that we shall have no control over the members of another place if we pass the Appropriation Bill through all its stages in this House. Their suggestion amounts to

this: That we should not send the Appropriation Bill to the Senate until the members of that body have concurred with us in the selection of a site for the Federal capital.

Mr. WILKS.—Until we have tried to obtain their concurrence.

Mr. McCAY.—Suppose we keep back the Appropriation Bill, and ask the concurrence of the Senate in the selection of a certain site, but that they decline to concur with us, what advantage shall we have gained; unless it is argued that we should say to them—"We shall not send you the Appropriation Bill until you will concur with us"? I do not think honorable members could seriously entertain the suggestion. But the only inference to be drawn from their arguments is that that position should be assumed.

Mr. McDONALD.—What control shall we have over the Government if we pass the Appropriation Bill?

Mr. McCAY.—Parliament will have no control over the Government after the Appropriation Bill has become law. With regard to the suggestion of the honorable member that we should keep back the Appropriation Bill, and endeavour to make some arrangement which will enable the members of the Senate to discuss the Estimates of Expenditure in some other form, I think that this House has given away already too much of its control of the purse. I shall never be a party to increasing the powers of the Senate in connexion with financial matters. The members of the Senate are entitled under the Constitution to consider the items in the Estimates as they cannot be considered by the Legislative Council of a State, and to enable them to exercise that power they must obtain the Appropriation Bill before the last moment of the session.

Mr. HENRY WILLIS.—Let us at least try the arrangement proposed.

Mr. McCAY.—I do not feel sanguine about the success of any arrangement with another place which will not involve the abandonment of further rights of this House. My view is that we have already gone further in parting with our rights in connexion with financial measures than we should have gone.

Mr. JOSEPH COOK.—The honorable and learned member is now furnishing excellent reasons for the view taken by those who urge the adjournment of the debate.

Mr. McCAY.—I fail to see that I am. Honorable members who urge the keeping back of the Appropriation Bill are labouring under a delusion. We must rely upon the good faith of the Government so far as our relations with the Senate are concerned. The position of the Appropriation Bill will not have any effect in bringing the Senate into line with the House of Representatives upon the Capital Site question. Besides, we cannot keep back the Appropriation Bill indefinitely. Therefore there is no force in the veiled threat that would be made by taking the course of action suggested. I do not wish to leave the House to the uncontrolled mercies of any Ministry, but we must either accept or decline the assurance of the Prime Minister. If we accept his assurance it will not matter to us where the Appropriation Bill is, and so far as the Senate is concerned, it does not matter where it is, because we cannot in the least degree control the actions of the members of that body.

Mr. JOSEPH COOK.—What did the honorable and learned member understand the assurance of the Prime Minister to be?

Mr. McCAY.—That the Capital question would be dealt with in this House before the end of the session, and that he would try to have it dealt with in the other House.

Sir EDWARD BRADDON.—That he would do all he could to have it settled between the two Houses.

Mr. McCAY.—Yes. That is as much as he could do, whatever the position of the Appropriation Bill.

Mr. McDONALD.—He assured us that the Conciliation and Arbitration Bill would be passed this session, but where is it?

Mr. McCAY.—If the honorable member doubts the sincerity of the promise given, that is another matter. I do not see how the position of the Appropriation Bill can possibly affect the question in view of the relations between the two Houses, and the fact that we must, sooner or later, send on the Appropriation Bill, and that we must also hold the elections at the same time that the Senate elections are being held.

Mr. KINGSTON (South Australia).—I fail to follow the honorable and learned member for Corinella in his observations. I did not understand that it was suggested that we should hold the Appropriation Bill for the purpose of bringing pressure to bear

on the Senate or anything of that kind. Who suggested it?

Mr. McCAY.—It was suggested.

Mr. JOSEPH COOK.—No one suggested it.

Mr. KINGSTON.—I listened very carefully to the remarks of honorable members, and I did not hear any suggestion of the kind. If it had been made it would have at once struck my notice as a most startling proposition. What I understand is that the retention of the Appropriation Bill undoubtedly affords the House the most powerful means of exercising control over the Government. Of course, we can go on as long as we like passing Supply Bills in order that the affairs of the State may be carried on from month to month, but once we pass an Appropriation Bill which provides for the expenditure for the remainder of the financial year, we lose our constitutional power so far as it relates to the control of the finances and of the Government. I think that that is a proposition of the most elementary character, and I do not see how it is possible to put the matter of retaining the Appropriation Bill other than as bearing upon the control which this House exercises over the Government. With regard to the action which should be taken by us, I think that we ought to settle the question of the Capital site as soon as we possibly can. I venture to say that honorable members are sick of it, that Australia is sick of it, and that the most mischievous consequences would ensue if we had to go to the elections before finally settling the matter. I hope that in the early stages of the next Parliament two matters will be removed from our consideration—two matters which have troubled us too long. I hope that the fiscal issue will be settled once and for all—or, at any rate, for a considerable period—upon the basis of the continuance of the Tariff now in operation, and also that the Capital site question will be disposed of.

Mr. MAHON.—I thought the right honorable and learned member wished to see preferential trade brought about?

Mr. KINGSTON.—Of course I do.

Mr. MAHON.—Then how does the right honorable gentleman reconcile his statement as to the settlement of the fiscal question with that desire?

Mr. KINGSTON.—Does the honorable member suppose that the whole fiscal question will have to be re-opened in order to deal with that matter?

Mr. JOSEPH COOK.—It must be.

We shall be placed in a very unenviable position if we have to return to our constituents and to say that we allowed the Appropriation Bill to pass before the Capital Site question was dealt with. I ask the Government, in order that they may be protected against action which may be taken in another place, to consent to the adjournment of the debate until the Capital question has been dealt with.

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Mr. McCAY.—It was suggested.

Mr. JOSEPH COOK.—No one suggested it.

Mr. KINGSTON.—I listened very carefully to the remarks of honorable members, and I did not hear any suggestion of the kind. If it had been made it would have at once struck my notice as a most startling proposition. What I understand is that the retention of the Appropriation Bill undoubtedly affords the House the most powerful means of exercising control over the Government. Of course, we can go on as long as we like passing Supply Bills in order that the affairs of the State may be carried on from month to month, but once we pass an Appropriation Bill which provides for the expenditure for the remainder of the financial year, we lose our constitutional power so far as it relates to the control of the finances and of the Government. I think that that is a proposition of the most elementary character, and I do not see how it is possible to put the matter of retaining the Appropriation Bill other than as bearing upon the control which this House exercises over the Government. With regard to the action which should be taken by us, I think that we ought to settle the question of the Capital site as soon as we possibly can. I venture to say that honorable members are sick of it, that Australia is sick of it, and that the most mischievous consequences would ensue if we had to go to the elections before finally settling the matter. I hope that in the early stages of the next Parliament two matters will be removed from our consideration—two matters which have troubled us too long. I hope that the fiscal issue will be settled once and for all—or, at any rate, for a considerable period—upon the basis of the continuance of the Tariff now in operation, and also that the Capital site question will be disposed of.

Mr. MAHON.—I thought the right honorable and learned member wished to see preferential trade brought about?

Mr. KINGSTON.—Of course I do.

Mr. MAHON.—Then how does the right honorable gentleman reconcile his statement as to the settlement of the fiscal question with that desire?

Mr. KINGSTON.—Does the honorable member suppose that the whole fiscal question will have to be re-opened in order to deal with that matter?

Mr. JOSEPH COOK.—It must be.

Mr. KINGSTON.—I hope not. Honorable members need not lay that flattering unction to their souls. I do not think that the fiscal peace which honorable members desire to see maintained will be disturbed by the consideration of the question of preferential trade. We can easily give effect to that principle without reopening the whole fiscal controversy. I am indeed sanguine that when we meet next year both these questions will be out of the way. I would beg of the Government to spare no pains whatever to get the Capital site question settled this session.

Mr. DEAKIN.—Hear, hear; that is our intention.

Mr. JOSEPH COOK.—We suggest that in the meantime the Government shall hold this Bill over for one week.

Mr. KINGSTON.—If the Government are agreeable to comply with that request, well and good, but I do not think I should be prepared to give a vote which would press the matter upon them if they are disinclined to accede to what honorable members ask.

Mr. DEAKIN.—The Senate will have no work for next week except the consideration of this Bill.

Mr. KINGSTON.—Then the sooner they get it the better. Let the Government keep their noses to it. Judging from the Prime Minister's statements, I think that he is fully seized with the importance of removing from the constant notice of the Parliament and the people this question, which ought to be settled and which has all too long remained unsettled. I hope, therefore, that he will do all that is necessary to insure that both Houses shall express their choice; that he will persevere, and not be induced by any desire to get into the haven of recess to spare any pains. As I believe that the Government will do all they can—Appropriation Bill or no Appropriation Bill—and that they will carry out what is the undoubted wish of this House, I am prepared to assist them in doing what they propose.

Mr. THOMSON.—They have given an absolute promise.

Mr. KINGSTON.—Yes. They have not shilly-shallied with the question; they have not adopted terms of dubious meaning, but have pledged themselves as absolutely as any Government could do.

Question resolved in the affirmative.

Bill read a third time.

## APPROPRIATION (WORKS AND BUILDINGS) BILL (1903-4).

### THIRD READING.

Motion (by Sir GEORGE TURNER) proposed—

That the Bill be now read a third time.

Mr. JOSEPH COOK (Parramatta).—With reference to what has been said on the Capital site question, I desire to point out that no one on this side of the House questions the sincerity of the Government. We do, however, doubt their ability, with the Appropriation Bill out of the way, to carry the determination of the Capital site to a conclusion. We have known Governments to make promises before. I need scarcely remind honorable members of the statement recently made by a right honorable gentleman no longer a member of this House, in perfect good faith, concerning a matter of vital importance, and of the fact that within one short month a course exactly opposite to that indicated by him was taken. That statement was made in the same good faith as the statement of the Prime Minister in reference to the Capital site. No one doubts his sincerity, or that it is his intention to carry his promise into effect. In politics, however, no one knows what a day or an hour may bring forth, and there is nothing like being ready for emergencies. Therefore I urge that the consideration of the Capital question should be postponed for a week, or until we can see how matters are likely to shape themselves between the two Houses. All the talk about the Senate having no work to do next week is quite beside the question. The Senate has had many holidays extending over a week during the present session. They had one recently because there was nothing for them to do, and therefore there is nothing novel in the other Chamber being able to go away for a week. In view of the fact that this is the most vitally important matter which we have been called upon to consider this session, I would urge the Government even now to leave the consideration of this Bill over in order that we may see what kaleidoscopic changes may take place. We cast no reflection upon the Government or the Prime Minister, but we say that, as has happened before, political eventualities may cause the Prime Minister to take action contrary to the solemn promise which he has just made to



the House. We have had recent experience that this is possible in politics, even assuming good faith, and all the like. We have seen that these political turnovers can take place, and what has happened will probably occur again. I therefore ask the Government to allow this Bill to stand over for a week at least.

Mr. BROWN (Canobolas).—I rise to elicit some information from the Prime Minister at this juncture. There has just been handed to honorable members a document containing the minutes of evidence taken by the Royal Commission on Capital Sites.

Mr. SPEAKER.—The honorable member is not in order in discussing a matter that is not connected with the Appropriation Bill.

Mr. BROWN.—Some reference has been made to the Capital Sites question.

Mr. SPEAKER.—Quite so; the honorable member will understand that the reference which has been made to that question has been by way of a suggestion that this Bill should not now pass, but that the third reading should be taken at a later stage. Any reference to any printed paper concerning the Capital Site would be quite out of order in discussing the third reading of this Bill.

Mr. BROWN.—It is on the point to which you have referred, sir, that I wish to elicit information. I wish to point out that one reason why the Bill should not now be disposed of is that we have been promised certain additional information bearing upon the Capital sites, and that, in accordance with that promise, we have to-day received documents containing a report of the evidence. But we were also informed that we should be supplied with the minutes of the proceedings of the Commission.

Mr. SPEAKER.—I would point out to the honorable member that that matter might have been brought up in the form of a question earlier in the proceedings to-day, and it may be brought up at a later stage, on the motion for the adjournment of the House; but I do not see how the honorable member can connect it with the measure now under discussion.

Mr. BROWN.—I wish to urge the postponement of this Bill, for the reason that, so far, honorable members have not been supplied with full information bearing upon the Capital Sites inquiry. A postponement

would enable us to get that information, and we should be in a better position to deal with the sites. I hope the Government will see their way not to take from the House the power which we possess, as they will do by putting through this measure. There is no immediate hurry for it. I trust that they will accede to the wish of the Opposition in allowing it to stand over for at least a few days, so that we may be better able to see our way with respect to other matters which the Government have asked the House to consider.

Mr. THOMSON (North Sydney).—Whilst I quite recognise all that has been said in connexion with the desirability, under ordinary circumstances, of not giving the Government the Appropriation Bill until the principal business of Parliament has been transacted, I also recognise the claim that the Senate should be allowed time for the consideration of the Bill, which covers the Estimates for the entire year. While I think that the Government could, allowing for all that, have left over this Bill for another week, I also recognise that we can hardly go to the extent of resisting the proposals of the Government so far as not to assent to the third reading of the measure until the Capital site and all the other business of Parliament has been absolutely cleared up. Since we have to agree to send the Bill to the Senate before other business is concluded, I felt that the best thing we can do is to obtain from the Prime Minister an absolute promise as to the carrying out of the principal item of business that remains to be transacted before Parliament is prorogued. There has been some doubt as to what the Prime Minister actually promised. To me his promise was not capable of doubt, and I will now state what I understood it to be. I understood the Prime Minister to promise that before Parliament is prorogued there shall be, if possible, a selection by the two Chambers of one site; or, if that is not possible, that there shall be a selection of one site by each Chamber. Those words are plain enough, and are easily understood.

Mr. JOSEPH COOK.—“If possible.”

Mr. THOMSON.—It is not “if possible”; there is to be a selection of one site “if possible,” and if not, there is to be a selection of a site by each Chamber.

Mr. KINGSTON.—Would not the Prime Minister's promise extend to endeavouring to make the two Houses agree?

Mr. DEAKIN.—Hear, hear!

Mr. THOMSON.—I understand that that is part of the promise—that the Government will endeavour to arrive at the selection of one site by both Chambers.

Mr. DEAKIN.—Hear, hear!

Mr. THOMSON.—The Prime Minister accepts that; but if it is not possible to secure an agreement between the two Houses, he promises that there shall be a selection by each Chamber of a site.

Mr. JOSEPH COOK.—“If possible.”

Mr. THOMSON.—The promise of the Prime Minister is an absolute one, and is a stronger hold upon the Government than retaining the Appropriation Bill. I, for one, am prepared to accept the Prime Minister's absolute promise, because I think we can get nothing stronger by taking any other course that we have the power to adopt. It is our power that we must consider as well as our desire. I have confidence that the Prime Minister will see that his promise is fulfilled, not only to the letter, but in the spirit.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I hesitate to address myself again to this question, but if I did not, a misconception might possibly be allowed to take root. No promise has been made by me with regard to this matter that did not express the intention adopted long ago as part of the policy of the Government. I intended from the first to take a course which would settle this vexed question; and cordially re-echo and agree with the remarks of my right honorable friend the member for South Australia, Mr. Kingston, that the whole Continent, as well as the State of New South Wales, desires to see it settled once and for all. As far as lies in our power, what we proposed to do originally, and what we still propose to do, is to commence next week in this House, and endeavour, if possible, before its end, to get a conclusion arrived at by honorable members in regard to the selection of the site. If we are fortunate enough to succeed in that, the proposal of this House would then be put before the other Chamber the week after. The Senate will have the whole of next week to dispose of the various Appropriation Bills before them—the principal Appropriation Bill, that relating to works and buildings, and the two minor Bills relating to arrears. Those measures will occupy the time of the Senate

during next week. If this House is fortunate enough to make its selection of the site—as I hope will be the case; if necessary sitting late and long for that purpose—then, in the week following, the members of another place will have an opportunity of agreeing or of disagreeing with us, whilst we on our part shall take up the Defence Bill, and the minor measures that are still before Parliament. That business will occupy us while the Senate is considering the question of the site. If the Senate agrees with what we have done, practically the work of the session is over, and we shall depart. If the Senate does not agree—though I cordially hope they will—we shall take steps to endeavour to arrive at some harmonious agreement. Nothing will be lacking on the part of the Ministry to arrive at such a conclusion. It is possible, of course, that the Senate may refuse to come to any decision. It is also possible that this House may do the same, although I think, from my knowledge of the feeling of honorable members on both sides, and of public sentiment in the country, neither House will receive any encouragement to prolong the indefinite and unsatisfactory state in which this matter stands. The Government desire to get the question settled and out of the way as speedily as possible. It has been part of their policy from the first to remove this vexed question from the arena of politics, and I hope that the policy we shall submit to the country will not be interfered with by the intrusion of any other issue.

Question resolved in the affirmative.

Bill read a third time.

#### SEAT OF GOVERNMENT BILL

Bill presented (by Sir WILLIAM LYNEDYLL) and read a first time.

#### WAYS AND MEANS.

Resolutions of Ways and Means to make good supply granted for the services of the years 1901-2 and 1902-3 adopted.

#### SUPPLEMENTARY APPROPRIATION BILL (1901-2 AND 1902-3)

Bill presented (by Sir GEORGE TURNER) and passed through all its stages.

#### SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL (1901-2 AND 1902-3).

Bill presented (by Sir GEORGE TURNER) and passed through all its stages.

# PATENTS BILL.

In Committee (Consideration resumed from 30th September, *vide* page 5626) :

Mr. GLYNN (South Australia).—I move—

That the following new clause be inserted :—

"119A. It shall be the duty of all patentees and their assigns and legal representatives and of all persons making or vending any patented article, for or under them, to give sufficient notice to the public that the same is patented, either by fixing thereon the word 'patented' together with the day and year the patent was granted and the number of the patent ; or when from the character of the article this cannot be done, by fixing to it or to the package wherein one or more of them is enclosed a label containing the like notice ; and in any suit for infringement by the party failing so to mark, no damages shall be recovered by the plaintiff except on proof that the defendant was duly notified of the infringement, and continued after such notice to make use or vend the article so patented."

The object of this clause is to prevent any action for an infringement of a patent being taken by a patentee unless he marks upon the patent the fact that it is patented. The provision is taken from the revised statutes in America, where it has been found to work admirably. Hitherto a number of bogus patents have been issued, and held in *terrorem* over people who have been using inventions which they did not know were patented. I have adopted the provision in vogue in America, with one variation, which was in the nature of a suggestion that I saw in the *Law Quarterly Review* of July last. As the Prime Minister does not oppose the amendment, it is unnecessary for me to say anything further.

Mr. THOMSON (North Sydney).—I should like to know the exact meaning of this clause. For instance, it is declared that the word "patented" shall not appear on an article unless it be patented. But where is it to be patented ?

Mr. DEAKIN.—This relates, of course, to patents taken out in the Commonwealth.

Mr. THOMSON.—The word "patented" might appear on an article which had been patented not in the Commonwealth, but, for example, in the United States of America, and I desire to know whether any difficulty will be created.

Mr. DEAKIN.—No.

Mr. THOMSON.—If an article patented elsewhere is imported into Australia with the word "patented" upon it, will this provision interfere with the sale of it ?

Mr. DEAKIN.—If the honorable member looks at the interpretation clause

he will see that it is there provided that "patented article" means an article patented in the Commonwealth, and the whole of this clause turns on patented articles.

Proposed new clause agreed to.

Mr. DEAKIN.—I move—

That the following new clause be inserted :—

"9A (1) The Commissioner may, in relation to any particular matters or class of matters or to any particular State or part of the Commonwealth, by writing under his hand, delegate all or any of his powers under this Act (except this power of delegation) to a Deputy Commissioner, so that the delegated powers may be exercised by him with respect to the matters or class of matters or the State or part of the Commonwealth specified in the instrument of delegation.

"(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commissioner."

If honorable members turn to clause 12 they will see that we have omitted paragraph (e), which gave the Commissioner the right to delegate any of his powers to a Deputy Commissioner. It seemed to be too important a power to include with the Commissioner's authority to summon witnesses and receive evidence, and accordingly it has been placed in this special clause. We have particularized it so that in delegating any authority the Commissioner will indicate the particular matters, or class of matters, or the particular part of the Commonwealth to which his delegation is to extend. The power is the same as that originally provided in clause 12, save that the Commissioner is now given an opportunity to adjust it to the necessities of each case. It might otherwise have been assumed that "delegation of powers" meant a delegation of all powers over all the Commonwealth. This delegation probably will be chiefly used, in the first instance at all events, in the appointment of a Deputy Commissioner in each State, who, until the whole system becomes completely unified, will be able to act in such matters as the Commissioner thinks fit to intrust to him.

Proposed new clause agreed to.

Mr. G. B. EDWARDS (North Sydney).

—I move—

That the following new clause be inserted :—

"18A A patent may be transferred in the form and in the manner prescribed by indorsement on the back thereof, signed by the proprietor and the transferee, and on the production of such patent so indorsed the Commissioner shall cause the transfer to be registered."

The object of my amendment is to facilitate the transfer of patent rights. At present

the cost of transfer is, in some cases, far greater than the cost of taking out the patent itself. In very many instances holders of patents who may happen to be impecunious are utterly prohibited from transferring a right which may be of some value, although not valuable enough to justify the large expenditure at times involved in preparing the various deeds necessary to enable a transfer to be made. I wrote to the late Minister for Trade and Customs some time ago, suggesting that when he was drafting this Bill he should embody in it some such simple reform as this. The right honorable member apparently did not think it worth while to adopt my suggestion, but I would remind the Committee that the reform, if it is a reform, is one which we have carried out in relation to transfers involving very much larger sums than are usually associated with the transfer of a patent. It has been introduced into our land laws by what is known as the Torrens transfer system. One can transfer property of very great value at a cost of about ten shillings, exclusive of the tax. Life assurance policies may also be transferred by indorsement, while one scrip, perhaps of the value of £100,000, may be transferred by a duly witnessed indorsement. It seems to me that we might well adopt this very simple expedient in order to facilitate the transfer of patents. It would be a very great concession to poor holders of patents, who have already received much consideration at the hands of the Committee.

Mr. WATSON.—How would the amendment operate where a patentee had assigned his interest in some patent?

Mr. G. B. EDWARDS.—There are other provisions in the Bill which deal with assignments.

Mr. WATSON.—But how would it operate if a patentee desired to assign only a proportion of his interest in a patent?

Mr. G. B. EDWARDS.—I am not a lawyer, but I think that the patentee in such a case would require to have a deed drawn up setting forth the interests of the several parties. But if a man were the original patentee, and still held the patent right, he would be able under this amendment to transfer it at a cost of 5s. or 10s. I was obliged on one occasion to take over some patents in New South Wales, and in one case the transfer cost me over £20. I had to go to the Patent Office—just as one

was called upon to visit the Titles Office in connexion with the transfer of land under the old system—with a bundle of documents tracing the holders of the patent from first to last, and showing the various releases and liens upon it. We should have a system under which patents would be retained in the office of the Registrar, and a certificate issued setting forth that “A.B.” is the holder of letters patent, giving him the privilege of a certain invention. Under that system, if “A.B.” wished to dispose of his rights, he would simply have to write on the back of the certificate a statement of transfer to “C.D.,” who would have the transfer registered for a small fee and thus complete the transaction. At present transfers have to pass through the hands of lawyers, who are called upon to display much ability in tracing the various holders of the patent rights, and in drawing up long deeds of recital. The adoption of my proposal will confer a great boon upon a very large number of holders of patents, who are unable at present to do anything with them because of the cost of the transfer.

Proposed new clause agreed to.

Mr. DEAKIN.—I move—

That the following new clause be inserted—  
“42A. (1) An appeal shall lie to the High Court or the Supreme Court from any decision of the Commissioner under the preceding section.

“(2) The Court shall hear the applicant and the Commissioner, and shall decide whether and subject to what conditions, if any, the application and specification shall be accepted.”

Clause 42 did not provide for an appeal from the decision of the Commissioner. The amended clause embodies most of the provisions of clauses 42 and 43, with the exception of sub-clause *b* of clause 43, in regard to which I shall submit a proposal at another sitting.

Proposed new clause agreed to.

Mr. DEAKIN.—I move—

That the following new clause be inserted—  
“82A. Every patent shall be granted subject to the following conditions:—

(a) That if the patented article is reasonably capable of being commercially constructed or manufactured, or the invention patented is reasonably capable of being commercially worked in Australia, the patentee or some person authorized by him shall within five years after the date thereof commence and after such commencement continuously carry on in Australia the construction or manufacture of the patented article or the working of the

invention patented in such a manner that any person may obtain the patented article or the use of the invention at a reasonable price ; and

- (b) That if the patented article is reasonably capable of being commercially constructed or manufactured in Australia, the patentee shall not after four years from the date of the patent import it or cause it to be imported into Australia.

What is desired is that when a monopoly is granted in the Commonwealth the patentee, or some person authorized by him, shall, if required, commence and continuously carry on the construction or manufacture of the patented article within Australia. The enormous development of chemical manufactories in Germany, now one of the most prosperous elements of the trade of that country, is largely due to the restrictive provisions of the German patent law. Formerly Great Britain controlled many of the most valuable and profitable chemical manufactories, but when the patentees found that they were under no restriction to manufacture in that country, while they were required to manufacture in Germany, they were induced to remove their operations to the latter country, to which they have proved one of the most prolific sources of wealth. Another illustration of the same result is the manufacture of linotypes, the patent rights in which, owing to the provisions in the German law, were purchased for about £150,000 in that country as compared with something like £300,000 paid for the patent rights in the United Kingdom, and possibly some of its dependencies, and it is understood that the development of linotype manufactories in that country is largely due to the provisions of its patent law. The principle underlying the clause is so important that, in order to insure its acceptance, I have introduced conditions which will make it operative only in cases in which it is evidently not injurious to the legitimate interests of the patentee. For instance, the patented article must be reasonably capable of being commercially constructed or manufactured, or the invention patented reasonably capable of being commercially worked within the Commonwealth. The condition as to the working of a patent within the Commonwealth need not be complied with if the consumption of the patented article within Australia would be too small, or if some necessary element would be so expensive that its manufacture here would be an injury to the patentee,

and involve an increase in the price of the article.

Mr. GLYNN.—Who is to determine that?

Mr. DEAKIN.—It would be determined by the Commissioner in the first case, and, on appeal, by the Court.

Mr. GLYNN.—Such a provision will supply a splendid lot of problems for the High Court.

Mr. CROUCH.—It might be made conditional upon trades of a similar character being carried on within the Commonwealth.

Mr. DEAKIN.—I do not think it desirable to narrow the provision in that way. It might be possible to establish a new industry upon conditions favourable to the patentee, and it would be unwise to impose any restriction such as the honorable and learned member suggests. There is no desire, under this power, to extract anything more than can reasonably be claimed. Surely when a person is being granted a monopoly, it is reasonable for us to say—"Take your monopoly and enjoy it, but if you can manufacture your patent with commercial success within the Commonwealth you will be called upon, in return for the monopoly you enjoy, to supply the requirements of the community by manufacturing here." That seems to be only reasonable, and the conditions under which it is proposed to make the demand of the patentee, appear to remove the chief objections which apparently led honorable members in another place to strike out the clause. These amendments I propose will require to be embodied twice within the clause and also in the patent itself. With safeguards which I have indicated to honorable members, I believe that the provision will afford a means of legitimately increasing the productions of the Commonwealth, that it will result in advantage to our industries and to our people, and, at the same time, inflict no undue hardship upon the patentees.

Mr. GLYNN (South Australia).—The Prime Minister did not mention that the amendments agreed to in clause 83 almost dispense with the necessity for this new clause.

Mr. DEAKIN.—That was because I did not desire to enter into the whole question again.

Mr. GLYNN.—Clause 83, as amended last night, provides that the Court shall decide whether the price at which a patent is sold is a reasonable one. If it is found that it is sold at an oppressive or unreasonable

price, after two years from the time of issuing the patent, a compulsory licence may be granted so that any person in the Commonwealth may manufacture it. The Court also has power to absolutely revoke the patent. Notwithstanding that drastic alteration which goes far beyond the English law, the Prime Minister now asks us to agree to a provision which is not to be found in any Patent Acts except those of Canada and Germany. I am informed that the provision in the Canadian Act has proved a dead letter. A similar provision was embodied in some of the South Australian Patent Acts, but proved inoperative. It was recognised that if it were enforced, it could only lead to an increase in the price of the patented article. For instance, honorable members must realize that it would not pay the Singer Manufacturing Company to manufacture their sewing machines within the Commonwealth. The same remark would apply to the manufacture of linotypes. It is only by centralizing their work that these great manufacturing firms can turn out an article at a small cost. The Singer Manufacturing Company have been able to establish a successful branch in only one place, namely, Scotland. There is no necessity for this provision, which amounts to protection and nothing else. It is not required to tone down the effects of the monopoly granted by a patent, but is an attempt to enforce the local manufacture of articles in respect of which we have granted patent rights. Although no working conditions are imposed upon patentees in the United States, the greater part of the time of the Supreme Court is taken up in dealing with actions relating to patents. There is no doubt that during the last twenty or thirty years an enormous number of patent actions have been dealt with in America. Nearly the whole of the jurisdiction of some of the district Courts is monopolised by patent actions, and similar results would be brought about here. Among other questions which the Courts would be called upon to determine here would be the question, for instance, whether a patent machine could be manufactured at a fair price, and such questions must lead to endless litigation. The patentees would be subjected to continual harassment, and I hope that honorable members will not consent to pass such an anomalous and drastic provision.

*Mr. Glynn.*

Mr. THOMSON (North Sydney).—I should have thought that every possible security—more than was desirable—had been afforded by the amendments which were accepted last night. Under the provisions referred to by the honorable and learned member for South Australia, if a foreign patentee did not consider it desirable to manufacture in the Commonwealth, it would be competent for any one who thought he could successfully manufacture the article to apply for a compulsory licence to enable him to do so. Now we are asked to insert another provision which would have this effect. If it did not pay any one in the Commonwealth to apply for a compulsory licence, and it did not pay the patentee himself to manufacture within the Commonwealth, the patent might be revoked. That would mean that any person manufacturing in a place where there was no patent law, such as Holland, could gain the advantage of the patent in our market, in spite of the money spent by the patentee in registering the patent within the Commonwealth.

Mr. KINGSTON.—The Attorney-General must be satisfied that there is injury to the trade or manufactures of the Commonwealth before proceedings for revocation of the patent are taken. That is provided for in Clause 82B, which imposes a restriction upon the proceedings.

Mr. THOMSON.—That does not affect my argument. We know that many patents do not assume any great value until after the patentee has spent many years in creating demand, and that frequently it is only during the last year or so of the period for which the patent is issued that the patentee receives any return for his ingenuity and enterprise. In other words, the patentee has to work his patent into repute. It is now proposed that if at the end of that period the patentee has achieved success and worked up a demand for his article in the Commonwealth, the patent shall be subject to revocation. A patent may be revoked before the patentee has been able to secure sufficient outlet to permit of his establishing works within the Commonwealth. I do not think that is a fair provision. Moreover, it is to be left to the Court to decide whether a patent can be commercially and profitably manufactured within the Commonwealth. That is a very delicate question to be decided by any court.

The patent may be essential to the carrying on of certain industries, and if the cost of manufacture is increased through the requirement that it shall be made within the Commonwealth serious injury may be inflicted. The decision of the Court may have the effect of impeding the progress of industry. If a patent were not manufactured in Australia, more than sufficient security would be given to the public, because any person could obtain the right to manufacture under a compulsory licence. I object to the provision in the first place, because there is no necessity for it; secondly, because the High Court would be called upon to settle very delicate and difficult questions; and thirdly, because it would operate, not only unjustly towards the patentees, but injuriously to the best interests of the Commonwealth.

Mr. A. PATERSON (Capricornia).—I thoroughly sympathize with the views expressed by the honorable member for North Sydney. There are many classes of patented plant and machinery which must be obtained from abroad. For instance, the plant used in meat works is in nearly all cases imported from America. Most of the machinery has been patented in America, and is also protected by patent rights throughout Australia. The Americans are very sharp business people, and if they found it to their advantage to make this machinery in the Commonwealth they would do so apart from any legislation. If we enacted that all patented machinery should be made within the Commonwealth, we should practically prohibit the introduction of much valuable plant, and thus make a very grave mistake. If an attempt were made to manufacture within the Commonwealth all the machinery we required, the cost would be very largely increased, and I do not see that any good object would be served by passing the clause.

Mr. WINTER COOKE (Wannon).—I wish to add my protest to the objections which have already been urged against this clause being restored to the Bill. It was very properly rejected in another Chamber.

Mr. DEAKIN.—But the honorable member must not forget that I am modifying it.

Mr. WINTER COOKE.—I cannot quite follow the modifications, because they do not appear in print. It would be difficult for me to conceive of any modifications that would remove the objections which I have to the clause. It seems to me that any

such provision would result in increasing the cost of patented machinery, and that the effects would be the reverse of beneficial to our industries. In a great many instances patentees have been unable to get their patented articles manufactured within the Commonwealth except at a much greater expense. As has been already pointed out, the community is largely protected by the clauses to which the Committee agreed at a previous sitting. I therefore hope that the proposal of the Prime Minister will be rejected.

Question—That the proposed new clause be inserted—put. The Committee divided.

Ayes ...	...	...	...	16
Noes ...	...	...	...	13

Majority ...	...	...	...	3
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AYES.

Chapman, A.	O'Malley, K.
Clarke, F.	Ronald, J. B.
Deakin, A.	Spence, W. G.
Forrest, Sir J.	Tudor, F.
Groom, L. E.	Watson, J. C.
Kingston, C. C.	

Tellers.

Cook, J. Hume
Crouch, R. A.

NOES.

Braddon, Sir E.	Paterston, A.
Brown, T.	Skene, T.
Cooke, S. W.	Thomas, J.
Edwards, G. B.	Willis, H.
Kirwan, J. W.	
Knox, W.	Tellers.
Mahon, H.	Cook, J.
	Wilks, W. H.

PAIRS.

Fysh, Sir P. O.	Glynn, P. McM.
Wilkinson, J.	Poynton, A.
Quick, Sir J.	Hartnoll, W.
Bonython, Sir J. L.	Cameron, D. N.
Batchelor, E. L.	Manifold, J. C.
Sawers, W. B. S. C.	Edwards, R.

Question resolved in the affirmative.

Motion (by Mr. DEAKIN) agreed to—

That the following new clause be inserted:—

“82B. No proceedings shall be instituted for the revocation of a patent for any breach of the provisions of the preceding section except in the High Court and by the Attorney-General, and then only in case the Attorney-General is satisfied that the breach is injurious to the trade or manufacturers of the Commonwealth.”

First schedule consequentially amended and agreed to.

Second schedule agreed to.

Bill reported with amendments.

SPECIAL ADJOURNMENT.

FEDERAL CAPITAL SITE.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—As the House has dealt

so generously with the Government, I have pleasure in moving—

That the House at its rising adjourn until Tuesday next, upon the understanding that on that day honorable members will come prepared to debate at once and finally the question of the proposed seat of government of the Commonwealth. Of course it will be impossible to take a vote upon the matter on Tuesday evening, but I trust there will be no delay upon any grounds whatever in arriving at a decision. I hope that the two questions—the method to be adopted in selecting the site, and the relative merits of the different sites—will be dealt with at once.

Mr. McDONALD.—Sit up all night.

Mr. DEAKIN.—It may be necessary to adopt that course later, but it will not be necessary to do so upon the first night. If, in the meantime, honorable members will be good enough to address themselves to the information which is contained in the report which was circulated to-day they will be in a position to recommend to the House the sites which they feel they ought to recommend. When we commence to vote upon the sites, I hope it will be agreed that there shall be no more debate.

Mr. A. McLEAN.—Has the Bill been circulated yet?

Mr. DEAKIN.—It will be circulated to-night. It consists of only one clause, and contains a blank which the House will be asked to fill.

Mr. MAHON.—Why do the Government themselves not accept the responsibility of filling in the blank?

Mr. DEAKIN.—I am perfectly prepared to accept that responsibility, but do not think it would be a proper course to adopt in this case. No question of Ministerial prestige, influence, or any personal consideration whatever, should be involved in the determination of this question. I trust that honorable members will mark the order of their preference for the different sites, viewing the matter from an Australian standpoint. When we have decided the method of selection to be adopted, I trust that an exhaustive discussion will then take place upon the respective merits of the different sites, and that we shall then proceed to vote, vote, vote, until we have reached finality. If we mingle the two questions—that is to say, take a vote on one site and

then have a discussion upon the merits of other sites, take another vote and have further discussion—we shall never reach finality. But if honorable members will be content to at once debate the merits of the sites finally—and I trust that we shall have attentive Houses throughout—when the discussion is finished we ought to be in a position to vote and to continue voting until we get an absolute majority in favour of one site.

Mr. McDONALD.—One Capital site on speech.

Mr. DEAKIN.—Exactly. I sincerely trust that honorable members will meet next week with a determination to dispose of this exceedingly vexed question.

Question resolved in the affirmative.

## ADJOURNMENT.

### FEDERAL CAPITAL SITE.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Sir EDWARD BRADDON (Tasmania).—I trust that we shall all be prepared, on Tuesday next, to give earnest consideration to the question of the selection of the capital site, with the full intention of carrying it through to a conclusion.

Sir WILLIAM LYNE.—Not with only half a House.

Sir EDWARD BRADDON.—It cannot be determined by a thin House, because it is thoroughly understood by all of us that we are not to proceed to a vote until Wednesday at the earliest.

Mr. KINGSTON.—We are to vote after Tuesday.

Mr. DEAKIN.—Yes; that is, on Wednesday next, or subsequently.

Sir EDWARD BRADDON.—We may hope to have a full House on Wednesday next, when we shall probably enter upon the consideration of this question with a view to its final determination. I have had nothing to say so far in relation to this matter, but as one of the members of the Conference of Premiers at which it was agreed to insert the provision in the Constitution relating to the site of the capital, I feel that it is especially my duty to see that nothing is done to baulk the intention of the people as pronounced by their vote on the Constitution Bill. We have to think not only of New South Wales, but of Victoria, to both of whom we are pledged, and to both of whom. I hope, we shall show that we have the fullest intention to keep the bond.



Sir WILLIAM LYNE.—In what way are we pledged to Victoria?

Sir EDWARD BRADDON.—Although there is nothing in the Constitution to show that we are pledged to Victoria, we are indirectly pledged to her in so far as we have agreed that the capital site shall be not less than 100 miles from Sydney. I understand that that was a concession made to a feeling on the part of Victoria.

Mr. DEAKIN.—And some of the other States.

Sir EDWARD BRADDON.—I do not understand the statement made by the Prime Minister that we shall have to consider, on Tuesday next, the method in which the vote shall be taken. I was under the impression that the House had practically settled that question by resolution.

Mr. DEAKIN.—I hope so; but the method of selection provided for in the resolution to which the right honorable gentleman refers was to be adopted at a Conference of both Houses. We shall probably have to agree to adopt the same course, or a course which will be practically the same.

Sir EDWARD BRADDON.—I trust that the question will be finally dealt with within the next few days.

Mr. BROWN (Canobolas).—I should like to ask the Prime Minister whether he can furnish the House with more information with respect to the suggested sites than has already been supplied to honorable members. The honorable and learned gentleman's predecessor promised that, in addition to the evidence taken by the Commission of experts, the minutes of their meetings and certain exhibits handed in by witnesses should also be furnished to the House. I wish to know whether that promise is to be fulfilled.

Mr. CROUCH (Corio).—If there is one question more than another which ought to be considered when we are determining the site of the Federal Capital, it is the question of cost. But, so far as I have been able to discover, the papers which have been circulated give no estimate of what will be the cost of the Capital. I understand that the late Prime Minister, in reply to a deputation representing the Shire Councils of Victoria which recently waited upon him, stated that the cost would not exceed £500,000; but in the course of the discussion of this question which took place

on a motion submitted to the House some days ago, it was said that it would be £10,000,000. That estimate was generally accepted. I should like the Treasurer to give us an estimate of what the cost is likely to be before we are asked to decide this question. It would be very unfair to call upon honorable members to make a selection in the absence of information as to whether the cost will be £500,000, £10,000,000, or more. The question of cost will certainly affect my vote. If the cost is to amount to £10,000,000, I do not think that we should at present select a site, and that is the position which many honorable members may take up. I would ask the Prime Minister to say whether it is not possible to put before the House a definite statement as to the expenditure to be incurred, and how the necessary funds are to be raised. It will be difficult for us to determine the site of the Capital next week, unless we know how the necessary funds are to be raised. I do not think that we could now provide £10,000,000 for such a work, and I trust that before a selection is made the Treasurer will furnish us with an estimate of the cost. Unless he does so we shall be very much in the dark in deciding this question.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The only bearing which the question of expense at this stage can have upon the proposals to be submitted to the House next week is in so far as it relates to the consideration whether the Federal buildings would cost more at one site than at another. Some people speak anxiously of the cost of the Federal Capital; but that depends upon what it will comprise. It may consist merely of two simple Chambers in which Parliament will meet, with the necessary Government offices, and, somewhere near at hand, accommodation for honorable members. Those buildings may be constructed of any material. They may be of the utmost simplicity, or they may be designed to last for any time. The question of what shall be spent upon the capital will rest entirely with the people of Australia and their representatives. The representatives of the people will spend as little or as much as the people please to authorize; but no one can now offer a precise opinion that would be worthy of a moment's consideration as to the actual cost of the capital until we have determined its size, its area, the nature of its buildings,

the date at which we shall go there, the water supply, temporary or permanent, to be obtained, and the communication, if any, to be established. Each of these items requires to be considered before we come to any estimate, of cost.

Mr. CROUCH.—We are to make a selection regardless of the cost?

Mr. DEAKIN.—In making a selection we shall regard the cost of the land. We have information bearing upon that point as well as general information as to the cost of providing a water supply. The site, however, will be selected without reference to the kind of Federal city which is to be erected upon it. The question whether it shall be of the bark-hut order of architecture, or consist of marble halls, will rest with the people. The only matter to be determined next week is where the Federal city—whatever it is, and whenever it is to be occupied—shall be.

Mr. WATSON.—Will the Prime Minister say whether he will cause the estimates of the cost of the resumption of land within the several suggested areas to be printed? The late Prime Minister promised to have that information put before the House.

Mr. DEAKIN.—They are not very lengthy documents, and I think that they can be printed by Tuesday next. That is one element of expense which we shall have to consider; it depends on the area to be acquired.

Mr. KINGSTON.—Are we going to determine the area to be taken over?

Mr. DEAKIN.—We are to deal with one question at a time. We are first of all to determine the site of the capital; the next question for our consideration will be the exact area to be acquired.

Mr. KINGSTON.—How and when do the Government propose to deal with the second question?

Mr. DEAKIN.—The question of area cannot be dealt with this session, because it will give rise to a number of other considerations as to the sources of water supply, their development, and so forth. It may also raise the question of communication.

Mr. KNOX.—The question of the area to be taken over may affect the selection of a site.

Mr. DEAKIN.—We shall have before us reports as to the areas of Crown lands which are available, and honorable members will be entitled to take those reports into consideration. We ought also to consider, at all events, whatever our authority may be in the matter, the willingness of New South

Wales to part with any larger area than that to which we are absolutely entitled under the Constitution. It might be desirable in some cases to take over a very much larger area than that named in the Constitution. I hope we shall.

Mr. A. McLEAN.—Would New South Wales be able to prevent our buying land?

Mr. DEAKIN.—No.

Mr. A. McLEAN.—The Government do not anticipate that there will be very much Crown land within the site selected?

Mr. WATSON.—There are fairly large areas of Crown lands within or just beyond some of the proposed sites.

Mr. DEAKIN.—These are at present all secondary considerations. Once we have determined where the capital shall be, we shall have to consider its area and the land to be taken over, the date of occupation, the question of water supply, the means of communication, and a variety of other issues. But we must first fix the site of the capital. The question to be determined next week is where the capital shall be. Once we have dealt with that matter we shall be on the high road to a full and free discussion upon the other issues.

Mr. WATSON.—Does not the Prime Minister think that the question of area has some bearing on the question of site?

Mr. DEAKIN.—Indirectly only.

Mr. McDONALD.—It would influence my vote.

Mr. DEAKIN.—It can have only an indirect bearing on the general question of the site. We surely cannot commence to debate the question whether we shall take over 100 or 1,000 square miles before we decide where the capital shall be? Having determined that question with some regard to all these other matters, but without attempting to finally dispose of them, we shall have to consider what we are to spend upon the capital, and when and how we shall expend it.

Mr. KINGSTON.—After making a selection, we might be disposed to hark back on account of the decision as to area.

Mr. DEAKIN.—That is possible, although very improbable. The honorable member for Canobolas inquired for certain information as to the minutes of the meetings of the Commission of Experts, and, in accordance with the promise of the late Prime Minister, I shall have them laid on the table of the House when they are procured.

Question resolved in the affirmative.

House adjourned at 4.53 p.m.

## House of Representatives.

Tuesday, 6 October, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### FEDERAL CAPITAL SITE.

Mr. SKENE.—I desire to ask the Prime Minister, without notice, whether in view of the fact that the reports of the State Commissioner of New South Wales and of the Royal Commission appointed by the Commonwealth Government upon the Federal City Site question flatly contradict each other in the matter of a final selection—the first selection of the one being placed absolutely at the bottom of the list by the other—and the State Commissioner having, in a short review of the position, revived the contention that it is not for the Federal Parliament alone to select the Federal Territory, quoting in support of that contention, page 5, an extract from a speech by the late Prime Minister—as reported in *Hansard* of 20th July, 1901—he will, before proceeding to an exhaustive ballot, give this House an opportunity of discussing and voting upon the question whether fuller information should not be sought for and obtained before proceeding to a final vote?

Mr. DEAKIN.—As I understand the obligation of the Commissioners, it was that they should report according to the best of their belief. I do not think that Parliament should require unanimous reports. Honorable members are called upon to exercise their individual judgment. All necessary information has been collected, and if they are not now capable to decide the capital site question, I do not know when they will be.

### SHIPS' STORES REGULATIONS.

Mr. WATKINS.—Has the Minister for Trade and Customs yet sanctioned regulations to deal with the taxing of ships' stores? I understand that they were being prepared while the right honorable and learned member for South Australia was in office, and they have been promised ever since last session.

Sir WILLIAM LYNE.—I have not yet had those regulations before me, but I intend to take them into consideration as soon as possible.

### WITNESSING OF POSTAL VOTES.

Mr. L. E. GROOM.—I desire to ask the Prime Minister, in the absence of the Minister for Home Affairs, if further provision has been made under section 112 of the Electoral Act for the appointment of persons, either from the Commonwealth or State services, authorized to witness postal votes? It was promised that authority would be given to such officers. I also wish to know if the honorable and learned gentleman will inform the House as to the latest date on which a postal ballot-paper may be received by the returning officer—whether on the day of the elections or the day of the scrutiny?

Mr. DEAKIN.—I understand that the list of persons qualified to take the declarations is now being prepared, but a definite reply will be given to the honorable and learned member to-morrow.

### FREE PASSES TO RIFLEMEN.

Sir LANGDON BONYTHON.—I wish to know if it will be possible for the Minister for Defence to make arrangements whereby riflemen attending the Inter-State match, shortly to take place in New South Wales, may be furnished with railway passes? I may add that before the inauguration of the Commonwealth, there was no difficulty whatever in providing riflemen with passes over the States railways.

Mr. AUSTIN CHAPMAN.—Before the Commonwealth took over the Defence administration it was the practice to issue passes to teams travelling from one State to another to attend rifle meetings; but after the inauguration of Federation it was decided by the Government, as we have no control over the railway systems of the States, not to authorize the payment of the fares of riflemen travelling to such matches, and those concerned were referred to the Governments of the States. The Commonwealth Government have never paid the fares of riflemen travelling in this way, and in refusing to do so now, we are not departing from the course laid down at the beginning.

Sir LANGDON BONYTHON.—Is it not desirable, in the interests of the Commonwealth, that the Government should put themselves in communication with the Governments of the States in order that the old facilities may be provided?

Mr. THOMAS.—They have done so again and again, but the Governments of the States will not do anything in the matter.

Mr. AUSTIN CHAPMAN.—The Commonwealth Government have previously been in communication with the States Governments upon this question, but if there is any likelihood of obtaining the concession referred to, we shall again approach them.

Mr. THOMAS.—The South Australian Government have refused again and again to grant the concession.

### NEW MAIL CONTRACTS.

Mr. WILKINSON. — I wish to know from the Prime Minister if he is likely to reconsider the terms under which tenders have been invited for the new over-sea mail contracts? I do so because of the number of letters I have received from all parts of my constituency, and I know that other honorable members, including the honorable and learned member for Darling Downs, have also received numerous communications on the subject.

Mr. DEAKIN.—It is impossible to recall the advertisements of the terms upon which tenders are invited, but of course the Government and Parliament will have a free hand in dealing with the tenders received.

### PROROGATION OF PARLIAMENT.

Mr. FISHER.—Does the leader of the House feel himself in a position to state what is the approximate date when this Parliament will bring its labours to a close? The matter is of interest to those of us who have long distances to go to reach our constituencies, and who may have incidental arrangements to make.

Mr. DEAKIN.—With the co-operation of the members of both Chambers, it should be possible to close the session before the end of next week. It may be prolonged for another week, but I trust that that will be its utmost limit.

### OVERTIME: CUSTOMS OFFICIALS.

Mr. FULLER.—Is the Minister for Trade and Customs prepared to give an answer to the petition in connexion with overtime and hours of work, sent by the lockers of the Customs Department in Sydney to the late Minister, to which I drew attention a month ago?

Sir WILLIAM LYNE.—I cannot at this moment give an answer to the honorable and learned member's question.

### HIGH COURT PRACTITIONERS.

Mr. L. E. GROOM.—I wish to know from the Prime Minister if arrangements are being made for the registration, in the capitals of the various States, of persons entitled to practise before the High Court. There is some difficulty in getting the evidence necessary for enrolment in Melbourne sent down here.

Mr. DEAKIN.—In those States in which we have received from the Government the names of officers whom they are willing to authorize to act for the High Court the preparation of lists is being proceeded with and when names of officers are submitted by the other States, similar arrangements will be made there.

### DEFENCE BILL.

Bill returned from Senate with amendments.

### CLASSIFICATION OF PUBLIC OFFICERS.

Mr. BROWN asked the Minister for Home Affairs, *upon notice*—

1. Has the regrading of the Civil Service under the provisions of the Commonwealth Public Service Act been completed yet?
2. When is it proposed to give publicity to the results of this regrading?
3. On what basis are the increments for the current year to be made payable?

Mr. DEAKIN.—The answers to the honorable member's questions are as follows:—

1 and 2. The Public Service Inspectors have not yet completed their investigations into the work of the officers in the several States, but the Commissioner expects to be able to gazette the classification of the Service by February next.

3. As far as practicable on the basis that obtained under the State Acts and Regulations.

### SUNDAY POSTAL DELIVERIES.

Mr. HENRY WILLIS asked the Postmaster-General, *upon notice*—

1. Whether it would be practicable to establish a Sunday express letter delivery system within the cities and large towns of the Commonwealth, similar to the London system?
2. Whether the Government will establish the system so as to expedite the delivery of urgent letters which otherwise would remain over Sunday in the post-offices?

Mr. DEAKIN.—The answers to the honorable member's questions are as follows:—

1. It would be practicable to establish such a system in the cities and large towns.

2 The Government will consider whether it is desirable to establish the system, but it has not been made evident that it is required, or would be availed of to such an extent as to justify an increase of Sunday work in the post-offices or the additional expense that must necessarily be incurred.

## SEAT OF GOVERNMENT BILL.

### SECOND READING.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—In moving—

That this Bill be now read a second time,  
I think that it will perhaps be appropriate for me at this stage to deal at some length with the various sites which have been submitted for our consideration. It is not intended to take any vote with reference to the selection of the site to-day. It was understood when we adjourned last week that we should not ask honorable members to come to a decision earlier than to-morrow, and I think that we shall be very fortunate if we succeed in disposing of the matter by then; although I hope we may do so. I shall not detain honorable members any longer than is absolutely necessary in dealing with the proposed sites. I have had the essential particulars with regard to each of them tabulated in such a way as to facilitate comparison. In the first place, I desire to point out that it has been urged by a few honorable members, but principally by the press, that there was no necessity to deal with this matter during the present session.

Mr. WILKS.—That applies to only the Victorian press.

Sir WILLIAM LYNE.—It applies more to the Victorian newspapers than to those in other States. The selection of the Capital site occupied a very prominent place in the attention of the electors in New South Wales during the Federal campaign, and I have no doubt whatever that the provision in the Constitution that the seat of government should be fixed in that State influenced a very large number of votes in favour of the Bill submitted at the referendum. The undertaking that was given to deal with the matter at the earliest possible moment had much to do with the fate of the Constitution Bill in New South Wales.

Mr. A. McLEAN.—Does the Constitution provide that the site shall be selected at the earliest possible date?

Sir WILLIAM LYNE.—I take it that the provision contained in the Constitution,

and the spirit of the promises made to the people of New South Wales and to the people of the Commonwealth, will not be fulfilled until the site of the Federal capital is selected, and that therefore no undue delay should be allowed to occur. At the same time, I do not consider that the question should be dealt with in a hurry-scurry fashion. It is too serious to be treated in that way. It should be considered in a full House, and not in a House constituted of half or even three-quarters of the representatives. The Government have been blamed for having incurred expenditure in affording an opportunity to honorable members and to members of the Senate to inspect the various sites. I think, however, that the action taken was absolutely justified, and that the facilities offered should have been availed of to a much larger extent.

Mr. WILKS.—That was not the Minister's fault.

Sir WILLIAM LYNE.—No, it was not. I had to bear a great deal of the blame attached to the Government in connexion with the inspection of the capital sites, for which I arranged in accordance with the wishes of my colleagues. I know a number of honorable members did not take part in the visits to the proposed sites, and I venture to say that it is scarcely wise on their part to vote without having first made an inspection. It is scarcely fair to the sites themselves. The fact that many honorable members have not seen the sites is not due to any default of the Government, but to the apathy of those who did not think it worth their while to avail themselves of the opportunities offered.

Mr. A. McLEAN.—Have any honorable members inspected the sites most highly recommended by the Commission of Experts, viz., Albury, Tumut, and Bathurst?

Sir WILLIAM LYNE.—I regret to say that I do not think many honorable members have seen Albury, because, upon the occasion of their visit, the weather was such that they could scarcely see anything.

Mr. A. McLEAN.—But the sites have been altered since the official visit of inspection was made.

Sir WILLIAM LYNE.—I do not think that it matters very much whether the proposed site is five or ten miles distant from any particular spot. The measure now before us contains a provision that a site shall be selected at or near a particular point. I do not think that we should be absolutely tied

down to a particular site, but that we should be left free to adopt the most suitable spot in any locality. We might upon further investigation find some site better than that which has commended itself to the Commissioners. Therefore it does not matter whether or not the site actually recommended has been inspected. Honorable members should, however, be in a position to form a general idea of the physical and other features of the areas within which a suitable site could be selected.

Mr. WILKS.—All we should do is fix the locality.

Sir WILLIAM LYNE.—Quite so. I was referring to the fact that exception had been taken to the action of the Government in affording an opportunity to honorable members to inspect the proposed sites. As I before stated, it was not the fault of the Government that the opportunities afforded were not more fully availed of. Then the complaint has been made that the Commission of Experts should have been appointed earlier than it was. But the fact remains that everything could not be done at once. I can only assure honorable members—and in this connexion I think I may speak for the Ministry as a whole—that we honestly desired to give effect to the undertaking which is embodied in the Constitution.

Mr. BRUCE SMITH.—How long does it take to appoint a Commission?

Sir WILLIAM LYNE.—Some time was occupied in ascertaining the proper men to appoint to that Commission.

Mr. JOSEPH COOK.—Why, for twelve months previously we knew who would be appointed.

Sir WILLIAM LYNE.—Then the honorable member must have occult powers even greater than those of a thought reader, for I can assure the House that I did not know who would be appointed. I trust, however, that the honorable member will regard this matter from a serious standpoint instead of endeavouring to induce honorable members to believe that he knew everything before hand, though it is quite possible he imagines that he did. The Commission was appointed at as early a date as it was reasonable to expect. I know it was intended and stipulated that their report should be available for presentation to Parliament by the 30th of April last. I hold, however, that it did not matter very much whether the report was available by

that date, inasmuch as the House was not in a position to deal with it. We all know that an opportunity to consider this matter did not present itself until the other day when the late Prime Minister submitted certain resolutions in respect of it.

Mr. BRUCE SMITH.—We cannot help thinking otherwise.

Sir WILLIAM LYNE.—In addition, I feel that the Commissioners went to extraordinary trouble to produce a most complete report. There is only one point in connexion with that report to which I have heard exception taken, and that has reference to the valuation of a city site only—miles square instead of the valuation of areas of 100,000, 200,000, 300,000, 400,000 acres. But we have had opportunities to ascertain the values of the land in all the localities surrounding the sites suggested and I shall presently lay them upon the table of the House. I think it will be patent to honorable members that the comparison which has been instituted is a good one. It has been taken mainly from estimates which have been made by the Department of Lands in Sydney. Section 125 of the Constitution provides the machinery under which we are now dealing with this matter. It declares—

The seat of government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and shall be in the State of New South Wales, and be distant not less than 100 miles from Sydney.

Such territory shall contain an area of not less than 100 square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.

That Parliament shall sit at Melbourne until it meet at the seat of government.

Some difference of opinion has arisen as to whether the capital site is to be selected by the Commonwealth Parliament, and whether all Crown lands within the Federal territory, irrespective of the area which they may comprise, must be transferred to the Commonwealth by the New South Wales Government without any payment therefor. I have in my possession a paper written by the late Prime Minister, in which he recites the substance of a recent conversation between himself and the New South Wales Premier upon the Capital site question. In that paper it is stated that the Premier of New South Wales assured him that no

trouble would be experienced in regard to the transfer to the Commonwealth of the 64,000 acres mentioned in the Constitution. It is silent, however, regarding the attitude which the State Government would take up in respect of any proposal to transfer a larger area to the Commonwealth.

Sir EDWARD BRADDON.—Was the ex-Prime Minister silent in his conversation upon the matter?

Sir WILLIAM LYNE.—The record of the conversation which took place between the late Prime Minister and the Premier of New South Wales is silent upon that matter. There is apparently the inference that some arrangement will require to be made between the Government of New South Wales and the Commonwealth Government if a greater area than 64,000 acres is required.

Mr. WILKS.—The Constitution is obligatory as regards the transfer of 64,000 acres, but the transfer of a greater area would be an act of grace.

Sir WILLIAM LYNE.—I must leave the question of whether or not it would be an act of grace to legal minds to decide, but as a layman it seems to me that the New South Wales Government is bound to hand over all Crown lands within the Federal territory, no matter what area they may embrace.

Sir EDWARD BRADDON.—Has not the Minister ascertained what was the nature of the promise which was originally made at the Premiers' Conference?

Sir WILLIAM LYNE.—Yes; but I do not think that promise has been incorporated in our Constitution, and we can only take the language of that charter of government as we find it. If the Government of New South Wales refuses to hand over to the Commonwealth more than 64,000 acres, I feel that the proper course to adopt will be either to endeavour to arrive at an amicable arrangement with them, or to appeal to the High Court for a construction of the law upon the matter.

Sir EDWARD BRADDON.—What becomes of the continuity of government? At the Premiers' Conference the New South Wales Premier arranged to grant all the inalienable lands.

Sir WILLIAM LYNE.—I am quite aware that the statement of the right honorable member is correct, but nevertheless that was a promise to which we could not bind any subsequent Government. The record of the

conversation to which I have referred contains no statement as to whether the New South Wales Government is prepared to hand over more than 64,000 acres if a greater area is required. I have already quoted section 125, which bears upon this matter, and though I do not possess as judicial a mind as do some legal members, I hold that it confers upon this Parliament, and not upon the New South Wales Legislature, the power to absolutely select the site. In my opinion there is no doubt whatever as to that. At the same time I admit that by endeavouring to avoid friction with the New South Wales Government the proper course to take under the circumstances has been taken.

Mr. WILKS.—The question should receive rational treatment.

Sir WILLIAM LYNE.—That is what the question requires, and nothing further. There are other sections of the Constitution which refer to this matter. For instance, section 111 provides—

The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

That provision confers power upon the State of New South Wales—even if it is not compelled to do so under the Constitution—to hand over any area of Crown lands that it may desire to the Commonwealth Government.

Mr. PAGE.—What has that to do with Tumut?

Sir WILLIAM LYNE.—I hope that the honorable member will have nothing to say against Tumut. Then section 52 gives exclusive power to this Parliament, subject to the Constitution, to make laws with respect to the seat of government of the Commonwealth. Only the other night I heard the question raised as to whether this Parliament had power to make exclusive laws in regard to the Federal territory. To my mind section 52 places the matter beyond doubt. Further, should any trouble arise with the State of New South Wales as the result of which we cannot secure the area of Crown lands that we require, and should we desire to acquire private lands, sub-section 31 of section 51 declares that—

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to . . . the

acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws.

I refer to these matters in order simply to remind honorable members that, in my opinion, the Parliament has full power to deal with every phase of this subject. I desire, also, to say that, personally, I favour the taking over of an area larger than 64,000 acres.

Mr. O'MALLEY.—One thousand square miles!

Sir WILLIAM LYNE.—If it were possible to obtain such an area, I think it would be wise to take it over.

Mr. THOMSON.—We might as well take over half the State.

Sir WILLIAM LYNE.—It would represent only a very small part of some electorates. I do not believe that it would equal one-twentieth part of my own constituency. We should act wisely in taking over such an area. The value of the land would be largely increased as the result of the building of the capital in its vicinity, and the revenue derived from it by the Commonwealth would go a long way towards the cost of building the Federal city. Great exception has been taken, more especially in the southern States, to the proposal to proceed with the erection of the capital; but the increase which would take place in the value of the land taken over by us would be such that in the end the taxpayers of the Commonwealth would not be called upon to pay a single sixpence towards the cost.

Mr. SAVERS.—They would not increase in value materially for a good many years.

Sir WILLIAM LYNE.—Some years would necessarily elapse before they reached their highest value. When I was referring to this question a few days ago the honorable member for Gippsland interjected that we could not legally pass an Act of Parliament which would deprive the present holders of the land of the unearned increment which would attach to their property. But, as I then pointed out, the legislation passed by the New South Wales Parliament for the Rocks and wharfage resumptions contained a provision that the necessary lands should be taken over at their value prior to the determination to resume them, and there is nothing to prevent us from declaring that the increased value given to the lands to be taken over, in consequence of

the decision of Parliament, shall not be taken into consideration in fixing the price at which they shall be resumed.

Mr. HUME COOK.—Do the Government intend to adopt that course of action?

Sir WILLIAM LYNE.—Yes.

Sir JOHN QUICK.—Why not insert such a provision in the Bill?

Sir WILLIAM LYNE.—There is no occasion to do so. Another Bill dealing with the administration of the territory will be necessary, and the provision to which I have referred may be made in it. This is simply a Bill to fix the site of the Capital, and the Government did not think it advisable to insert in it the provision which I have named. I believe that under the existing law it would be open to us to adopt this course; but, if not, we can legislate in the direction I have indicated. It is nonsense for honorable members to say that such a procedure cannot be adopted. It has been followed in the State Parliament of New South Wales, and what can be done by that Legislature can surely be done by the Federal Parliament. The question before us is of such grave importance that although, unfortunately—and I emphasize the word “unfortunately”—I have two suggested sites in my electorate, I consider that every honorable member should deal with it without regard to his constituency. An honorable member should not allow his decision to be influenced by the fact that one or more of the proposed sites happen to be situated within his electorate. The question is far too important to allow of our being influenced by considerations of that kind. It seems to me that fifty or sixty years must elapse before it will be known whether the best site has been selected. It is impossible at the present time to determine where the centre of population in Australia is likely in the future to be, and we may rest assured that whatever selection is made, some complaint is sure to be heard hereafter. My desire is—and it should be the object of every honorable member—that the Capital shall be erected on what, having regard to the future of Australia, is the most suitable site.

Mr. HENRY WILLIS.—That is in the west.

Sir WILLIAM LYNE.—I never care to go back on any statement I have made. I would remind honorable members that when I was Premier of New South Wales I endeavoured to pass a Bill through the



State Legislature providing for the construction of a railway to Broken Hill, and thus to place the western districts of New South Wales in direct railway communication with South Australia, and, on the construction of the transcontinental railway, with Western Australia. I also endeavoured to pass a Bill to connect the western line with the northern—the Brisbane—line. I believe that had I been successful many eyes would now have been turned towards the West as likely to furnish, in the future, the centre of population in Australia. Those measures were not carried, however, and the West will probably not be looked upon——

Mr. JOSEPH COOK.—Those lines are bound to be constructed.

Mr. SYDNEY SMITH.—Does not the Minister think that we should provide not for to-day but for the future?

Sir WILLIAM LYNE.—That is a matter for the consideration of honorable members. It is quite impossible to say where the future centre of population of Australia will be, but it is likely to be in a district where the rainfall is better than it is in the West. I refer to this phase of the question solely because I desire to place on record the views which I entertain upon it. We have nine different sites from which to make a selection, and I have no doubt that honorable members would be somewhat confused in wading through the evidence unless they had plenty of time to consider the various points set forth in the reports. For the information of honorable members, I have taken out particulars in regard to two or three matters which I trust will assist them in determining the relative values of the several sites, without their being forced to go through all the evidence which has been printed and submitted to the House. I shall deal with the sites in their alphabetical order. We have, first of all, the Albury site, where a territory comprising 100 square miles, including the city site and the catchment area, is estimated by the Lands Department of New South Wales to cost £252,800. An area of 400 square miles on the same basis is estimated to cost £1,668,000; 625 square miles, £1,902,000; and 900 square miles, £2,189,000.

Mr. L. E. GROOM.—Does that include the town of Albury?

Sir WILLIAM LYNE.—I believe so. The estimated cost of the resumption of the site is £20,000. Perhaps I may

be permitted at this stage to express my deep regret that on the two occasions on which honorable members inspected Albury they had but a very poor opportunity to judge of its true fitness for the purposes of the Federal Capital. I have lived in Albury for many years, but I never saw a worse day than that on which I, in company with other honorable members, visited it during the tour of inspection.

Mr. BRUCE SMITH.—Honorable members visited other sites in the same circumstances.

Sir WILLIAM LYNE.—Not on the same day.

Mr. BRUCE SMITH.—But under the same climatic conditions.

Sir WILLIAM LYNE.—It was a particularly bad day; the worst I have ever experienced in the district.

Mr. BRUCE SMITH.—It has acquired a certain reputation.

Sir WILLIAM LYNE.—It has acquired a reputation for the possession of one of the best climates in Australia. I lived at Albury for years, and I speak, therefore, from experience. I can honestly say that it is the most healthy district in which I have ever resided. I do not deny that for two or three months in the year the weather is very warm, but during spring, autumn and winter no better climate could be desired. There are very few places to be compared with it. I come now to Armidale. The estimated cost of resumption within the suggested city site is £20,000, and within the catchment area in respect of the primary source of supply, to supply a population of 50,000, £58,500.

Mr. L. E. GROOM.—There are two sites in that district.

Sir WILLIAM LYNE.—I am referring to the Armidale site. The hundred square miles area, including the city site and the catchment area, is estimated to cost £317,420. The estimate for 400 square miles is £1,176,000; for 625 square miles, £1,564,000; and for 900 square miles, £2,103,000. I again wish to emphasize the fact that this information is obtained from the Lands Department of New South Wales.

Mr. O'MALLEY.—What is the cost per acre?

Sir WILLIAM LYNE.—I shall give some information upon that point later on. The next site in order is Bathurst. The estimated cost of the city site is £36,000, and the

catchment area to supply 50,000 people would cost £124,625. The estimate for 100 square miles is £1,354,065; for 400 square miles, £1,550,000; for 625 square miles, £1,920,000; and for 900 square miles, £2,160,000. I need say but little in reference to the Bathurst site.

Mr. KNOX.—Is the honorable gentleman going to have that information distributed?

Sir WILLIAM LYNE.—I shall be very glad to do so. I shall lay it upon the table when I have finished my speech. I should have had it printed and distributed, ready for use to-day, but it has taken all my time to work up the information to its present state. I have done my best to obtain the best information for the use of honorable members. As far as concerns the Bathurst site, I think that the city is not within the 100 miles limit fixed by the Constitution. The site will require to be beyond the present city, and the estimate which I have given is for land outside the 100 square miles limit. Bombala comes next. The estimated cost of resumption for the suggested city is £24,000. The estimate for resuming the catchment area for a primary water supply for 50,000 people is £121,590. The estimated cost of 100 square miles is £361,730. The estimated cost of 400 square miles is £720,000; of 625 square miles the estimated cost is £1,020,000; and of 900 square miles £1,560,000.

Mr. THOMSON.—Does that include the port?

Sir WILLIAM LYNE.—I do not think the area goes quite down to the port. Honorable members know my opinion with regard to the Bombala site, and I do not wish to say anything about it at this stage, except that I do not think that a place where trees will not grow is a good port for shipping.

Mr. JOSEPH COOK.—Does the honorable gentleman say that trees will not grow at Bombala?

Sir WILLIAM LYNE.—They will not, the country is bare of trees. I have given the cost of resuming land at Bombala, but I should say that I do not think there is very much Crown land there. The next site in rotation is Lake George. The estimated cost on the city basis is £20,000; and the cost of the catchment area for the supply of water to 50,000 people would be £80,400.

Mr. CONROY.—From what point would the water be brought?

Sir WILLIAM LYNE.—From the Queanbeyan River. The estimated cost of 100 square miles is £290,280; 400 square miles, £600,000; 625 square miles, £825,000; 900 square miles, £1,300,000. I should like to say in reference to Lake George that there is no doubt that if the water could be kept permanently in the lake, the conditions would be such as to constitute a beautiful site for a capital city. I am aware that great exception has been taken to that site in consequence of the lake having dried up three times within the known history of New South Wales. But it does not follow that it is not possible to keep a permanent supply of water in the lake. I come next to the Lyndhurst site. The cost of resumption of the city site is £20,000, and the cost of the catchment area for the water supply of a population of 50,000 would be £160,160. The estimated cost of resuming 100 square miles which includes the city site and also the catchment area is £349,360. I must say that I was very much surprised when I saw this estimate was so much, because as far as buildings are concerned—

Mr. THOMSON.—Very much of the land there is church and school land.

Sir WILLIAM LYNE.—I do not think that is Government land in the true sense of the term.

Mr. THOMSON.—Yes; it reverted under an Act.

Sir WILLIAM LYNE.—I do not think that land would come under the provisions of the Constitution. The point is very doubtful. I do not wish to argue it now, but, thinking of it casually, I do not think that it would come within the provisions of the law.

Mr. THOMSON.—It reverted to the Government by Act of Parliament.

Sir WILLIAM LYNE.—But it does not stand in the same position as does other Crown land. The estimated cost of 400 square miles is £600,000; 620 square miles, £800,000; 900 square miles, £1,200,000. The next site is Orange. The estimated cost of the suggested site for the city is £57,000. The catchment area for the supply of 50,000 people with water is estimated to cost £141,750. The estimated cost of 100 square miles is £1,227,670.

Mr. O'MALLEY.—Does that include the village of Orange?

Sir WILLIAM LYNE.—Yes. The estimated cost of 400 square miles is £1,530,000; 620 square miles, £1,700,000; 900 square miles, £1,850,000. I say without hesitation that Orange is one of the finest sites that has been suggested.

Mr. WILKS.—That makes four fine sites.

Sir WILLIAM LYNE.—Any one who knows the district is aware of what the advantages of this site are. I am afraid that it is not in the running, however. I made reference to that part of the western district a few minutes ago. I now come to the particulars relating to the Tumut site. It may be my misfortune that Tumut is one of the proposed sites, and Albury the other; but it is no misfortune to have Tumut and Albury within my electorate, because the land is admitted to be wonderfully fertile, and they are beautiful spots. The estimated cost of resumption within the suggested city site at Tumut is £25,000, and of the catchment area to supply a population of 50,000, the estimated cost is £180.

Mr. O'MALLEY.—The cost has been pretty well "worked down" in that instance.

Sir WILLIAM LYNE.—That is the estimate given to me.

Mr. MCCOLL.—The land cannot be very good.

Sir WILLIAM LYNE.—That may be so, but the catchment area is a table land on the top of a mountain. An area of 100 square miles is estimated to cost £318,180, including the city site, catchment area, and municipal areas. The estimated cost of 400 square miles is £464,000; of 625 square miles, £825,000; and of 900 square miles, £800,000.

Mr. O'MALLEY.—The Minister has "fixed matters up" in regard to this site.

Sir WILLIAM LYNE.—The honorable member must not say that I have "fixed matters up" in regard to any site, because I have done nothing of the sort. Before I pass away from this proposed site, I wish to point out that Tumut is in some parts the most fertile district of which I know. The area is situated almost half way between Melbourne and Sydney, and it has the advantage of railway communication and of a very good climate.

Mr. O'MALLEY.—How about the water supply?

Sir WILLIAM LYNE.—The water supply, to which I shall refer presently, is better than that of any other site submitted.

Mr. KIRWAN.—What is the area of fertile land?

Sir WILLIAM LYNE.—I cannot at this moment give the area of fertile land, but the whole land, until the mountains are reached, is good. Some of the land is immensely rich, and this site includes a larger area of Crown lands than there is in any other site submitted. The land is fit for the cultivation of fruit and of almost anything else, and there is one of the finest forests of timber in New South Wales.

Mr. G. B. EDWARDS.—What is the Minister's standard of climate?

Sir WILLIAM LYNE.—I shall deal with the question of climate presently.

Mr. O'MALLEY.—The climate is a bit hot.

Sir WILLIAM LYNE.—No; this is one of the best of climates. I do not think Albury has a bad climate, but the climate of Tumut is not quite so hot as that of the border area. The following are extracts from the evidence of Mr. G. McKeown, manager of the Government experimental farm at Wagga Wagga:—

The maize crops on the flats along the road compared favorably with any I have seen on the northern rivers, such as the Manning, the Clarence, and the Richmond. It is very probable it would surpass that on the Richmond, but not the Clarence, which is of a somewhat different kind of country. The Tumut maize has a very high reputation in Sydney as being firm and free from weevils and moths; it generally tops the market by a few pence per bushel. It is almost impervious to the attacks of insects, and should, therefore, be very profitable.

Batlow appeared to me as being one of the best fruit-producing districts I have seen anywhere, and the crops exceeded anything I have seen in Tasmania, also the quality. It is the very highest. The trees seem to be perfectly healthy, with but few exceptions, which had a disease common to fruit trees everywhere, unless precautions are taken against it. Batlow is unsurpassed in the production of apples or pears, and that is attributable to soil and climate. I had heard of the quality of Batlow fruit and inspected it for myself, and I am satisfied that nothing could beat it for being as near perfection as possible.

1168. Would it (that is, the district within 50 miles radius) give the requirements of a population of 100,000?—Yes; there is room capable of a very large expansion before you get into the grazing country on the upper portion of the river; they are fairly large areas, and could be worked economically with modern machinery. That would be within 30 miles with occasional portions nearer.

1173. Do you prefer the land in this district to that in Wagga Wagga?—In the Wagga Wagga district we have nothing to compare with it for agriculture.

1174. Have you been up the Goobarragandra Valley?—I have been about 6 miles up the valley. The soil there is similar to that on the plains, but not so extensive; it is of excellent quality. In particular places I noticed unusually good maize. I also saw English trees which are remarkable for their growth, and potatoes, and tomatoes, and pumpkins of various kinds, and in sheltered positions the crops were doing well.

The evidence taken in regard to Dalgety shows that the land within the proposed site may be taken as worth £2 10s. per acre. The existing improvements are of small value, and the cost of the resumption of the city site of 4,000 acres may be assumed to be £10,000, and the cost of the catchment area, for a primary water supply for a population of 50,000, is estimated at £40,000. The estimated cost of 100 square miles is £210,000; of 400 square miles, £600,000; of 625 square miles, £850,000; and of 900 square miles, £1,300,000. These figures are given to me from a disinterested source. In regard to water supply, that of Albury depends on a pumping scheme. The average elevation of the proposed city site is 800 feet above sea level, and the elevation of the River Murray, where it is proposed to obtain the water, is 550 feet. A pumping scheme is, therefore, necessary, the lift required to give a good pressure being 580 feet. In appendix No. 1 of the report of the Royal Commission will be found particulars of the principal works of the proposed supply for 50,000 people; and capitalizing the annual working expenses and maintenance at 4 per cent., the total estimated cost is £512,000. One objection to the Albury site is that the water supply must be by means of a pumping scheme, but I believe that it would be possible to have a gravitation scheme. Of course it would be necessary to go some distance up the Murray, in order to obtain water by gravitation, but I cannot think that such a scheme is impossible, although it may cost a good deal of money.

Mr. CONROY. — A gravitation scheme would be rather difficult, because of the elevation of the city site.

Sir WILLIAM LYNE.—I do not think so. The River Murray runs close to both sites, and it is only a question of how far we go up the river.

Mr. CONROY.—There is no question but that with money we might obtain a gravitation scheme.

Sir WILLIAM LYNE.—The water supply to the Armidale site is by gravitation, and according to the particulars given in appendix No. 1 of the report of the Royal Commission, the estimated cost of the proposed primary scheme from the Guyra River, to supply a population of 50,000, capitalizing the working expenses and maintenance at 4 per cent., is £391,700. As to the Bathurst scheme, a supply from Campbell River is estimated on a similar basis to cost £474,865. In reference to Bombala, the report of the Royal Commission states that the Delegate River has been selected as the primary source of supply, and the estimated cost for a population of 50,000, capitalizing working expenses and maintenance at 4 per cent. is £531,090, which could be reduced to £417,600, if electricity generated by water power obtained from the Snowy River were used for pumping, in lieu of steam. The greater part of the catchment area of the Delegate River is in Victoria, and if that were considered an objection, the supply could be obtained from the Snowy River. In the case of the Snowy River, the facilities for obtaining water power with which to generate electricity for pumping are so great that it has not been considered necessary to include an estimate for pumping by steam power. The estimated cost to supply a population of 50,000, capitalizing working expenses and maintenance at 4 per cent., is £617,500. That is a pumping scheme, and this fact is raised as an objection, although there is plenty of water. At Lake George, a gravitation scheme on a similar basis as the others I have mentioned, is estimated to cost £380,500, while at Orange, a pumping scheme from Flyer's Creek is estimated to cost £1,207,050. At Tumut, a gravitation scheme on a similar basis is estimated to cost £200,280, and a similar scheme at Lyndhurst is estimated to cost £427,460. At Dalgety a gravitation scheme, on a similar basis, is estimated to cost £328,000. As to temperature, the highest and lowest readings at Albury are respectively, 117·3 and 20·2, with a mean annual shade temperature of 60·7. The readings are given in a table for each month, with which I need not trouble honorable members; but it is shown that the Albury climate on the average is very congenial, and not the extreme climate which some people seem to think it. In the case of Armidale, the highest temperature

recorded is 105·2, and the lowest 13·9. It is on the table-land of New England, and is a fairly cold place. The highest reading of the thermometer at Bathurst is given at 112·5, and the lowest 13 degrees. Bathurst would appear to be a very cold place in winter.

Mr. THOMSON.—The honorable gentleman is quoting the extremes recorded during the whole period of record.

Sir WILLIAM LYNE.—That may be, but I am not sure about it. I have here a table giving the maximum, minimum, and mean temperature throughout the year for each of the sites, and shows that Bathurst is a cold place, though not so cold as Armidale.

Sir EDWARD BRADDON.—The honorable gentleman might give the mean shade temperature in each case.

Sir WILLIAM LYNE.—I think it would be better that I should do so. The mean shade temperature recorded for Albury is as follows:—January, 76·5; February, 75·6; March, 68·6; April, 60·7; May, 52·3; June, 48·8; July, 46·3; August, 49·2; September, 54·8; October, 60·8; November, 68·8; December, 73·8. Those readings abundantly prove that the climate of Albury is not extremely hot. The mean shade temperatures recorded for Armidale are—January, 69·7; February, 67·8; March, 63·8; April, 57·2; May, 49; June, 44·9; July, 42; August, 45·4; September, 50·9; October, 57·7; November, 64·3; December, 67·4. Bathurst—January, 71·4; February, 70·3; March, 65·5; April, 57·8; May, 49·1; June, 45·4; July, 42·8; August, 45·6; September, 51·2; October, 57·9; November, 64·7; December, 68·8. In the case of Bombala the highest reading given is 104·1, and the lowest 15·5. The mean temperatures recorded are—January, 65·2; February, 64·3; March, 60·9; April, 54·2; May, 47·2; June, 43·8; July, 41·3; August, 44·8; September, 50; October, 55·5; November, 60·1; December, 63·6.

Mr. THOMSON.—Those records cover a period of sixteen years.

Sir WILLIAM LYNE.—Yes, for about sixteen years. I think that the records for Bombala were not obtained in the same way as the others. I understand that there was no official record of temperature kept for some time, and that some reverend gentleman has supplied these records.

Mr. AUSTIN CHAPMAN.—The honorable gentleman is referring to Tumut.

Sir WILLIAM LYNE.—No, to Bombala. I believe that some reverend gentleman supplied these records.

Mr. AUSTIN CHAPMAN.—No; I am certain that that refers to Tumut.

Sir WILLIAM LYNE.—Well, I do not like to be too positive; perhaps the honorable member is correct. I was under a different impression. I hope the honorable gentleman will leave Tumut alone or he will get something warm about another place presently. I am trying to be as reasonable as I can in making this statement, but I am prepared to say that, whilst Tumut has one of the best climates in Australia, Bombala has one of the bleakest, coldest, and worst. The highest reading given for Lake George is 105, and the lowest 21·8. The mean temperatures for this place are—January, 70·5; February, 69·3; March, 65·8; April, 58·4; May, 50·3; June, 45·5; July, 43·4; August, 46; September, 52; October, 57·9; November, 64·8; December, 69·8. For Lyndhurst the highest reading is 98·4 degrees, and the lowest 15·4. The mean temperatures are:—January, 69·5; February, 67·2; March, 63·3; April, 54·5; May, 46·6; June, 43·3; July, 40·6; August, 43; September, 48·9; October, 54·9; November, 63·2; December, 67·7. I had no idea that Lyndhurst was so cold as from these records it would appear to be. I do not know that the whole of the district is cold, and it may be that the site of the town gives these low readings, because it is unprotected from the south and south-westerly winds. I believe that some of the other sites record lower temperatures than would ordinarily be recorded for the districts in which they are situated, because they are not protected from the southerly and south-westerly winds. I know that Blayney is a very cold place, and Lyndhurst is close to it.

Mr. THOMSON.—The record appears never to reach the 100 degrees there.

Sir WILLIAM LYNE.—No, it is a cold place. In the case of Orange the highest reading is 102 degrees and lowest 21·3. The mean temperatures recorded are—January, 68·6; February, 66·8; March, 62·2; April, 54·4; May, 46·5; June, 43·4; July, 40·9; August, 43·5; September, 48·5; October, 54·9; November, 62·6; and December, 66·9. For Tumut the highest reading given is 106 degrees and the lowest

27 degrees. The climate of Tumut would appear to vary less than that of any of the other sites. The mean temperatures recorded are—January, 74·7; February, 72·6; March, 68·1; April, 62·5; May, 53·9; June, 50·3; July, 48·1; August, 47·5; September, 57·1; October, 62; November, 73·9; December, 74. In the case of Dalgety, it is stated that the temperature seldom goes over 100 degrees, and that 90 degrees is considered a hot day. The highest record mentioned is 104 degrees. In winter, temperature at night ranges from 26 degrees to 30 degrees, and a reading of 14 degrees has been observed; while it is stated that the sunny days following frosty nights in winter are warm and pleasant. That is the information I have on the subject of the climates of the different sites.

Mr. SPENCE.—Does the honorable gentleman propose to have these figures printed and supplied to honorable members?

Mr. SAWERS.—We shall require next week to consider these figures.

Sir WILLIAM LYNE.—Except in regard to a few points, the information I am now giving is contained in the reports, but it is difficult for honorable members to collect it from the different documents. I am informed by the Principal Parliamentary Reporter that honorable members can be supplied to-morrow morning with advance proofs of my speech containing this information. I have here particulars with regard to the productiveness of the different districts. The number of acres under grain in the Albury district is given as 120,346, and under hay 13,568, or a total of 133,914 acres under cultivation. The average yield is given at 10·3 bushels per acre for wheat; maize, 20·8; barley, 13·5; oats, 20·2; potatoes, 1·9 tons; and of other crops the yield is in the same proportion. I need only say that it is one of the most productive districts we have.

Mr. O'MALLEY.—They raise 60 bushels to the acre in Dakota.

Sir WILLIAM LYNE.—I have not known a high yield to the acre to be produced in the Albury district. We know that in South Australia 6 or 7 bushels to the acre is considered a good crop, whilst in the Albury district the average yield per acre, according to evidence, is 10·3 bushels. In the Bathurst district I find that there are only 74,264 acres under cultivation, whilst the average yield of wheat is 10·9, maize 12·2, barley 16·8, oats 18·9 bushels

to the acre, and of potatoes 1·8 tons to the acre. In Bombala there are 972 acres under grain and 534 acres under hay, and the total area of 1,506 acres averages for wheat, 12·1 bushels.

Mr. SYDNEY SMITH.—For what period?

Sir WILLIAM LYNE.—For about eight years, I think. The acreage under maize is not given; but it is said that an area of 4,207 acres averages 40·3 bushels; I think this is about Bega. The area under barley is 171 acres, averaging 25·1 bushels. Oats average 20·9 bushels, and potatoes 2·6 tons. At Lake George the area under wheat is 6,348 acres, averaging 10·8 bushels; while maize averages 16·3 bushels, barley 16·5 bushels, and oats 16 bushels.

Mr. O'MALLEY.—Bombala is still ahead.

Sir WILLIAM LYNE.—Bombala cannot grow wheat to be compared with Riverina wheat. In Armidale the area under grain is 5,163 acres, averaging 13·9 bushels—the highest yield I have yet quoted—while maize averages 19·2 bushels, barley 17·8 bushels, oats 25·2 bushels, and potatoes 2·7 tons. At Lyndhurst the area under wheat is 100,883 acres, averaging 11 bushels; while maize averages 10·3 bushels, barley 16·7 bushels, oats 18·58 bushels, and potatoes 1·7 tons. At Orange the area under wheat is 56,034 acres, averaging 13·4 bushels; while maize averages 8·7 bushels, barley 18·6 bushels, oats 20·3 bushels, and potatoes 1·6 tons. At Tumut the area under wheat is 14,669 acres, averaging 12·8 bushels; under maize, 6,692 acres, averaging 30·8 bushels; and under barley, 157 acres, averaging 13·2 bushels; while oats average 21·6 bushels and potatoes 2·5 tons, which is a fairly good return. At Dalgety the area under wheat is 1,763 acres, averaging 12·3 bushels; under maize, 2 acres; under barley, 80 acres, averaging 18 bushels; and under oats, 984 acres, averaging 18 bushels; while potatoes average 3·1 tons. With regard to comparative accessibility, if I take the direct distance, Albury is 278 miles from Sydney, 172 miles from Melbourne, 684 miles from Brisbane, 481 miles from Adelaide, 1,812 miles from Perth, and 479 miles from Hobart. The average distance is 651 miles.

Mr. SPENCE.—How is Brisbane made so near?

Sir WILLIAM LYNE.—I do not know if the direct distance has so much to do with this question as the existing means of

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"	Royal Commission	8,140 Crown land 57,860 alienated <u>64,000</u>	£239,440 (£4 per acre) (If town included, £72,700 extra — £312,140)	£49,590	£337,000	531,090	*1,157,150
LYNDHURST (Carcoar-Gar- land)	Oliver's Report ..	64,000	£200,000				
(Nearly same City Site)	Royal Commission	13,600 Crown land 50,400 alienated <u>64,000</u>	£3 per acre (£158,800) + £30,000 for private towns	£160,160	Nil	427,460	746,220 30,000 <u>776,220</u>
LAKE GEORGE	No Report by Oliver						
	Royal Commission	3,400 Crown land 60,600 alienated <u>64,000</u>	£139,800 (£3 per acre)	£90,400	Nil	390,500	650,700
ORANGE ..	Oliver's Report ..	10,800 Crown land 53,900 alienated <u>64,700</u>	Outside Muni- cipality .. £365,000 Inside Muni- cipality .. 592,436 <u>£957,436</u>				
(Different City Site)	Royal Commission	5,840 Crown land 58,160 alienated <u>64,000</u>	£7 per acre (£436,120) (If towns Orange and East Orange included, £649,800 to be added— £1,085,920)	£141,750	Nil	1,207,050	†1,784,320
TUMUT .. (Gadara Site)	Oliver's Report ..	22,000 Crown land 41,800 alienated <u>63,800</u>	£322,000				
Lacmalac Site	Royal Commission	13,600 Crown land 50,400 alienated <u>64,000</u>	£4 10s. per acre (£233,800) (If town included, add £107,400—£341,200)	£180	£50,000	200,280	‡484,380

\* Including town of Bombala, £1,229,320.

† If Orange and East Orange resumed, £2,434,720.

‡ Including Town of Tumut, £591,660.

Mr. Oliver's second report is a criticism of the Commissioners' report, but the excesses to which he went, and the insinuations in which he indulged, show that he altogether lost his temper—a circumstance which I regret very much, because I appointed him in the first instance to investigate the merits of the proposed sites, and he is a gentleman I much respect. I should have been much better pleased if in criticising the report of the Commissioners, which I regard as a very

able one, he had not gone to such extremes of language. I wish to refer to one or two discrepancies in his report. In his original report he says, speaking of the water supply for the Monaro tableland—

In regard to water supply, whatever rank is assigned to the site which possesses the most abundant, as well as the cheapest, by gravitation, from a never-failing source, with 280 feet of head, Southern Monaro has hardly a rival, even under the conditions of the original proposal: but with the Snowy River thrown in, as it will be by the

Sir William Lyne.

enlargement of the site, as suggested (*post*, page 24), Southern Monaro stands absolutely first in the important matter of water resources; and the same site gives better promise than any other of affording water power for hydraulic lifts and the development of electrical energy. The character of the water supply is treated at length in the report on this site, at page 39. It may, however, be mentioned here that most of the catchment areas of the Delegate and Little Plains Rivers are in New South Wales, and within the proposed Federal territory as enlarged, although the sources of both are in swamps and springs on the other side of the Victorian border.

The Capital Sites Commissioners, however, say—

The following were found to be the most suitable sources of supply, viz.:—(1) Delegate, (2) Snowy, and (3) Little Plain Rivers, distant respectively about 18, 13, and 8 miles from the city site.

Although the examination of the country was extended to the neighbourhood of Dalgety, and the Snowy River was followed as far as Jindabyne, it was found impossible to obtain a gravitation supply on account of the elevation of the city site, and, indeed, of the country generally, with regard to the river beds. Whatever sources of supply are chosen, pumping will, therefore, have to be resorted to.

Mr. Oliver in his second report says—

It will be remembered by those who are familiar with my report and its annexures, that the officer of the Works Department who accompanied me in my visits to Federal capital sites reported very favorably on the water supply available by gravitation to Lord's Hill, on the Bombala site, from the Delegate River. His aërial measurements unfortunately misled both himself and the State Commissioner (myself), and his estimate of cost suffered in consequence; but the error caused by the instrument, or the then atmospheric conditions, was very soon after detected, and a further report made by an officer of the same Department satisfied me that water could not be led by gravitation from the old mill site on the Delegate River to the crest of Lord's Hill by gravitation, although it might perhaps to the 5-Mile Post. Mr. Pridham's report, therefore, comes as a most acceptable contribution to the important question of water supply as affecting the Southern Monaro site—Bombala-Eden.

According to that report, the Delegate River, though not available by gravitation for the site originally marked out at Lord's Hill, yet would be sufficient for a pumping scheme, the lift being a very moderate one of about 230 feet, for a population of 50,000. Further, Mr. Pridham stated in evidence at the inquiry held at the Public Works Department on the 7th instant that a better site for utilizing the water supply than Lord's Hill could be obtained, and the same witness admitted that Bombala was entitled, in respect of water supply, to be placed immediately after Tumut; the class, however, assigned to Bombala by the Commissioners is no higher than a fourth.

Mr. Oliver, therefore, was originally of the opinion that a gravitation scheme of water

supply should be adopted, and his recommendation of the Bombala site was based almost entirely upon that belief. But he had to admit, after the Commissioners had checked his examination, that a gravitation scheme was impossible.

Mr. AUSTIN CHAPMAN.—Was not that admitted long before the Capital Sites Commission was appointed?

Sir WILLIAM LYNE.—No. I understand that a copy of Mr. Wade's report, in which the fact is pointed out, was sent to Mr. Oliver, but the information was not made public—at least, I knew nothing of it—until it came out in the evidence taken by the Commissioners. I wish now to draw attention to another discrepancy between Mr. Oliver's reports. The Capital Sites Commissioners allotted to Tumut 17 marks, to Albury 21, to Lyndhurst 26, to Bathurst 29, to Orange and Lake George 34 each, to Armidale and Dalgety 36 each, and to Bombala 44. Mr. Oliver, in criticising this allotment of marks, seems to me to contradict himself. On page 17 of his supplementary report he says that the marks should be allotted in this way:—For water supply, with a maximum of 100: Albury, the Table Top site, 8 marks; Armidale, 20; Bathurst, 20; Bombala, 25; Dalgety, 27; Lake George, 15; Lyndhurst, 20; Orange, 15; and Tumut, the Lacmalac site, 27. But, on page 29, still regarding them from the point of view of water supply, he places the sites in the following order:—First, Tumut, with a total population of 1,000,000, which can be supplied in the driest season, 623,000 by gravitation and 477,000 by pumping; second, Bombala, with a total population of 530,000, which could be supplied by pumping, assuming one-fourth the minimum flow of the Snowy River, or 1,060,000, assuming half the minimum flow; and, third, Albury, for a population of 1,092,000, which could be supplied by pumping. Therefore, while in the first instance he allotted the fewest number of marks to Albury and thus placed it at the bottom of the list, he put it third in the second list. The two lists seem to absolutely contradict each other.

Mr. CONROY.—In one case Mr. Oliver is speaking of the Tabletop site and in the other of the Albury township site, between the elevation of which there is a difference of 400 feet.

Sir WILLIAM LYNE.—That does not account for the difference. If honorable members analyze Mr. Oliver's report they will see that his statements do not coincide with the facts. Everything seems to be overdrawn, and in the instance to which I have drawn attention, Mr. Oliver has fallen foul of himself.

Mr. BROWN.—Mr. Oliver thought the Commissioners' report overdrawn.

Sir WILLIAM LYNE.—I am accused of doing all sorts of wrong things whenever I try to do right. I appointed a Commission, whose members were eminent professional men, chosen from four different States, because I thought that the fairest thing to do. Surely the Commissioners were able to draw reasonable and fair deductions from the evidence placed before them. In my opinion, their report is an excellent one, and most exhaustive. As I could not understand why the temperature of various sites, whose altitude is much about the same, varies so considerably, I had the following statements summarized from the evidence :—

*Lyndhurst.*—Not protected from either south or west winds, and situated similarly to Blainey, which has the reputation of being one of the coldest spots in New South Wales. Early residents selected Carcoar as the most suitable spot for a town, being protected by high hills. On the whole, Lyndhurst is no better as to climate than Bombala.

*Orange and Bathurst.*—The situation of Orange is better than that of Lyndhurst, being protected on the south-west by the Canobolas, and the climate is, consequently, milder, and evidence of this is to be seen in the fruits and foliage of the district.

*Bombala.*—Towards the south there are no ranges of sufficient altitude to protect the site, and the sea mists come up, producing humidity and causing both heat and cold to be more trying than they otherwise would be. The hills on the west are too far away to keep off the winds from Kosciusko.

*Tumut* is protected on the south and west by high mountains, and so escapes the searching winds from these points. The absence of humidity also lessens the effect of both high and low temperatures, and the result is an equable climate particularly agreeable to live in, and very favorable to the growth of vegetables. Any place without tree-growth not fit for city.

*Albury.*—The climate of Albury is well known. As a winter, autumn, and spring resort no finer climate can be found in Australia, while in the summer, although there are some high readings of the thermometer, the heat is free from humidity and does not produce that languor which is so markedly felt in the districts on or near the coast. Albury is well situated for accessibility to

cool climates, such as that of Bright in Victoria, which, if Albury be chosen as the capital, will no doubt become a favorite week-end resort.

Mr. JOSEPH COOK.—Who picked out that evidence?

Sir WILLIAM LYNE.—I selected it myself to-day, with the assistance of two of my officers.

Mr. JOSEPH COOK.—Whose evidence is it?

Sir WILLIAM LYNE.—I cannot at this moment tell the honorable member, but he will find statements of which those are a reflection.

Mr. JOSEPH COOK.—I simply asked the Minister for his data.

Sir WILLIAM LYNE.—I am not in a position to give the honorable member references to the pages, but he will find in the evidence the information which I have quoted. I have endeavoured to lay before honorable members all the facts necessary to enable them to compare the proposed sites. It would have been possible to supply much more detailed information, but I do not think that I should assist honorable members by delving too deeply into the reports. I have therefore confined my attention to the most important points.

Mr. JOSEPH COOK.—The Minister has omitted any reference to the most important point of all, namely, the method of procedure.

Sir WILLIAM LYNE.—I intended to refer to that at a later stage. I propose to give notice of a motion, which I am preparing very carefully, to provide for a system of preferential voting. It is difficult to determine the best course to adopt. As honorable members know, we might take a straight-out vote in regard to each site. We could take the sites in rotation, alphabetically, and vote upon each of them in turn.

Sir JOHN QUICK.—That would not be fair.

Sir WILLIAM LYNE.—I do not think it would; but, for my own part, I should not object to adopting that course. Then we might proceed by way of exhaustive ballot, which, I think, would be objectionable; or we might adopt the preferential voting system.

Sir JOHN QUICK.—Why is the exhaustive ballot objectionable?

Sir WILLIAM LYNE.—Because honorable members would be called upon to vote for one site, and would not, in the event of their first choice being rejected, have



an opportunity to express their opinions with regard to other sites. Under the preferential system of voting we should number the nine sites and vote for them in the order of our preference. Then, at the first count, the site which had the largest number of ninth votes would be rejected. Upon the second vote the site which had the largest number of eighth votes would fall out; and so on, down to the last two sites. That seems to me to be the most equitable system of voting, and the one most likely to secure a satisfactory selection.

Sir EDWARD BRADDON.—How does the Minister propose to arrange for a preferential and at the same time an open system of voting?

Sir WILLIAM LYNE.—It has been suggested to me that the voting papers should not be made public until after the final vote is given. Every honorable member should sign his voting papers, which should be handed to the clerks. Those officers would act as scrutineers, and announce which site had fallen out upon the votes recorded at each ballot.

Mr. A. McLEAN.—Honorable members would vote only once, and the scrutineers would do the rest?

Sir WILLIAM LYNE.—No; honorable members would be called upon to vote seven times. It is proposed that the first voting slip should contain the names of nine sites, and that honorable members should mark them—one, two, three, and so on in their order of preference, and then sign the paper. Upon the ballot the site which received the largest number of ninth votes would be rejected from further consideration. Then another paper containing the name of eight sites would be handed to honorable members who would mark the sites as before, and the site to which the largest number of eighth votes was given on that ballot would be rejected.

Sir JOHN QUICK.—That is exhaustive not preferential voting.

Sir WILLIAM LYNE.—It is exhaustive, but at the same time preferential. Under a system of exhaustive voting only one number would be used, and that is why I object to it. The site which received the fewest number of first-class votes would be dropped out, and honorable members would not have an opportunity of expressing their second or third preference. I do not think

it is possible to have an absolutely perfect system of voting.

Mr. SPEAKER.—Order. I waited for some little time before I interrupted the Minister, because I thought that, perhaps, if he were allowed to say a few words at this stage, time might be saved later on. I wish to point out, however, that we are now discussing the second reading of the Bill, and that it is not competent for honorable members to discuss any matters which are not dealt with in the measure. No doubt the question to which the Minister has referred will come before us at a later stage, and be discussed in detail. Honorable members may discuss the provisions of the Bill or the relative merits of the sites, but it is not in order to refer in detail to the method by which the ballot shall be taken.

Sir WILLIAM LYNE.—No doubt, Mr. Speaker, your ruling is perfectly correct. I was drawn into a reference to the system of voting by the interjections and inquiries of honorable members. I do not think that there is any necessity for me to make further reference to the details of the proposed sites. I have done my best to afford honorable members the information necessary to enable them to come to a conclusion.

Sir EDWARD BRADDON (Tasmania).

—I wish to say a very few words in order to justify to my own constituents and the people of Australia the vote which I am about to give. I shall cordially support the second reading of the Bill. Exception has been taken to the selection of the capital site at present by two sections. The smaller of these would have us amend the Constitution by striking out that provision under which the capital site is bound to be selected within the State of New South Wales. Another section dreads the expenditure which would be incurred in connexion with the establishment of the capital. As to the first section I am sure that honorable members will have no sympathy with their opposition. We have no course open to us, as honorable men, but to select the site in accordance with the terms of the Constitution. It is not as if by amending the Constitution we could place New South Wales in the position she occupied before she accepted the Constitution. We cannot do that. If we amended the Constitution we should lay ourselves open to the charge of having entrapped New South Wales into giving her assent to

Federation under false pretences. I am quite sure that such a course will not be thought of by honorable members. Upon the question of expense, I hold that inasmuch as we shall have to select the Federal site sooner or later, considerations of economy should induce us to secure it at the earliest possible opportunity. The land will become no cheaper by reason of delay. We have now a better opportunity than we can ever have at a later period to secure the land at a reasonable price, and that fact alone fully justifies immediate action on our part. I hope, in common with many other honorable members, that when the site is selected the expenditure upon the capital will be proceeded with very cautiously, and only to the extent that is absolutely necessary. I agree with many honorable members, perhaps the majority, that if the new Federal territory be properly administered—that is to say, if not one rood of it be alienated, but all of it be let on lease, renewable from time to time upon, say, decennial assessments—the rentals derived will prove ample to defray all the expenses connected with the establishment of the Federal city. The expenditure will, of course, be in the hands of the Government of the day, and that Government must necessarily be controlled by the Parliament. We must all feel the heavy responsibility that rests upon us in casting our votes for the selection of the capital site. We are called upon to give a decision that will be unalterable, and I am quite sure that members will pay the fullest attention to all the particulars that can be afforded as to the claims of the sites. I am confident that they will be led by their mature judgment to vote for this site or that, not because it favours any particular State—because, to my mind, there is no question of favouring a State—but because it will best suit the whole of the people of the Commonwealth, and will enable us to establish a capital of which, as founders, we shall always have reason to be proud. It would be idle for us to seek to make of the Federal territory a large commercial centre. We do not desire, and it would be futile if we did, to make the Federal city a rival to Melbourne or Sydney. I think, however, that we might make of it a place that would be attractive to summer tourists, and attractive as a social centre to persons who are in search of a sanatorium. I believe, further, that we may reasonably hope to establish a city whose large population will be prepared

*Sir Edward Braddon.*

to contribute to its maintenance in a manner befitting its position in the Commonwealth. To my mind some of the sites recommended do not possess the necessary requirements in that respect. That remark is applicable even to the Elysium which we have just heard described—Albury. I am informed by unprejudiced people that Albury has a villianously hot climate in the summer, and suffers from extreme cold in the winter. That is not a good place for a sanatorium.

Mr. BROWN.—The Federal Sites Commissioners conducted their inquiry there with the temperature at 110 degrees.

Sir EDWARD BRADDON.—In the papers which have been circulated for the information of honorable members, Albury is shown to possess, so far as climate is concerned, the worst record of all the sites—the highest mean summer temperature. Of course the real merits of all these sites will be placed before us, as will doubtless a number of merits which do not exist. It will be our duty—and, I think, a pleasant duty—to sift these alleged merits, and to choose that site which will best promote the interests of the people of Australia.

Mr. A. McLEAN (Gippsland).—I agree with a great many of the remarks of the right honorable member for Tasmania, Sir Edward Braddon. There is no doubt that the capital we select will endure for all time. If we commit any mistake now that mistake must be of a permanent character. Concerning the question of the desirableness of the Federal territory being kept inalienable, it appears to me that it would be ridiculous for the Constitution to compel us to acquire at least 100 square miles, if we were immediately to proceed to sell it again. I think we are all unanimous in the opinion that that territory should be retained in perpetuity by the Government in order that any accretion in value which may result from settlement there may become the property of the Commonwealth. The experiment with the leasing principle will prove a very interesting one. The principle will certainly be given a trial under the most favorable conditions. The one point which I regret is that sufficient information is not available to enable us to settle this question in a business-like and intelligent manner. For this I do not blame the Government so much as I do some honorable members opposite, who, in their zeal to have the capital selected at

the earliest possible moment, are endeavouring to drive the Government a little too fast. When the proposal was made that members of this Parliament should visit the different eligible sites suggested, I pointed out that it was not wise to rush round and make a hurried superficial inspection of twenty or more sites, the bulk of which had not the remotest chance of being chosen. I suggested that the number should be reduced to four or five, and that a thorough inspection of these should be made. That idea was scouted and honorable members visited the larger number of sites at very considerable expense to the Commonwealth and trouble to themselves. Now we find that no member of either of the parliamentary parties which visited those sites has inspected the sites which, in the opinion of the Commissioners rank highest in the order of merit. I refer to the sites at Albury, Tumut, Armidale and Bathurst, which are entirely different from those which were visited by honorable members. The House will therefore recognise that it would have been well had my suggestion been adopted at the time it was made. I do wish, however, to make another suggestion, which I hope will receive favorable consideration. In doing so, I have no desire to delay the settlement of this question for one hour longer than is necessary to enable us to make an intelligent selection, and to proceed upon thoroughly business lines. I suggest to the Government that, instead of reducing the list of eligible sites to one, they should reduce it to three. They should then ascertain from the landowners within the 100 miles radius of these sites the lowest price for which they are willing to sell their lands. Simultaneously we should secure an independent valuation of the lands in question. Of course some honorable members will say that the adoption of my proposal would delay the settlement of this matter beyond the limits of the present session of this Parliament. No doubt it would. I do not think it is possible to complete the whole of the arrangements in connexion with the selection of the site before the approaching elections are held. Even if we reduce the list of eligible sites to one, I do not see how we can possibly acquire the land at that site prior to the holding of the general elections. Indeed, I am satisfied that we cannot. In the first place we must ascertain from the owners of land in its vicinity the lowest

price at which they are prepared to sell their lands. Then, before we are in a position to judge whether that price is a reasonable one, we must secure an independent valuation of them. I hold that we can proceed to obtain this information in the case of three sites just as well as we can in the case of one. It would not occupy any longer period; and, even if the information were not forthcoming till after the elections—as it would not be in either case—there would be nothing to prevent the Government from giving the House a pledge that they would call Parliament together to deal with the matter at the earliest possible moment.

Mr. JOSEPH COOK.—They might not be in a position to carry out that promise.

Mr. A. McLEAN.—Honorable members seem to suspect that Victoria has some diabolical scheme in view to retain the Commonwealth Parliament in Melbourne. I hold that there is no such desire on the part of this State. Victoria merely wishes to proceed on business lines, and certainly New South Wales should not be behind her in that respect. The objections to the present proposal to reduce the list of suggested sites to one must be very evident to those who have given the matter careful consideration. We know very well that as soon as the future seat of government has been determined the process of booming will commence. It may be imperceptible, but it will, nevertheless, be operative. Speculators will endeavour to acquire land in the vicinity in the hope that they will be able to obtain a bigger price for it from the Government. I know that many honorable members rely upon the provisions of the Property Acquisition Act to prevent this booming.

Mr. JOSEPH COOK.—We rely also upon the possibility of providing against it in this Bill.

Mr. A. McLEAN.—I will give the honorable member the benefit of all we may do in that respect, but the fact remains that nobody can determine what is the value of land at any site which we may select at the present moment. The estimates which have been placed before us are the best available to the Government.

Mr. WILKS.—Then we have the assessment of the taxation department upon which to fall back.

Mr. A. McLEAN.—The assessment by the Taxation Department is no better

than is the municipal assessment, and honorable members know that the latter is no accurate guide to the value of land. Irrespective of whether we select one site or more, the Government must ask the land-owners the lowest price which they are prepared to accept for their lands. The owners—if there be no other site in competition with them—will naturally demand as high a price as they can. If the Government cannot come to terms with them, the Commonwealth will be obliged to resume those lands. Then the provision which is contained in the Property Acquisition Act will come into operation. That provision may prevent an absolutely unreasonable accretion of value, but it will not prevent an increase of value to the extent, perhaps, of £2 or £3 per acre, which in the acquisition of 64,000 acres would represent a very serious item.

Mr. O'MALLEY.—We must have a larger territory than that.

Mr. A. McLEAN.—I am speaking of the minimum area which is laid down in the Constitution.

Mr. JOSEPH COOK.—The honorable member is assuming that there will be no Crown lands within that area.

Mr. A. McLEAN.—Then arbitrators will require to be appointed. The owners of the land will appoint an arbitrator, the Government will select another, and an umpire will also be appointed. These gentlemen will be able to deal only with the evidence which is presented to them. From personal experience I know the difficulty which exists in ascertaining from witnesses the value of land at any particular period. Not one witness in a hundred will venture an opinion upon that point. He will say that, to the best of his judgment, certain land is worth so much at the present time, but if he is asked what it was worth upon a certain date he will probably reply—"I presume it was worth what it is now." In this connexion I will give to the House particulars of the last case in which I acted as an arbitrator. Upon that occasion an arbitrator was appointed by each party to the dispute, and one of the Victorian Judges acted as umpire. We all visited the land, the value of which was in question. The case was originally tried in the Victorian Law Courts. A host of witnesses were called upon the side of the vendor, and four or five upon the side of the purchaser. In the first instance the lowest price which

the vendor asked for his land was £22 per acre, and the highest price which the purchasers offered was £10 per acre. In their opinion that amount was considerably in excess of its value. Then the matter was referred to the arbitrators. We visited the land, and each of us marked down our own opinion of its value. I valued it at £7 per acre. I am not aware of the value which the umpire and my fellow arbitrator placed upon the property; but evidence was taken by us, some fifteen or twenty witnesses were summoned by the vendor, and all of them swore that, to the best of their belief, the land was worth from £20 to £27 or £28 an acre.

Mr. JOSEPH COOK.—Do they swear like that in Victoria?

Mr. A. McLEAN.—I believe that they swore according to the best of their belief. When they were asked how they computed the value of the land, they entered into elaborate calculations as to the quantity of fruit which might be produced from it, and spoke of raspberry growing and other branches of fruit culture for which it might be utilized. On the other hand, those desiring to acquire the land called, if I remember rightly, only four or five witnesses, and their estimates of the value were all below £10 per acre—the price which had been offered for it. We found it impossible to come to an agreement, and the question was accordingly referred to the umpire. During the examination of the witnesses called by the vendor, I elicited the fact that on several occasions tenders had been publicly invited for leasing the land, and that the highest rental that it had ever brought was 5s. 6d. per acre. The true value of land is represented by the capitalization of its net income, and 5s. 6d. per acre capitalized at 4 per cent. interest—and that is equal to 25 years purchase—meant £6 17s. 6d. per acre, or 2s. 6d. below the price at which I had valued the property. The umpire had, of course, taken notes of the evidence, but I was careful to point out to him that the value placed on the land by the public had never been more than 5s. 6d. per acre per annum. The result was that a decision was given in favour of the purchasers. Honorable members will note that the witnesses called by the purchasers were unable to prove the important fact that the land had never been let for more than 5s. 6d. per acre, and but

for that piece of evidence, obtained from the other side, the overwhelming preponderance of testimony was in favour of a price amounting to something over £20 per acre. It will thus be recognised that it is very easy for one to pay too much for land that is compulsorily acquired.

Mr. WILKS.—What was the verdict of the umpire?

Mr. A. McLEAN.—He fixed the price at £10 per acre in accordance with the offer made by the purchasers. He could not fix it at less, although £10 per acre was about 50 per cent. in advance of the true value of the land, computed on the capitalization of its annual income. We shall have the same difficulty to contend with if we take over the Federal territory in the way proposed; but if, for the present, we simply made a selection of three sites, and brought them into competition with each other, we should find the owners of land in each of these territories, if they desired to effect a sale, anxious to make the price as low as possible. In any case, we should be able to make our own independent valuations. Honorable members of both Houses would be in a position to inspect the three sites.

Mr. WILKS.—Would they be prepared to reduce the price?

Mr. A. McLEAN.—The people in each district would be anxious to have the Federal Capital erected there.

Mr. WILKS.—But every landholder would desire to obtain as high a price as possible for his property.

Mr. A. McLEAN.—I do not mean to say that if we adopted the course I suggest, every landholder in each of the three sites would demand only a moderate price for his property; but I have indicated the lines upon which I think good business men would proceed when dealing with their own money. We should act in such a way that we shall never feel ashamed of the course adopted by us. If my suggestion were adopted, we should not only obtain the necessary area at £2 or £3 per acre less than the price at which we should otherwise secure it, but be able to satisfy ourselves that we had selected the best site. At the present time we have not the information necessary to enable us to make a proper selection. There is one very important piece of information which has not been put before us. I refer to the cost of resuming the land necessary for the protection of the watershed. We do not know

now whether we should be able to acquire the Crown lands within any of the catchment areas free of cost, or whether we should have to purchase them. These are most important considerations, and it is highly desirable that we should have this information before us before we proceed to make a final selection.

Mr. CONROY.—There are many people living within the catchment area of the water supply of London.

Mr. A. McLEAN.—We cannot be expected to bear the expense which the city of London, with its population of 5,500,000, has incurred in this direction. The proposal put before us is that we should secure a catchment area, and an estimate is given of the cost of the private lands within the catchment area of each site. But we should know the extent of Crown lands existing within each catchment area, as well as the extent of Crown lands within the 100 square miles of territory to be taken over as the site of the capital. We should also be advised whether these lands are to be obtained free of cost. We all know that, in accordance with the terms of the Constitution, any Crown lands within the 100-square-mile area must be handed over to the Commonwealth free of charge. It is quite possible that there may be valuable Crown reserves within some of these areas, and as we should obtain them free of cost, they would be a very important asset to the Commonwealth. But I trust that the territory acquired by us will not comprise Crown lands which have been neglected, and which no one has hitherto felt disposed to take up. I should like the Federal territory to consist, at least, of reasonably good land. The better the land the better it will be for us, even if we have to pay a fairly high price for it.

Mr. CONROY.—That would not be the case if we could not lease it at a rate that would pay interest on the cost.

Mr. A. McLEAN.—If we could purchase good land at its present value, there would be a steady accretion in its worth, and I feel satisfied that it would very shortly return interest sufficient to cover the outlay. If we take over the right territory at the proper price, it will return more than interest on the capital expended in acquiring it. We should know, not only the extent of Crown land within each area, but the quality of that land, and, in short, we should have before us all the information which a private individual would require if he were about to

acquire a property at his own cost. It would not be creditable to us to proceed on other lines. It would not be creditable to us to proceed in a way which we well know would be the most expensive, more especially when, as I have endeavoured to show, the adoption of the course I have suggested would not delay for one day the taking possession of the site. It is just as easy to obtain concurrently all the requisite information with regard to three sites as it is to obtain it in regard to only one, and, according to the Constitution, before we proceed with the erection of the seat of government, we must acquire a territory of 100 square miles. I trust that honorable members will give this phase of the question their very careful consideration. I put forward these suggestions in the interests of the Commonwealth, and honorable members may accept my assurance that, if returned to the next Parliament, I shall not be found less anxious than I now am to complete this work, as speedily as it can be completed, on business lines. I should not pledge myself to any other course, and I believe the attitude I have indicated is that which will be adopted by other representatives of Victoria in this Chamber. I do not think that any honorable member desires that we should proceed upon other than business lines, and as expeditiously as possible, having due regard to the most economical methods, to the selection of the capital site. In looking over the report of the Commissioners, I have found some statements which I cannot reconcile. For instance, from the point of view of productiveness of soil they place Bombala fifth on the list, and yet the figures which they themselves supply as to the average production per acre place it considerably ahead of all the other sites. The figures relate to the average yield of wheat, maize, barley, oats, and potatoes per acre. We must, of course, deal separately with the figures relating to potatoes, as the output is computed in tons, whilst in the other cases it is given in bushels.

Mr. MACDONALD-PATERSON.—What have we to do with this consideration?

Mr. A. McLEAN.—The element of productiveness is one of the most important considerations.

Mr. MACDONALD-PATERSON.—Nonsense!

Mr. A. McLEAN.—It is a matter of opinion. What does the honorable and learned member intend shall be done with

the Federal territory? I presume that for many years the city itself will not occupy more than 1,000 acres.

Mr. MACDONALD-PATERSON.—We want to cultivate, not potatoes, but brains.

Mr. A. McLEAN.—We are compelled by the Constitution to acquire 64,000 acres for the purposes of the capital, and, assuming that for some time to come the city will occupy not more than 1,000 acres, what is to be done with the remaining 63,000 acres? Would my honorable and learned friend say that they should remain idle? Surely we should turn them to the best use.

Mr. MACDONALD-PATERSON.—The greater the desert we settle upon the better it will be for the community.

Mr. A. McLEAN.—Let me quote the Commissioners' figures as to productiveness. I find that, taking the four cereal crops, wheat, maize, barley, and oats, Bombala averages 24 bushels per acre, whilst Tumut comes next on the list with an average of 19 bushels per acre, or 5 bushels per acre less than Bombala, which, under this heading, is placed fifth on the list. This is certainly difficult to understand. Some of the information submitted by the Commissioners is very useful, but there are certain statements which honorable members should carefully consider before attaching much importance to them. For instance, let us consider the cost of resumption. The Commissioners take the cheapest land as being necessarily the best, and place it first on the list, but I think the chances are that the highest priced land would be the most profitable. Inferior land will never increase much in value because it can never be made productive. Poor land can be used only for grazing purposes for all time, and will only bring a grazing rental; whereas rich land, though it may cost two or three times as much money at the outset, is capable of improvement. Take a case within my own recollection. I remember when the Duffy Act came into force in Victoria in the year 1862. The best lands in Gippsland were thrown open for selection at £1 an acre. A number of the old settlers including my own father would not touch it at that price. They thought £1 an acre too dear. Some of that land is bringing £3 and £4 per acre per annum rent to-day. There has been a large accretion in value on my father's own property. I remember that when I was a boy he got a pre-emptive right in respect of

640 acres. He had the right to take the land at £1 an acre, but he did not think it worth so much. A quantity of the same land was recently let at £2 15s. an acre per annum. Within a mile or two there is other land which to-day is not worth any more than it was worth then. No one would touch it even at 5s. per acre, the price to which the land has been reduced by the Victorian Government. So that while good land continues to increase in value because it is limited in area and capable of improvement, inferior land will never become valuable, and is never very productive. Therefore, I should certainly be in favour of the Commonwealth taking the best land that is to be obtained, although the price may be considered, and may necessarily be, somewhat high. With regard to the voting, I agree with the suggestion that has been made that honorable members should mark down the sites in rotation according to their preference. I hope that the Government and honorable members on both sides of the House will give the matter careful consideration, and that they will see their way to adopt my suggestion, or some modification of it. There is another advantage that I would point out. If we select one site, the chances are that the Senate will suggest another site. There will then be a deadlock between the two Houses. But if we select three sites, the site favoured by the Senate is almost sure to be included in the three, and the chances are that the two Houses will be able to work together. This course need not delay taking possession of the land for one day so far as I can see; because the obtaining of the information that the Government would require could proceed as rapidly in regard to three sites as with regard to one. It would only mean that circulars would have to be sent to a larger number of persons, and that, instead of there being one set of valuers, there would be three sets working simultaneously. The Government could very easily call the next Parliament together to deal with the matter if the process extended over the elections, as I believe would be the case. In any case, we should not be able to buy the land until after the elections, even if we reduced the sites to one. We should be able to deal with three sites just as expeditiously as with one, and we should have the advantage of proceeding on lines of which every business man in the Commonwealth would approve.

Mr. EWING.—If this House selects three sites, the Senate will practically have the final selection?

Mr. A. McLEAN.—No; the final selection would have to be made after we had obtained the information which is necessary to enable us to deal intelligently with the matter, and after we had made a full and careful investigation of each of the three sites, which might be a very difficult matter. We could easily inspect the sites thoroughly if they were reduced to three, and we could make such a selection as would justify us in the belief that we had secured the best possible site for the capital of the Commonwealth. That cannot be done with the information which we have at the present time.

Mr. BRUCE SMITH (Parkes).—I am not quite sure as to the situation in which we are placed with regard to this Bill. I am bound to say that it is an unique occasion within my experience, that a House of Legislature which should be engaged in the discussion of a Bill which purports to do something which it does not do. The Bill purports to determine the seat of government of the Commonwealth, and we are now engaged upon its second reading, but no site is mentioned in the body of the Bill. It is very much to be regretted that the Government had not the temerity to put in the name of a site. They need not have committed themselves absolutely to that site. They might have left it to the House afterwards to determine by amendment what site should remain in. But at present we are in this position—that we have no proposal before us; we have no definite proposition to discuss.

Mr. MACDONALD-PATERSON.—We do not want one.

Mr. BRUCE SMITH.—The honorable and learned member may not want one, but I should like to have something definite to deal with. I do not feel disposed to stand up here and discuss a blank. The honorable member who has preceded me has indulged in a comparison between the different proposed sites; but it appears to me that that is really a question to be considered in Committee, when we know what sites are going to be seriously considered by the House. The situation in which we now find ourselves is of the most desultory character, because we have nothing before us to debate. The first thought that has come into my mind in regard to the measure is one of retrospect

I can remember very well, three or four years ago, Sir Edmund Barton's many assurances to the people of New South Wales that with regard to the Federal Capital they would never have anything to regret. In his hands, New South Wales was to be perfectly safe. She would, undoubtedly, have the capital chosen within her territory, and that within no considerable period of time. But to-day, nearly three years after the meeting of the Commonwealth Parliament, we are entering for the first time seriously upon a discussion as to which shall be that capital site for Australia.

Sir JOHN FORREST.—That is not very long.

Mr. McCOLL.—It is three years too soon.

Mr. BRUCE SMITH.—That is the spirit of a great many Victorians, and it is a spirit with which I shall deal in a moment. Because I shall contend that that spirit is a very dishonest one.

Sir JOHN FORREST.—Not dishonest.

Mr. BRUCE SMITH.—I am speaking politically, of course. I say that it is a very dishonest political spirit which actuates a great many of the people of Victoria in their desire to postpone indefinitely the choice of the capital site within New South Wales, according to the terms of the Constitution. I cannot help indulging in this retrospect, because, remembering so well the many eloquent speeches which were made by the ex-Prime Minister, Sir Edmund Barton, as to the very great care which he would exercise in the interests of New South Wales, how certain he was that she had nothing to fear, and that she might adopt the Constitution with every confidence; that her interest would be looked after. We now find that that right honorable gentleman is beyond political criticism, having been removed to a more serene atmosphere without ever having taken one single personal step to carry out his promises, or towards the choice of the capital of which he assured the people of Sydney and New South Wales he would see them in possession. I think it would have been a very great deal better if the right honorable gentleman had, at all events, seen this question settled before he was removed to that atmosphere where political criticism cannot and perhaps ought not to follow him. But I naturally turn from him to the honorable gentleman who has had charge of this particular question. I allude to the Minister for Trade and Customs, who

when Minister for Home Affairs had this matter placed in his hands from the time this Parliament first met. I can remember very well within six months of that time, not merely pointing out, but contending with all the force of which I was capable, that the proposal which he was making—that there should be a series of visits or circuits—I shall not call them picnics—to view different sites, was a useless procedure. I remember asking if any individual member of this House could determine what site was best fitted to become the capital of Australia by a mere personal inspection. I pointed out that the qualifications which had to be looked for were the character of the soil, the water supply, the climate and accessibility. But notwithstanding that the honorable gentleman had before him Mr. Oliver's report, which gave him all the necessary information, and that that was obtained before the Commonwealth Parliament came into existence, he has allowed this question to be practically neglected for three years, and, at the very last moment, dissatisfied—for no reason that has been given to the House or to the country—with the very competent, capable, and impartial report prepared by Mr. Oliver four years ago, he appointed a fresh Commission, and appointed a friend of his own as chairman of it. I am bound to say—choosing my language with as much caution as one is bound to do when speaking out of Parliament—that the choice of that gentleman as chairman of that Commission has not inspired confidence on the part of the people of New South Wales.

Sir WILLIAM LYNE.—A disgraceful thing to say.

Mr. BRUCE SMITH.—I say unhesitating, and without any feeling, that if the honorable gentleman had submitted that choice to the people of New South Wales—

Sir WILLIAM LYNE.—The Government did not appoint him chairman.

Mr. BRUCE SMITH.—I did not say the Government; I said the honorable gentleman.

Sir WILLIAM LYNE.—I never appointed him chairman.

Mr. BRUCE SMITH.—If the appointment of that gentleman as a member of that Commission had been submitted to the people of New South Wales he would not have had one vote out of a thousand in his favour.

Sir WILLIAM LYNE.—He would have had more than the honorable and learned member.



Mr. BRUCE SMITH.—That is a personal point.

Sir WILLIAM LYNE.—The honorable and learned member is disgracefully personal.

Mr. BRUCE SMITH.—Whether he would have had more votes than I should have had is beside the question; I was not a candidate.

Sir WILLIAM LYNE.—It was the Commission, and not the Government, which appointed him chairman.

Mr. BRUCE SMITH.—The honorable gentleman appointed a Commission of three, and nominated a friend of his own to a position to which fees were attached; and I say again—and I have no hesitation in saying what I believe in Parliament—that if the honorable gentleman had submitted his choice of the chairman of that Commission to the people of Sydney and of New South Wales, not one vote in a thousand would have been cast in his favour.

Sir WILLIAM LYNE.—A disgraceful thing to say, and the honorable and learned member should be ashamed to say it.

Mr. BRUCE SMITH.—How did the honorable gentleman deal with that Commission?

Sir WILLIAM LYNE.—A cowardly statement; only a coward would make it.

Mr. BRUCE SMITH.—I ask, Mr. Speaker, that the honorable gentleman shall be compelled to withdraw that word.

Mr. SPEAKER.—If the Minister for Trade and Customs said that, I must ask him to withdraw it.

Sir WILLIAM LYNE.—I said that it was a cowardly statement, and I said it because the gentleman referred to cannot defend himself here.

Mr. BRUCE SMITH.—It is a distinction without a difference, Mr. Speaker; but if the honorable gentleman thinks that he escapes from your condemnation by saying that he used an adjective instead of a noun he is welcome to it. Perhaps the Minister will now allow me to proceed. I am acquainted with the gentleman who occupies the position to which I refer, and I say deliberately that if the Minister, having allowed this question to remain neglected for three years, had wished to choose a Commission which would inspire confidence on the part of the people of New South Wales, he would, at least, have consulted the feelings of those people in regard to the chairman.

AN HONORABLE MEMBER.—What is the objection to him?

Mr. BRUCE SMITH.—I shall not carry my alleged cowardice so far as to here give the information which the honorable member asks. The question of the choice of a Capital site has been shockingly neglected. It is all very well for the Minister as a representative of New South Wales to profess that he has done justice to that State; but there has been a period of three years in which to do that justice. The report of Mr. Oliver was before us when Parliament met, and how has the Minister bettered the position by the appointment of a second Commission? Has the new Commission shown that Mr. Oliver did not investigate all these questions? Besides, how could the pilgrimages of members of Parliament deal with such matters?

Mr. MACDONALD-PATERSON.—Only a few honorable members went on the pilgrimages.

Mr. BRUCE SMITH.—What I contended was that as to accessibility all the necessary information could be obtained by consulting a railway map.

Mr. MACDONALD-PATERSON.—We all know the different places.

Mr. BRUCE SMITH.—Does the honorable member who interjects know the climate in each of the different places?

Mr. MACDONALD-PATERSON.—In every one of them.

Mr. BRUCE SMITH.—Could the honorable member, or any other honorable member—because I do not want to enter into a personal controversy—judge of the climate of a particular locality by paying it a visit for a day? What was the effect of the visit to Albury? Did not the visit happen to be on a day which the Albury people did not like? After the visit did not the Albury people protest that that particular day afforded no criterion of the climate of the district? That incident illustrated the futility of attempting to determine as to the climate of a place by a flying visit. How could such visits result in any determination, for instance, as to water supply? What I contended six months after Parliament met has been quite borne out by the facts. I contended that with regard to water supply, climate, temperature, soil and building material, accurate information could be obtained only by experts. Why were two or three years allowed to elapse before that information was collected by them?

There has been shameful neglect. When this compact was entered into between New South Wales and Victoria as the one condition on which the Constitution was accepted by them there was a distinct obligation on the part of the Victorian people, who demanded the condition, as soon as was practicable to assist to choose the Capital site. The honorable member for Echuca has given expression to a sentiment which very honestly reflects the opinion of a large number of Victorian people. Only a month ago an article appeared in the *Age*, one of the leading newspapers in Melbourne, which was one of the most immoral and dishonest that was ever printed on this particular question in any part of Australia. That article practically said, "It is true that the Constitution says that the Federal Capital shall be within New South Wales; but the Constitution does not say when, and, therefore, we have a right, like Shakespeare's money-lender, to let the New South Wales people have their 'pound of flesh,' but not one 'drop of blood'; we, Victorians, can postpone the choice of the Capital site as long as we like—that may not be absolutely the view which the New South Wales people will take, but we, as Victorians, are not going to submit to the Capital being fixed in the bush." Now, why is it sought to fix the capital "in the bush"? I want honorable members and Victorians to understand the reason. Was it ever proposed that the capital should be "in the bush" until Sir George Turner, as Premier of Victoria, stipulated, as a condition indispensable to the adoption of the Constitution, that the Capital must not be within 100 miles of Sydney? Who sought to put the Capital "in the bush" if not the Victorian people? Did the Sydney people want the Capital to be "in the bush"? Were the Sydney people not quite prepared to let the Federal Parliament decide as to how near to Sydney the Capital should be?

Mr. A. McLEAN.—New South Wales would not join Federation without the bargain.

Mr. BRUCE SMITH.—Did not Sir George Turner, in the interests of Victoria, demand from the leader of the Opposition, who was then guarding the interests of New South Wales, that the Capital should be outside the 100 miles limit?

Mr. SAWERS.—That was because the leader of the Opposition said the Capital must be in New South Wales.

Mr. BRUCE SMITH.—No doubt that was said by the leader of the Opposition; but, without debating the question as to the right of New South Wales as the mother colony to have the Capital within her borders, I contend that that did not put the Capital "in the bush." It was the Premier of Victoria, on behalf of the people of that State, who demanded that the Capital should be "in the bush"; and, therefore, the argument of the *Melbourne Age*, the *Melbourne Argus*, and other newspapers, that the Capital ought never to be placed in any of the places now under consideration, is a complaint as to their own act. But if the Capital had to be placed in the bush, why has the choice of a site been delayed? It is all very well for the Minister to say that it was impossible to bring the question on sooner. The Minister speaks as though it were necessary to have another Commission. How long does it take to appoint a commission? I have had some experience of appointing Committees and Royal Commissions, and I can only say that the manner and matter of appointing them are such that not even a day need be occupied in the process. But the Minister did not want to settle this question. I do not hesitate to say now, as I have said over and over again, that it suited the political exigencies of the Government to keep the Parliament in Melbourne. According to the Constitution, New South Wales is entitled to one-sixth or one-seventh more representation than is Victoria in the Commonwealth Parliament. That is a matter of population, and no one denies it, the whole representation being based on population.

Mr. TUDOR.—I think the difference in the representation is about an eighth.

Mr. BRUCE SMITH.—I shall not quarrel over the exact figure. But what has been the effect? The Parliament has been kept in Victoria, which is, no doubt, the strongest protectionist State in the whole of Australia. If honorable members refer to the divisions during last session, they will find that New South Wales, by reason of its distance from the seat of Government, enjoyed one-sixth or one-seventh less voting power, instead of one-seventh or one-eighth more than Victoria.

Sir WILLIAM LYNE.—That is because New South Wales representatives kept away.

Mr. BRUCE SMITH.—The Minister who is paid £2,100 per annum can afford to be here.

Sir WILLIAM LYNE.—That is a paltry thing to say!

Mr. BRUCE SMITH.—Does the Minister not know that members of Parliament have their living to earn? Does he not know, as every impartial honorable member knows—and it is to the latter I appeal—that if a member of Parliament had to follow his business he could not be here continuously over the eighteen or nineteen months of last session?

Sir WILLIAM LYNE.—The honorable and learned member could not have been at a seat of Government in the country.

Mr. BRUCE SMITH.—What was the effect of the circumstances I have described? All that the Victorian members had to do—and I cannot mention the fact without having their ready assent—was to put in an appearance in this House. If they were absent, they could be rung up on the telephone at any moment to take part in a division. At any moment a protectionist Government, in a protectionist corner of the Commonwealth, could ring up their supporters to take part in a division to the disadvantage of the more distant States, the representatives of which were compelled to be absent from time to time.

Mr. SALMON.—The honorable and learned member ought to remember that pairs were very generously given.

Mr. BRUCE SMITH.—I admit to pairing very often, and I must say that on many occasions Victorian members have been very obliging.

Sir MALCOLM MCEACHARN.—Victorian members are kinder to the honorable and learned member than he is to them.

Mr. BRUCE SMITH.—I do not think so.

Sir MALCOLM MCEACHARN.—The honorable and learned member's remarks are in very bad taste.

Mr. BRUCE SMITH.—I do not think so; and the honorable member for Melbourne ought certainly not to say anything on that point. By placing this Parliament in a particular part of the Commonwealth, we give a particular State a greater proportion of representation, by reason of the fact that its representatives are on the spot, while the representatives of other States are necessarily absent at times.

Mr. A. McLEAN.—I thought the Constitution placed the seat of Government in Melbourne.

Mr. BRUCE SMITH.—So the Constitution did—for a time.

Mr. A. McLEAN.—Was it possible to remove the seat of Government before we had dealt with the Tariff?

Mr. BRUCE SMITH.—No one suspected that there was to be a protectionist Tariff. The honorable member for Gippsland smiles; he must have been in the secret. We are all in the secret now; and all I am protesting is that Parliament, as soon as possible, ought to have been removed to a neutral atmosphere on neutral territory, just as difficult of access from Victoria as from New South Wales. I undertake to say that the whole object of the Treasurer, when Premier of Victoria, in demanding that the seat of Government should be outside 100 miles of Sydney—and I quite applaud his motive—was to remove Parliament from the influences of a great city. The very same motive which actuated the Treasurer on that occasion in insisting that the Federal Parliament should meet in a neutral atmosphere on neutral territory, instead of under the immediate influences of a great city like Sydney, is the motive which actuates me now in protesting against the Capital having been kept within the precincts and atmosphere of this great city for three years. We have seen the effect on one of the most vital pieces of legislation that can ever come before this Parliament, namely, the Tariff of Australia, the discussion of which occupied eleven or twelve months. The honorable member for Echuca has, in the most good-natured, good-humoured, and honorable way revealed his own feelings and the feelings of a large part of the people of Victoria. One of the indispensable conditions to the harmonious working in the future of these States is that we shall show one another that we are to be trusted. Although it may be very consoling and satisfactory to the people of Victoria to know that by having the Parliament here during the long Tariff debates, they got very considerable and material advantages with regard to the voting upon different items, they may rest assured that distrust has been excited amongst a very large number of people in New South Wales. I am not sufficiently prejudiced in favour of

any particular State to desire any advantage for that State; I should not change if to-morrow I lived in Tasmania. My feeling towards the Commonwealth—a feeling which is in favour of so conducting its business as to produce the greatest harmony amongst the States—would be just the same wherever I happened to live. But if we imagined that we could bring the people of Australia together, and at the same time constantly endeavour to get State advantages to which we are not entitled, we had better have left Federation alone. The very purpose of Federation is to harmonize our common interests, and to bring about a state of things in which we completely trust and justify trust in one another; and, whatever the Minister for Trade and Customs may say, he has done a great injustice to New South Wales in allowing this question to remain so long in abeyance.

Mr. SAWERS.—The honorable and learned member should help the honorable gentleman to settle it now.

Mr. BRUCE SMITH.—I should like any honorable member to say what further light has been thrown upon the question by the Capital Sites Commission in addition to that thrown upon it by Mr. Oliver. Yet we have waited for nearly three years before the Government have been able to bring forth this result. It is four years since Mr. Oliver was appointed to report upon the capital sites, and now that the Tariff has been disposed of and fiscal peace is desired—

Mr. CONROY.—With a preferential Tariff.

Mr. BRUCE SMITH.—We are told that the capital site can be chosen. I should like to say, with respect to the honorable gentleman's criticism of my observations upon the chairman of the Royal Commission, that the honorable gentleman was equally wanting in courage when he dealt with Mr. Oliver's report, and his motives in making it. The honorable gentleman said that Mr. Oliver had written a portion of his report in a temper. What does that mean?

Sir WILLIAM LYNE.—In very intemperate language.

Mr. BRUCE SMITH.—It is a very ordinary expression to use, but what does it mean when an honorable gentleman, with all the weight of Ministerial responsibility, accuses a man occupying so high a position as that of President of the Land Court of

New South Wales, and a man of unquestioned ability, integrity, and impartiality, of writing part of his report in a temper! I undertake to say that the honorable gentleman cannot point to a single sentence in Mr. Oliver's original report which has not been written in the most impartial and judicial manner.

Mr. HENRY WILLIS.—Has the honorable and learned member read Mr. Oliver's comments upon the report of the Royal Commission?

Mr. BRUCE SMITH.—I have. I undertake to say, further, that if this House were called upon to deal with this question upon Mr. Oliver's original report or the report of the Commission, honorable members would get infinitely more light and leading from Mr. Oliver's report than from the report of the Commission.

Mr. HENRY WILLIS.—They would get more leaning towards Bombala.

Mr. BRUCE SMITH.—With regard to Victorian criticism as to the probable cost involved, every honorable member representing Victoria will admit that the fact that the capital site is to be selected in a country district—called, in depreciation, "the bush"—is the result of an ex-Premier's action on behalf of Victoria. On the subject of the cost it should be remembered that there has so far been laid down on behalf of the Government no distinct statement as to the amount of money to be spent in connexion with the capital site. It is an easy matter to have this argument used in leading articles of leading newspapers in Victoria when the people of this State are under the influence of the Kyabram fervour for economy.

Mr. A. McLEAN.—The Kyabram policy is as essential in New South Wales as in Victoria.

Mr. BRUCE SMITH.—I quite admit that, and I should be glad to see the Kyabram movement adopted in New South Wales.

Mr. JOSEPH COOK.—Except as to the capital site.

Mr. BRUCE SMITH.—I would apply it also to the capital site. I quite agree that whatever may be said in Victoria in regard to the necessity for State economy is applicable with even greater force to New South Wales. The honorable member for Gippsland will admit that this spirit of economy which has come over Victoria is liable to be carried to extremes, and I think it has been carried to extremes in

this House. If this question is to be dealt with justly, it is very unfair that leading articles should from time to time appear in leading newspapers of the State of Victoria for the purpose of frightening the people of that State with the idea that the settlement of the capital site is going to involve them in expenditure amounting to hundreds of thousands of pounds, if not to millions.

Mr. WILKES.—New South Wales will have to bear two-fifths of the cost.

Mr. BRUCE SMITH.—I absolutely deny that expenditure of the kind is necessary, and I have discussed the question with competent authorities.

Mr. A. McLEAN.—How much will it cost to resume the land alone?

Mr. BRUCE SMITH.—I may tell the honorable member that, in my opinion, the land will be given to the Commonwealth by the State, unless we are greedy enough to desire to constitute practically another State.

Mr. A. McLEAN.—The land belonging to private persons?

Mr. BRUCE SMITH.—Of course not.

Mr. A. McLEAN.—The honorable and learned member must know perfectly well that much of the land is in private hands.

Mr. BRUCE SMITH.—I know that some of it is, but the honorable member for Gippsland knows that a much larger area of Crown lands can be obtained in connexion with some sites than in connexion with others.

Mr. A. McLEAN.—Where that is the case it is very poor land.

Mr. JOSEPH COOK.—At Lyndhurst there is a large area of Church and School Lands.

Mr. BRUCE SMITH.—I think I need not now discuss what will be the cost of the private lands which must be resumed. Honorable members are aware that the cost of resuming private land will vary according to the site selected, but whatever that cost may be, I do not think it should influence us in our choice.

Mr. SKENE.—The lands will be a valuable asset.

Mr. BRUCE SMITH.—If the system of leasing the Commonwealth lands which has been suggested, and which, I believe, will be adopted, is carried into effect, I believe that the result will be found to be so advantageous that in a very short time we shall find that the Commonwealth will not be out of pocket for land resumption. As regards

the buildings, honorable members are aware that all we have to do is to house the two branches of the Legislature and certain officers of the Commonwealth in buildings of an economical character. I have been assured by people possessed of sufficient building and architectural knowledge to entitle them to be considered authorities, that £200,000 may be estimated as the maximum expenditure required to make the capital site appropriate for the occasion for many years to come.

Mr. RONALD.—Cheap and nasty.

Mr. BRUCE SMITH.—I do not agree that nastiness is a necessary consequence of cheapness. We do not require palaces. We do not need to suddenly produce a Washington for the use of the people of Australia. Before the Commonwealth Bill was agreed to, I was selected in Sydney as a representative of the federalist party upon a committee appointed to estimate the probable cost of the buildings required for the Federal Capital. Dr. McLaurin and Mr. French, who stood between Dr. McLaurin representing the anti-federalists and myself, arrived at an estimate of the annual cost which would represent the interest upon about £3,500,000.

Mr. JOSEPH COOK.—And Sir William Lyne agreed with them.

Mr. BRUCE SMITH.—The honorable gentleman, who is now Minister for Trade and Customs, was then one of the most rabid anti-federalists in New South Wales.

Sir WILLIAM LYNE.—Never.

Mr. BRUCE SMITH.—With Mr. John Want the honorable gentleman stood upon the platform of the Town Hall in Sydney and enumerated the ills that would accrue to Australia if Federation were brought about.

Mr. SYDNEY SMITH.—They were anti-Billites.

Mr. BRUCE SMITH.—The honorable gentleman did not include in those ills the fact that he would himself be Minister for Home Affairs of the Commonwealth for some time and would postpone the settlement of the Federal Capital site for three years.

Mr. SYDNEY SMITH.—The anti-Billites have not been very far wrong in their predictions.

Mr. BRUCE SMITH.—My colleagues upon the committee to which I have referred estimated that the cost of Federal buildings would amount to the sum of

about £3,500,000, and they estimated the annual cost to the Commonwealth at 3 per cent. interest upon that sum. I protested against such an estimate, and appended an opinion of my own to their report. I held then, and I still hold, the opinion that considering the financial position of Australia there is no reason whatever why the immediate expenditure should amount to more than £100,000, or at the most £200,000.

Mr. McCOLL.—What about the cost of the water supply?

Mr. BRUCE SMITH.—I remind the honorable member that the water supply would pay for itself. My own belief is that if a site possessing a suitable climate is chosen, the Federal capital will become the sanatorium of Australia. The fact that the Federal Parliament will be gathering there, together with the presence of the Governor-General and the Justices of the High Court for many months of the year, will render the place attractive to a great many people in different parts of Australia. I have very little doubt that as soon as the lands are acquired by the Commonwealth, many applications will be received for the leasing of suitable sites in order to build hotels, boarding-houses, and the other accessories which must follow upon the influx of population for Parliamentary purposes. It will be evident, therefore, that the two arguments which have been used with such force and so much repetition in the press of Victoria, are perfectly unjust. The proposed erection of the capital in the so-called "bush" is the result of their own action through their representative, whilst the idea of the cost is a gross exaggeration which no sensible man can justify. I say, therefore, that the two chief arguments urged by the Victorian people for the postponement indefinitely of the settlement of the site fall to the ground. The opinions expressed by the honorable member for Echuca, and which, I think, the honorable member will admit are entertained by very large numbers of the Victorian people, are not only unjust upon these two grounds, but they are unfair to the people of New South Wales. It cannot be doubted that we are entitled, at the earliest possible date, to remove this Parliament from the influence of any one of the great cities of Australia. We should be on neutral territory, and in a neutral political atmosphere. It should not be more difficult for New South Wales than it is for Victoria to get

leading representative men to come to this Parliament. Honorable members will see that if a member representing New South Wales had only to walk in the afternoon from his office, his chambers, or his home to Parliament-house, we should probably be represented by a much better set of men than we can hope to secure when our representatives happen to reside 600 miles away from the seat of government.

Mr. WILKS.—The same argument would apply to Albury.

Mr. BRUCE SMITH.—Not to the same extent, because honorable members will be aware that if one or two of the sites suggested were chosen it would be possible for an honorable member to get into a train at 11 or 12 o'clock at night and find himself in the capital city at breakfast-time. The selection of the site would have this great advantage—that honorable members would find that, when the whole of their number required to be away from their homes, there would be a tendency to sit during the whole of the day instead of for half the day, and there would also be a desire to get through the business much more rapidly than under existing circumstances. This would probably be the means of drawing to the Federal Parliament a much larger number of desirable men than can possibly be expected when for six months in the year they are obliged to travel enormous distances. We have to consider the length of time during which a session lasts under present conditions, and the distances which honorable members have to travel. As a result of these disadvantages, we know that Sir William McMillan, one of the most valuable and capable men in the House, finds himself called upon to retire from political life. No one will contend that that is desirable. It is not desirable that men should have to come great distances from all the States, except that in which the Parliament sits, if each session is to last five, six, or seven months. I have always contended, as I do now, that this institution of the Federal Parliament is very much exaggerated as to the part which it plays in Australian affairs. We have only three Departments to manage, and a large category of subjects in connexion with which it is within our power to hereafter assimilate the State laws. But when federation was mooted and afterwards advocated, was it ever supposed that the Federal Parliament would sit in the

first instance for about eighteen months and afterwards for six or seven months in a year! I, therefore, contend that if we choose a Capital site, removed from all the great capitals, so that no particular State shall get an undue influence in the Parliament, we shall not only produce equality in representation, but assemble in a place which will be equally inconvenient to the representatives of all the States.

Mr. RONALD.—Equally inconvenient!

Mr. BRUCE SMITH.—It must be inconvenient to the representatives of five out of six States in any case, but it ought to be made equally convenient, or, if it is preferred by the honorable member, equally inconvenient to the representatives of all the States, so that we can all enjoy the representation which we get under the Constitution by reason of our population, seeing that it may lead us to sit for fewer months, and will ultimately put the Parliament in the position which it ought to occupy. Apart from all these criticisms, which I had no desire to make, there is a very serious constitutional objection to which I should like to direct the attention of legal members. It seems to me that if the Bill passed is regarded as final, it will be invalid.

Mr. WILKS.—The honorable and learned member is taking a point of order now.

Mr. BRUCE SMITH.—No; the honorable member will see, as I proceed to explain, that it is a matter of which the Speaker can take no cognisance. Section 125 of the Constitution says—

The seat of government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth.

Evidently the framers of the Constitution assumed either that some State would grant certain territory, or that the Commonwealth would acquire certain territory, before the Parliament chose a site, and, therefore, the section provides that the seat of government shall be determined by the Parliament, not within territory which shall be granted or acquired, but within territory which "shall have been" granted or acquired. No territory has been granted or acquired, and yet we are asked to pass a Bill to determine the seat of government of the Commonwealth.

Mr. ISAACS.—Does the honorable and learned member mean that we must first acquire the territory and then determine the site?

Mr. BRUCE SMITH.—I hold that according to the Constitution the territory must have been either granted or acquired before we can choose a site.

Mr. WILKS.—Are not all these sites under offer to the Commonwealth?

Mr. BRUCE SMITH.—They are not under offer at all. What interpretation could the honorable and learned member for Indi put on the phrase "shall have been granted?" It does not mean that the territory shall be granted in the future, but it means that it shall have been granted.

Mr. ISAACS.—Before what?

Mr. BRUCE SMITH.—Before the choice is made.

Mr. ISAACS.—The section does not say that.

Mr. BRUCE SMITH.—It says—

The seat of government of the Commonwealth shall be determined by the Parliament,

There is no question about that—

and shall be within territory which shall have been granted—

Mr. ISAACS.—It does not say "shall be determined."

Mr. BRUCE SMITH.—The honorable and learned member is disregarding the plain meaning of the section.

Mr. ISAACS.—The honorable and learned member is using a very strong argument against New South Wales.

Mr. BRUCE SMITH.—This very doubt appears to have occurred to the authors of the *Annotated Constitution*, for they say on page 807—

The chief question which has arisen in connexion with these words is whether the determination of the seat of government rests in the last resort solely with the Federal Parliament, or whether the Federal Parliament is limited in its choice to sites offered by the Parliament of New South Wales. The opening words of the section strongly favour the former view; but it has been argued that the words "shall be within territory which shall have been granted to or acquired by the Commonwealth," point to a prior act of cession by the Parliament of New South Wales.

I adopt that very argument, and I submit that we are asked to choose a site within territory which ought to have been acquired by or granted to the Commonwealth before the Bill was submitted. I have spoken to two or three legal members, and not one of them has been able to answer this objection. I am perfectly satisfied—as satisfied as one can be with regard to a legal question of this sort—that if the Bill were passed, it would not be worth the paper on which it

was printed. I go further, and say that if any important State action were adopted on the strength of the determination of the site in this Bill, it would be action beyond the powers of the Commonwealth Parliament and of the Commonwealth Government.

Mr. ISAACS.—What portion of the State of New South Wales does the honorable and learned member suggest should be acquired before we proceed to the choice of a site?

Mr. BRUCE SMITH.—The honorable and learned member may have doubts about my opinion; but two or three legal members of the House have taken an entirely different view from that which he apparently entertains. I spoke to the honorable and learned member for Bendigo, and I think that he entirely shares my doubt, because the phrase "shall have been" being used in the section, no other interpretation than that which I have mentioned can be placed upon it. When it says that the seat of Government shall be chosen within territory which "shall have been granted," it cannot mean within territory which shall be granted.

Mr. ISAACS.—It does not say "shall be chosen."

Mr. BRUCE SMITH.—I shall be very glad if the honorable and learned member can set my mind at rest. I can only say that two or three legal members of the House entirely agree with my view. It would not be fair for me to state who they are, but I consulted them with very great care before raising this point, and I have no hesitation in saying that the Bill is quite beyond the powers of this Parliament. The Constitution is the authority for passing the Bill in any shape or form. The Parliament is given the right to choose a site, but only a limited right. It is certainly given the right to choose a site within territory which shall have been granted to the Commonwealth. No land has been granted. The Act certainly contemplated that something should be done before the Parliament should be called upon to choose a site.

Mr. WILKS.—The honorable and learned member means that it rests with the Parliament of New South Wales.

Mr. BRUCE SMITH.—Yes. Section 111 of the Constitution contains this provision—

The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender and the acceptance thereof by the

Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

It was contemplated by the framers of the section that the Parliament of a State might surrender some part of its territory to the Commonwealth, and that as soon as the surrendered territory had been accepted, the Commonwealth should have the power to exercise jurisdiction over it. The jurisdiction which the Commonwealth is to exercise over the surrendered territory includes the choice of the site for the capital.

Mr. THOMSON.—The State has offered to surrender any site which the Commonwealth may select.

Mr. BRUCE SMITH.—The State has offered to surrender a site; but it has not surrendered one, and therefore at the present time no territory has been either granted or acquired within which the capital site can be chosen.

Mr. ISAACS.—We should have to apply for the whole State outside the 100 miles radius from Sydney.

Mr. BRUCE SMITH.—The honorable and learned member may not agree with me, but notwithstanding his observation, in which he appears to treat this matter very lightly—as the expression of the opinion of an unqualified person—I feel very strongly on it. Whatever he, as a member of the Federal Convention, may have meant, I think that the ordinary reading of the section—as a Court will read any Act of Parliament, according to its common, every-day meaning—is that the Parliament is limited in its choice of a site to territory which has previously been surrendered by a State. I am confirmed in that view by the fact that the argument was raised at the Convention, and by the fact that under section 111 that state of things is contemplated as a prior step towards the action of the Parliament in choosing a site.

Mr. ISAACS.—I was only endeavouring to point out to the honorable and learned member the result of his argument.

Mr. BRUCE SMITH.—The honorable and learned member knows that it is quite impossible for him and me to conduct a legal argument across the floor of the House. I therefore give it up, leaving him to correct me afterwards if he chooses. Section 111 means that until the land has been surrendered by a State and accepted, the Commonwealth has not exclusive jurisdiction to deal with any part of the State. We



are presuming in this Bill to deal with the land of a State without any such authority. We are presuming to take a large slice of a State for the Federal territory.

Mr. WILKS.—I take it that we can only indicate what we wish.

Mr. BRUCE SMITH.—I quite agree with the honorable member. If the Bill were only an indication of our wish, no objection could be taken to it, but it is a Bill "to determine the seat of government," and clause 2 says—

It is hereby determined that the Seat of Government of the Commonwealth shall be at or near —.

If we put in one of the alternative sites—Albury or Tumut—we should have an Act of Parliament determining the site without our having consulted the State as to where it should be. I draw the attention of the House to the point for what it is worth. But you can do nothing with the matter, sir, because you can have no cognisance of the facts on which the invalidity of the Bill might depend. You cannot say whether the State of New South Wales has not surrendered some territory or whether the Commonwealth has not accepted it, and unless you knew that in your official capacity, I take it that you could not interfere with the progress of the Bill, but to my mind it is a fatal objection to the Bill outside the House. I thought it a proper course to draw the attention of the Government to the point, because they evidently intended the Bill merely to indicate the site which the House wished to choose, on the assumption that the State would grant the territory to the Commonwealth.

Mr. MCCOLL (Echuca).—I do not propose to discuss the legal point which has been raised by the honorable and learned member for Parkes, with which I leave the legal members of the House to deal. I shall not be sorry, however, if it turns out to be a good one, because it will mean that this matter will be indefinitely postponed. If the honorable and learned member's reading of the section be right, we may just as well drop the Bill, finish our work, and go home as soon as possible.

Mr. WILKS.—Does the honorable member hope that the point is a good one?

Mr. MCCOLL.—I shall not be sorry if it prove to be a good one. The honorable and learned member said that the whole of these proceedings in connexion with the choice of

a site are of the most lax and loose character. I quite agree with his view. In the closing hours of the session, and in what is practically a moribund House, I find myself confronted with one of the most stupendous tasks which the Parliament has taken in hand, or could possibly take in hand—the fixing of a site for the capital of this enormous Continent. We are not properly prepared even to discuss this question, much less to select a site. We know nothing as to the area which will be taken for the Federal territory; we know scarcely anything about the character of the land in the proposed sites, and we know little or nothing as to its value, while we have no information as to the most important part of the whole undertaking—the probable cost of the Federal Capital. If in our private capacities we undertook an enterprise such as this with such scant preparation, we should be looked upon as anything but wise men.

Mr. WILKS.—New South Wales will pay two-fifths of the cost of the Federal Capital, whatever it may be.

Mr. MCCOLL.—It is unfortunate that when objections are raised by representatives of Victoria to proposals which have the support of the representatives of New South Wales they cannot be criticised without the aspersion being cast that the people of Victoria are self-interested in this matter. I utterly repudiate that suggestion. In my opinion the selection of the Capital Site should be postponed, but I do not advocate postponement because I wish the seat of government to remain in Melbourne. I shall be quite prepared to go to whatever site may be selected, but, in my opinion, this is not an opportune time to spend money upon the erection of the Capital. According to our friends on the other side of the Murray, every proposal brought forward by the Government should have been the first to be dealt with. Some time ago they told us that the passing of a Tariff should have been the first work of the session, and we were recently told by the leader of the Opposition that the passing of the Judiciary Bill should have been the first business undertaken. Now we are told that the first proposal of the Government should have been the selection of the Capital Site. However the Government programme might have been arranged, they would still have been dissatisfied. I feel it my duty to point out that we are entering upon this

great undertaking with extremely little information in our possession, while the statements contained in the reports of Mr. Oliver and the Capital Sites Commission are so conflicting as to leave us worse off in regard to the matter than we were before. One report states that a certain locality is best, while the other puts quite another locality first. How are we to decide when experts disagree? All things may be lawful, but all things are not expedient. It is all very well for the honorable and learned member for Parkes to belittle the expense of building a Federal Capital, but we know that it is absurd to estimate the total cost at £200,000.

Mr. JOSEPH COOK.—Is Kyabram in the honorable member's electorate?

Mr. McCOLL.—It is not necessary to talk about Kyabram. We want to look at this matter from a business and common-sense point of view. We know that even if not more than the minimum area of land is acquired, it will cost a great deal more than £200,000, because as there is very little Crown land available, a great deal of private land will have to be purchased. In addition to the cost of land, there is the expense of providing a water supply, of laying out streets, and of erecting buildings. Probably, when everything is paid for, we shall find that the capital, instead of costing £200,000, has cost something between £1,000,000 and £2,000,000. It is not a question of protecting the interests of Victoria alone, but a question of protecting the interests of every State in the Commonwealth. Australia has recently passed through a series of most severe droughts, with the result that the revenue of every State has fallen off, and the people have lost so heavily that they cannot afford to pay additional taxation. Yet in the face of these circumstances it is proposed that we should enter upon an expenditure which will probably run into millions of pounds. What we should do is to use all means for the development of this enormous continent. If we have money to spare, we should expend it in such a way as will increase our resources, and by allowing the people to earn more, prepare them for bearing a larger burden of taxation. Every £1,000,000 borrowed for the building of the Capital will impose a liability of £35,000 a year upon the people of Australia, and while in time to come the expenditure may be recouped

by the rentals derived from the land comprising the Federal territory, we cannot expect to get any large amount of revenue from that source for a number of years. I shall not detain honorable members longer, but I was unwilling to allow the debate to conclude without entering my protest against this proposal. I feel that honorable members have made up their minds, and will proceed with the selection of the Capital site, but in my opinion they will, in doing so, act unwisely and unjustly both to themselves and the Commonwealth. If the selection of a site were delayed for two or three years, no one would be injured thereby, and we should then have more knowledge about the proposed sites, and would be able to come to a determination in regard to them with a clearer view and in a much wiser manner.

Mr. BROWN (Canobolas).—I understand that it is the intention of the House to discuss the general terms of the proposal before us on the motion for the second reading, and to deal with the proposed sites in detail when we get into Committee.

Mr. THOMSON.—Let us go straight into Committee.

Sir WILLIAM LYNE.—The honorable member will not have as good an opportunity to deal with the whole question in Committee as he has now.

Mr. BROWN.—There is a feeling in some quarters that the time is inopportune for dealing with a big question like that of the selection of a Capital site, and no doubt there is considerable force in that contention. It has been argued by some of the representatives of Victoria that the Constitution does not impose upon Parliament the obligation to deal with this matter at the present time, and that therefore it might well be allowed to stand over until a more convenient season, though when the convenient season will arrive no one seems prepared to say. I have heard it stated that ten years hence would be soon enough, but that is not the spirit in which the matter should be approached if the terms of the Constitution are to be observed. It has been said that the people of New South Wales were induced to enter the Federation because of the promise that the Capital should be within the borders of that State; but, so far as I can judge, the influences which led them to support the draft Bill on the second referendum were rather the radical alterations

which had been made in regard to the constitutional methods of securing reform, and more particularly for the amendment of the Constitution itself. It is true that the Bill as amended after the first referendum contained the provision in regard to the Capital site which now exists in the Constitution, and that its supporters urged the fact as a strong reason for accepting the measure, though I do not think that it had as much weight with the people of the State as some are inclined to believe. But since the provision exists in the Constitution it is our duty to see it carried into effect as speedily as possible. The Barton Government recognised this obligation, and placed the Capital site question in the forefront of their programme. It was one of the subjects of legislation referred to in both the Maitland manifesto and the opening speech of the Governor-General. The people of New South Wales—and I suppose, too, the people of the remaining States—were thus led to consider that there would be no undue delay in dealing with the question. But the Government, despite the protests of honorable members, and especially of the representatives of New South Wales, have upon various pretexts allowed it to remain in abeyance until the life of this Parliament has practically expired, and the time at our disposal is insufficient to enable us to deal with this subject as it should be dealt with. It is true that reports have been furnished to us by a Commissioner appointed by the State of New South Wales and by Commissioners appointed by the Federal Government, but they require close analysis and study such as it has been impossible for even those who are particularly interested in the matter to give to them, because of the amount of attention that has been required for other legislation which has been brought forward at the last moment. Honorable members and the public generally have serious cause of complaint against the Government for not placing before us earlier than last week the information obtained by the Capital Sites Commission. Instead of indicating the site which they consider to be the best, they have asked honorable members to consider the reports and make their own choice under the disadvantages that I have indicated. I protest against this procedure, because the Constitution imposes upon the Government the duty of guiding the House to a selection of

the site best calculated to meet the needs of the Commonwealth. It also lays them under the necessity of selecting the site which will offer the most compensation to New South Wales for the sacrifices which she was called upon to make upon entering the Federation. The Government, however, are shirking both these obligations, and are throwing upon the House the duty of making a choice. We find, further, that two Ministers are particularly interested in four out of the nine sites suggested, and if we are to judge from the cross-firing that has taken place, the members of the Cabinet are by no means a united or happy family upon this question. Under these conditions how is it possible for the Government to do their duty to the people of New South Wales? Mr. Oliver, who was appointed by the State Government to report upon the sites suggested for the Federal Capital, made a most exhaustive report, and reduced the number of eligible sites to three, namely, Orange, Yass—which has since been abandoned—and Bombala. When the Government agreed to appoint a Commission of experts they widened the scope of the inquiry so that it should embrace nine sites. I submit that the Government were called upon, in the first instance, to arrive at some decision as to the area to be embraced within the Federal territory. The selection of the site for the capital should have been a matter for after consideration. The Commission of experts, however, reported upon a number of 4,000-acre sites for the Capital, and confined their attention to these limited areas. Their report affords very little information of value with regard to the territory of which the Capital site is to form a part. The Commission should have inspected the whole of the country included within the proposed Federal territory. There seems to be a strange conflict between the New South Wales Commissioner and the Commission of experts, and the Minister for Trade and Customs has endeavoured to discount the criticisms passed by Mr. Oliver upon the report of the experts. He referred to some alleged discrepancies in Mr. Oliver's supplementary report, but he altogether failed to detract from the importance of that gentleman's observations. Mr. Oliver holds a very high judicial position in New South Wales, with which State he has had almost a lifelong association. He is the President of the Land Court,

and has held that position from the creation of that body for the purpose of dealing with matters arising out of the complicated land laws of the State. At no time have his ability, impartiality, or fairness been questioned. His criticisms upon the report of the Commission of experts are undoubtedly very severe. I am not prepared to say who is right, or to what extent Mr. Oliver's criticisms may be justified; but I think that his statements are entitled to the fullest consideration, and that further investigation should be made. The selection of the Capital site is too important to be rushed through the House in a hurried and ill-considered manner, as the Government now propose. The Government are very much to blame for the way in which they have dealt with this question from beginning to end. The appointment of the Commission of experts was left until the very last moment. Despite the promise of the Minister for Trade and Customs that the Commissioners should be selected before the close of last session, they were not appointed until January—fully three months afterwards. A promise was also given that the report of the Commission would be ready by April, but it was not presented until July. We all know that the Commissioners were not given sufficient time to properly perform their work; they were continually pressed to bring their investigations to a close, and they were hurried in a manner which was certainly not desirable, and should not have been necessary. One of the main causes of complaint against the Government is that, despite the fact that the late Prime Minister strongly urged upon the people of New South Wales the adoption of the Constitution because it contained a provision that the Capital site should be fixed in New South Wales; despite the prominence given to the Capital question in his electoral programme, and in the speech of the Governor-General at the opening of the Parliament, and despite the fact that the right honorable gentleman had placed himself under very peculiar and special obligations to the people of New South Wales, he did not make any attempt to deal with the subject until the last moment. Then, when he discovered that there was some difficulty in securing the assent of both Houses to the motion submitted by him, he beat a hasty retreat. I do not wish to indulge in any harsh criticism at this stage, but I am bound to say that the people of New South Wales

*Mr. Brown.*

expected that he would have given a little more time and attention to this subject before he removed himself from the sphere of Federal politics. The Minister for Trade and Customs has given us very important information with regard to the estimated cost of the resumption of the territories surrounding the proposed site and other matters, which has been placed at our disposal for the first time this evening. We have not had sufficient time to consider these particulars. I am aware that some representatives of Victoria are strongly opposed to the proposal to establish what they are pleased to term a "bush" capital. But, as was pointed out by the honorable and learned member for Parkes, it was Victorian politicians who had charge of the drafting of the Constitution, both in its initial and its final stages, who were responsible for the particular provision relating to that question. The Constitution provides that the Federal capital shall be in Federal territory, that it shall not be within 100 miles of Sydney, and that it shall be in New South Wales. But all this talk in reference to the cost of establishing a "bush" capital is a mere bugbear. At the outset there is no need whatever to erect large palatial structures, and this Parliament will be well advised if it resolves to construct only absolutely necessary buildings, with a life of say fifty years. At the expiration of that period it will be soon enough to provide for more substantial buildings. I agree very strongly with the suggestion which was put forward by Mr. Oliver in his first report that the Federal territory should be nationalized, and that it should be leased for whatever purposes might be deemed desirable. If that plan be adopted, the Commonwealth Government will obtain from this source a growing revenue, and the Capital can be established, not out of taxation levied upon the general community, but out of the rentals derived from the enhanced value which will be given to the lands over which the Government exercise control. As it has been decided not to debate the merits of the different sites at the present stage, I shall reserve my remarks upon that aspect of the question until the Bill gets into Committee. I cannot conclude, however, without entering my protest against the action of the Government in delaying the consideration of this question until such a late period of the session, when it is almost impossible for

it to receive that consideration which its importance demands, both from a Constitutional stand-point and from the stand-point of New South Wales for the interests of which State I have a special concern.

Mr. WILKS (Dalley).—Like the honorable member for Canobolas I am anxious to see this question decided during the current session, and consequently I shall not address the House at any length. Nevertheless, I should like to refer to the point which has been raised by the honorable and learned member for Parkes. If his position be at all tenable the settlement of this question must be indefinitely postponed. Had the point been raised by a Victorian representative, I could better have appreciated it, because I should have regarded it merely as an attempt to kill the Bill. In my judgment, the Government should absolutely disregard the contention which has been set up. If, after the Bill has been passed it is found that it is illegal, it will be a very easy matter to pass an indemnifying Act. I take it that the nine sites which are now under consideration are practically under offer to the Commonwealth. Those sites have been known to the Government of New South Wales for a very long time. Mr. Oliver reported upon them some three years ago, and the Government of that State have specially reserved the Crown lands surrounding them pending the selection of the future seat of government. Surely that is an indication that the State Government desires a speedy settlement of this question to be arrived at. The eagerness with which the honorable member for Echuca rose to the bait which was offered to him by the honorable and learned member for Parkes plainly evidences the feeling of Victorian representatives upon the question. At the same time I do not think that the people of this State desire any delay in its settlement. Certainly the Victorian press advocates delay. But all I have to go upon, as between press and people, is the fact that, at a public meeting which was recently convened by the Lord Mayor of Melbourne for the purpose of urging delay, a stranger from without its gates moved an amendment which was carried almost without dissent. In the latter part of his speech, the honorable and learned member for Parkes gave a cue to some of the Victorian representatives with regard to the supposed invalidity of any proceedings taken by means of this Bill. He argued that it was at variance

with the Constitution, which he said provided that the Federal territory should, first of all, be granted by the State of New South Wales. The responsibility with regard to that point rests with the Government. There are many ways of getting out of the difficulty, if it exists. The New South Wales Government are aware that there are nine sites under consideration. They have not surrendered any portion of their territory in those sites, but they know what the intentions of the Commonwealth Parliament are, and what has been said by the Government. Practically the sites are under offer to the Commonwealth Parliament, and we are now indicating to the New South Wales Government our preference with regard to them. After we have done that we are aware that certain machinery has to be set in motion, and that the New South Wales Government will have to grant the land to the Commonwealth. The honorable member for Gippsland has spoken of the zeal displayed by the New South Wales members in connexion with this question. I am afraid that had it not been for the zeal of those members, the matter would not have reached its present stage. The Victorian members have been charged with a desire to delay and frustrate the selection of the capital. As a representative of New South Wales, I believe that the Victorian people have a desire that the Federal compact in this respect shall be fully carried out. They are desirous of a speedy settlement. But the press of Victoria has been sounding the tocsin for some time past as against the selection of a capital in what they are pleased to call "the bush." I do not know whether any of the representatives of Victoria wrote the articles which have appeared in the Melbourne newspapers on this subject. But whether they wrote them or have merely read them, the same ideas as have been expressed in those articles have been repeated in this chamber. The honorable member for Gippsland has returned to his old love. He first of all had an alphabetical order of his own. Taking first the letters A and B, he jumped to the letter T. But now he takes the whole nine sites, and, in that canny Scotch way of his, and with the caution which is characteristic of him, he desires the House to select three, after which, he says, we can find out the value of the land in each and set the property-owners competing against each other.

I assume from that that the honorable member has an ingenious idea that if this Parliament fixes three sites, we shall ultimately be able to obtain one of them cheaper than would otherwise be the case. I do not question the honorable member's integrity or honesty of purpose in any way when he says that, if he is returned to the next Parliament, he will, if the plan which he suggests be adopted, be thoroughly earnest in endeavouring to get a selection made. But so far from the land-owners in the three districts being pitted against each other, so that the Commonwealth may make a better bargain, it is not a wild speculation to suppose that the land-owners in the three prospective sites would meet together and fix their own values. Canny as the honorable member is, I have no doubt that there are men owning land within the three sites who are almost as cautious and far-seeing as he is. If we adopted his plan it would be quite likely that the property-owners would meet together, and by means of a mutual arrangement place a value of their own upon their land. The Government have allowed this matter to dawdle on for so long a time that the honorable member for Echuca says that the capital should not be selected until after the general election. He declares that this is a moribund House. But there is no such feeling on the part of the representatives of the other States. The representatives of Western Australia, South Australia, Tasmania, and Queensland are as keen as are the representatives of New South Wales that the site should be chosen. They may not be keen upon a particular site, but they want one site to be selected. The Victorian representatives are the only ones who will be inconvenienced by the seat of government not remaining in Melbourne. They are the only representatives who are at present inconvenienced by Parliament sitting here. The only argument they can really bring to bear against the selection is on the ground of expense. But whether the capital is selected to-day or ten years hence, the expense will practically be the same. It will have to be met in any case. There is no reason why we should erect public buildings upon the palatial scale of the Parliament House in which we are now sitting. The Commonwealth Parliament has shown no desire to spend public money lavishly. The honorable and learned member for Parkes has said that £200,000 would be the maximum of expenditure at

*Mr. Wilks.*

the commencement. Whatever the sum may be, two-fifths of it will have to be borne by New South Wales, and Victoria—to use the Stock Exchange phrase—will not “carry the baby.” If the initial expenditure be £200,000, New South Wales will have to pay £80,000 of it, in addition to which all the Crown land within the area will become the property of the Commonwealth as a free gift. The remaining three-fifths—that is to say, £120,000—will not be borne by Victoria, but by the other five States of the Union. The Minister for Trade and Customs pointed out this afternoon, with a good deal of statescraft, that the capital, when selected, should be chosen with a view to the interests of the Commonwealth for the next 200 or 300 years, as well as from the point of view of present convenience. We are aware that the trend of population for some years past has been to the eastern and north-eastern shores of Australia. It is reasonable to suppose that that trend of population will continue for many years to come. At the present rate of progress the population of Queensland will, in the course of some years, exceed that of Victoria.

*Mr. WILKINSON.*—As well as that of New South Wales.

*Mr. WILKS.*—No; because the population of the northern districts of New South Wales is growing more rapidly than is the population of Queensland. We therefore find that Queensland in the future will have much greater representation and power than has Victoria. I think that the representatives of other States are just as much concerned in the selection of the site of the Capital as are the representatives of New South Wales, and the people of that State call upon them to at once enter upon the task. It has been said during the debate that a Ministry which draws its principal support from representatives of this State is greatly benefited by the meeting of the Parliament in this city, inasmuch as its supporters can be got together at any moment to assist it, whilst the representatives of other States must either reside here altogether, as the representatives of Queensland and Western Australia find it necessary to do, or else travel to and fro from week to week. As the honorable and learned member for Parkes has said, some of the representatives of New South Wales often attend here at much inconvenience to themselves. The regularity of their attendance is a matter solely

for their own consideration. Every honorable member must form his own estimate of the measure of representation which he is called upon to give to his constituency; but personally I consider that honorable members who find it disadvantageous to themselves to attend the meetings of the Parliament should adopt one of two courses. They should either make such sacrifices as are necessary to enable them to attend with some degree of regularity, or, if they find that it is detrimental to their interests to do so, they should resign their seats.

Mr. BRUCE SMITH.—Had that rule been laid down, we should have lost the leader of the Opposition.

Mr. WILKS.—At all events, that is the view which I take of the position. Honorable members should adopt one of those two courses. I agree with the honorable and learned member that it would be detrimental to the interests of the Commonwealth if the representatives of the people were confined to either of two classes—those who are very poor or those who are exceedingly rich. The exclusion of professional men from the House would not be to the interests of Australian politics. That is an argument in favour of the speedy selection of a site, and the building of the capital in a locality where honorable members will be able to attend the meeting of Parliament with the least inconvenience. So far as the representatives of Western Australia are concerned, it matters little to them whether Parliament meets in Melbourne or in some part of New South Wales. They cannot return to their constituencies at the end of each week, and, therefore, whether we meet here or in New South Wales they must be equally inconvenienced. Honorable members who represent Tasmania are practically in the same position, whilst once the representatives of South Australia board a train at Adelaide, it is immaterial to them whether they are called upon to go to Melbourne, or to travel on to some town in New South Wales. But we are not solely to consider the interests of honorable members. We are here to carry out a compact.

Mr. WILKINSON.—And to look to the future.

Mr. WILKS.—We must do so when we are casting our votes. When I record my vote I shall have regard to the future as much as to the immediate present, but I do not intend now to advocate or fight for any particular site. The argument advanced by

the Minister for Trade and Customs, that in selecting a site we must consider where the great bulk of the population is likely to be found in the near future, is a sound one. We should regard the question from that standpoint rather than as the press of Victoria have done from the point of view of expense. We must not, of course, lose sight of that point, but it is absurd to suggest that the expenditure on the Federal capital will amount to millions of money. The Victorian press might just as well add to the cost of building the Capital the expenditure which will be involved in the construction of the transcontinental railway as debit against it some of the items which they have mentioned.

Mr. G. B. EDWARDS.—Some of the newspapers do so.

Mr. WILKS.—Quite so. They do so in order to make the picture look as repugnant as possible; but electors of Victoria, in public meeting assembled, have shown that they will not accept such assertions. Some weeks ago the Lord Mayor of Melbourne, in response to a requisition, convened a meeting to urge the postponement of the settlement of this question, and speakers came armed with information to support the object of the gathering. An amendment, however, was moved, setting forth that the people of Victoria respected the Federal compact, and as Australians favoured the early selection of a site. This was not a packed meeting, held in the city of Sydney, but a gathering which took place in the Town Hall in this city; and I am pleased to say that the amendment was carried. I believe that every elector in Australia desires the immediate settlement of this question. The honorable member for Echuca has said that a thing may be lawful and desirable but may not be expedient. That is a very fine piece of logic to present to the House. It shows a high moral regard for the Federal compact! The honorable member also urged that we should allow this question to stand over until the general elections had taken place. My answer to that contention is that the metropolitan press of Victoria are apparently unanimous in the desire that the selection of a site should be delayed, and that if we delayed this work they would combine with the Kyabram and other reform leagues to make this a test question at the next elections. In that event every candidate would be asked whether he was in favour of the

expenditure of a certain sum on the building of the Federal Capital, and we should probably find a number of honorable members returned to represent Victoria pledged not to vote for such an expenditure for a number of years to come. They would say that they had taken their instructions from their constituents and intended to observe them. I trust that I shall not be accused of casting a slur upon the representatives of this State when I say that this is evidently the object which they have in view. One does not require a keen perceptive faculty in order to be able to discern the motives which actuate the Victorian press. They undoubtedly desire to defer as long as possible the settlement of this question. That being so, I think that the Government are to be complimented for submitting this measure even at this late hour in the session. I intend to support it, for I see nothing in the objection raised by the honorable member for Gippsland, nor do I consider that the suggestion as to expense should warrant further delay. Those who fear the expenditure which may be involved in building a Federal Capital should remember that the people of New South Wales will be called upon to bear two-fifths of the outlay, whilst, in addition, they will also be called upon to hand over to the Commonwealth, free of charge, all Crown lands within the selected area.

Mr. KNOX (Kooyong).—It is somewhat difficult to understand what practical purpose will be secured by prolonging this debate. But the speech made by the Minister for Trade and Customs, in moving the second reading of the Bill, has, to my mind, accentuated the fact that the longer this matter is under consideration the more likely we shall be to obtain additional information in regard to it. For that reason, probably, the continuance of the debate may serve some useful purpose. I hold that the information which the Minister placed before the House to-night is of such importance that it might, with all reason, have been placed in our hands some days ago. I have consistently held the view that the unseemly haste which has been displayed in pressing this matter forward is undesirable in the interests, not only of Victoria, New South Wales, or Queensland, as individual States, but of the whole Commonwealth. As the result of the extraordinary anxiety shown by honorable members from New

South Wales to have this matter settled, we may make a selection which, a few years hence, will be regretted by every one who assisted in precipitating the consideration of this important question. I claim that the representatives of Victoria are as desirous of carrying out the spirit of the obligations imposed upon us by the Constitution as are any of the representatives of New South Wales. The honorable member for Dalley has suggested that the representatives of this State are under the domination of the Victorian press. I should not like to suggest that his intense advocacy of the early settlement of this question shows that he is under the domination of the press of New South Wales. I prefer that such suggestions should not be made, because I believe that honorable members, for the most part, realize that this important question demands the most serious and careful consideration, and should not be rushed through, as is proposed, in the dying moments of the first Parliament of the Commonwealth. Many honorable members have visited, as I have done, the city of Washington, and those who are familiar with its history know that it did not become the seat of government until 1800, after the whole subject of its selection as the site had been discussed for ten years throughout the country. It is now admitted, however, that if the selection had to be made anew the capital of the United States of America would not be in its present situation.

Mr. G. B. EDWARDS.—Had it been settled earlier a better selection would have been made.

Mr. KNOX.—My honorable friend is probably more conversant with the details of the selection of the site than I can claim to be; but if thoughtful consideration had been given to the question of where the great bulk of the population of the United States was likely to centre, the capital would have been erected in a different situation. I am sure that honorable members realize that members of Congress are very much inconvenienced. The representatives of the Western States have to travel a tremendous distance in order to attend its meetings, and the great travelling difficulties entailed are responsible for an enormous and enduring burden upon the United States Exchequer. It would be idle to continue to offer reasons for opposition to the present precipitate action. I know that already a large and



overwhelming majority of honorable members have indicated their intention to proceed with this matter, and I only intend to enter my own personal protest, and express my regret that this step is being taken with such unnecessary haste. I still hope that some means may be found by which we shall not by our action during the next two or three days find ourselves finally committed to one site, without leaving an opportunity at some future date of reconsidering the situation. With others, I feel that if we, as individuals, were asked to select a small portion of any one of the territories proposed, we should commence by obtaining the best information. We are now, however, asked to decide for all time on information which is incomplete.

Mr. BRUCE SMITH.—Why is the information incomplete after three years?

Mr. KNOX.—The members of the Government, who are more responsible, ought to be able to give a better answer to that question than I can supply. In the last few dying hours of the Parliament we are asked to determine on a site for all time, and against such a step I protest with all the power I possess. Surely it cannot be justly charged against the Victorian members that they are opposing the selection at the present time simply because of provincial feeling. If that be the idea, I personally wish to disclaim any such suggestion. I wish the spirit of the bond to be carried out, and, if I may presume to speak on behalf of the people of another State, I believe it would be as much to their interests as to the interests of Victorians, and to the interests of the people of the Commonwealth, as a whole, if we deferred the settlement of the question until we were in possession of further and more accurate information. Two Commissions were appointed to inquire into this question, and in their reports they presented different information and recommendations. Surely that fact alone affords a reason which would properly justify honorable members in pausing before they commit Parliament and the Commonwealth to so serious a step as that now proposed. I have risen simply in order to enter my personal protest against a decisive step at the present time. I do so without any provincial feeling whatever, but in the general interests of the Commonwealth, and with the sincere desire to see the spirit of the compact entered into under the Constitution eventually carried out.

Mr. SAWERS (*New England*).—Although the honorable member for Kooyong has pleaded for delay, he has nevertheless admitted that in his opinion there is an overwhelming majority in the Chamber in favour of carrying the Bill. For my part, I have risen with the object of coming to close quarters on the question. In the speeches which have been delivered, honorable members, instead of coming, as I desire, to close quarters, have merely dealt with the general question. If the Government and the House agree that the more proper course would be to carry the second reading, and get the Bill into Committee, I should be quite willing to reserve my remarks. But it is about time that the question was settled, and the whole decision hangs on the preference of the majority.

Mr. FOWLER.—Some honorable members prefer to have no site selected.

Mr. SAWERS.—That may be so, but such is the position that a decision must be arrived at, and if honorable members refrain from voting that will not be of much consequence, seeing that the majority will rule. It was my desire to come to close quarters that induced me, when the honorable and learned member for Parkes was speaking, to interject the remark that instead of going over the old ground and finding fault with the Government, he should rather give his advice as to the proper site to select. I regret having interrupted the honorable and learned member, and I hope he will pardon me. Some remarks have been made, which I keenly appreciate, as to the necessity for economy. I can quite understand the argument as sincere and patriotic, that this is not the time for the Commonwealth to indulge in any huge, or even moderate, expenditure in the formation of a Federal Capital, the creation of which might well be postponed for ten or twenty years. At the same time, I do not agree with that view of the question, because the compact which was deliberately entered into, and under which New South Wales came into the Commonwealth, should be kept. This may be a time for economy; but because we select a site to-day, it does not mean that we are at once to spend millions in the creation of a capital. After the site is selected I shall, while I remain a member of this House, always support economy, and object to our indulging in any unnecessary expenditure, because I believe that very

moderate buildings will suffice for a generation to come. My object in rising is to support one particular site as worthy of the selection. I represent the New England constituency, within which there is the proposed capital area known as Armidale. The fact that I happen to represent that district is no reason why I should advocate a site within its borders, and I should be ashamed to do so if I could not show good grounds, and conscientiously say that, in my opinion, it is a proper site to be selected. I regard the report of the Commissioners as very valuable, though they have not gone the length of recommending any one particular site. That is a responsibility which must rest on honorable members. The Commissioners have, however, ventured to make a somewhat rough classification of the sites under certain heads, numbering about six. First there is general suitability, in regard to which I find Armidale is placed fifth, while under the head of climate it is placed sixth. The question of general suitability must present itself to honorable members as it does to me, very differently from the way in which it presented itself to the Commissioners. For example, it is difficult to understand how, under this head, Orange should be placed third, and, under the head of climate, should be placed fourth, considering the position in these respects given to Armidale. I know both places very well, and if I had my choice, I should infinitely prefer to reside at Armidale. I should not think of living in Orange in the winter time if I could possibly help it, whereas I have lived in Armidale throughout the year and enjoyed life particularly well. As to soil and productiveness, the Commissioners have simply based their report on the evidence given by Mr. Campbell, a public servant employed in the Agricultural Department of New South Wales. Mr. Campbell's conception of soil and productiveness simply has reference to the district which produces the best wheat crops. Surely the selection of the capital of Australia ought not to depend on which district gives the best return per acre of wheat or cereals of any kind. That consideration I regard as one of comparatively little importance. Under this head I find that Armidale is placed sixth, and I quite admit that in the immediate vicinity of the town there is not what can be called particularly rich soil. At the same time the Commissioners admit

that the site is in every way suitable for a capital city. It is a splendid fruit district, where all sorts of English trees can be grown to great perfection. Within ten miles of Armidale there is some very productive wheat land, while in the immediate district of Tamworth—which is also in the New England Electorate and, if a large area were selected, might almost be embraced within the Federal borders—there is the richest wheat district in New South Wales, if not in Australia. So far as building material and the cost of supply is concerned, the Commissioners place Armidale fourth. But to revert for a moment to the question of soil and productiveness, I may say that I have been in several of the great capitals of the world, and most of them, so far as I could judge, are built on particularly poor soil. Even in Australia, whenever thought, in establishing the city of Melbourne, to have regard to the productiveness of the soil? From all I can see, Melbourne is built on a bed of sand, and Sydney is on still poorer land, standing as it does on some of the most hopelessly barren country it would be possible to find in the world. Few flowers or fruit can be grown in Sydney, except by means of manures.

Mr. JOSEPH COOK.—But look at “our beautiful harbor.”

Mr. SAWERS.—“Our beautiful harbor” has nothing to do with productiveness, except, perhaps, the production of a few brams. In the matter of water supply, Armidale stands as high as any other site considered by the Commission. They place Armidale third in this connexion, but to all intents and purposes it is equal to any other site suggested, and they admit that the Armidale water supply is sufficient for a population of 500,000. Then, as to the cost of land resumption, the Minister for Trade and Customs, in the statement he made this afternoon, showed that Armidale occupies a favorable position. The Commissioners place Armidale first as being the cheapest site which could be selected, so far as resuming the actual site of the capital is concerned, and third, if the cost of the catchment area is taken into account. However, the matter to which I desire specially to direct the attention of honorable members is that of accessibility. So far as accessibility is concerned, the Commissioners place Armidale eighth, if not last, on the list. With regard to suitability, climate, water supply, and

cost of resumption Armidale is practically equal to any other site suggested; and I emphatically join issue with the Commissioners when they place Armidale so low down as eighth on the list in the matter of accessibility. What does accessibility mean? Does it mean the convenience of honorable members who sit here or who hope to sit here in the next Parliament, or the convenience of persons during the present generation? Does it mean that the Federal Capital site is to be chosen for the convenience of men now living or of Australians for all time to come? If merely the convenience of honorable members at the present time is to be considered, doubtless Albury will stand first, but surely it is our duty not to think of our convenience or of that of our immediate successors, but of the convenience of the mass of the Australian people generations hence! If we are to consider the future and not the present, Armidale instead of being eighth on the list is an easy and emphatic first. What is to be the future development of Australia? I venture to say that the country along the northern rivers of New South Wales, the rich Hunter district, the magnificent area which goes under the name of Liverpool Plains, and New England, will in future years support a vast population, whilst the possibilities of the development of the great State of Queensland are beyond our imagination. If honorable members draw an imaginary line from a few miles south of Sydney due west, I venture to predict that in a 100 years time the area of New South Wales north of that particular line and Queensland will contain at least three-fourths of the population of the Commonwealth. That opinion is based not merely upon my own knowledge of the magnificent area in northern New South Wales, and my profound belief in the great future before the State of Queensland, but is backed up by a report presented by a committee of statisticians to the Federal Convention on the question of the trend of population. The members of the committee were unbiassed, and their opinions may surely be regarded with some respect. I admit that what they predicted is not likely to happen quite as rapidly as they believed, because they did not take into account the possibility that such an overwhelming and disastrous drought as Australia has passed through recently would seriously retard settlement for a time. What was the

opinion of these gentlemen? They reported that in a period of thirty-eight years from the date of their report the population of Australia would be as follows—New South Wales, 8,000,000; Queensland, 7,500,000; Victoria, 4,000,000; and South Australia, Western Australia, and Tasmania combined, 2,500,000. I allow a few more years, and I say those gentlemen contemplated that within fifty years the portion of New South Wales north of the line I ask honorable members to draw in imagination from a little south of Sydney to Broken Hill, and Queensland would contain fully two-thirds of the population of the Commonwealth. If that is a fair estimate, it is shown that the great State of Queensland will within fifty years have double the population of Victoria. Although honorable members representing Victoria may think Melbourne at present the hub of Australia, and that their convenience is of paramount importance, I conceive it to be an unanswerable argument that the trend of population will inevitably be northwards; and that Queensland, within little more than a generation, will contain double the population of the great and thriving State of Victoria. To go further, though honorable members may say that one is romancing, and is looking a little too far ahead, I believe that within 100 years three-fourths of the population of Australia will be found in the north of New South Wales and in Queensland. If that be the position of affairs, I maintain that Armidale is without a rival among all the suggested sites, because it will be as nearly as practicable the centre of the population of the Commonwealth; it has a magnificent climate; it is in a splendid position; and possesses every requirement for a Federal Capital.

Mr. JOSEPH COOK.—In fact the honorable member wonders why it was not settled upon as the capital instantan.

Mr. SAWERS.—I am quite aware that there are some honorable members of this House, and of the Federal Parliament, who will not condescend even to consider any site north of Sydney.

Mr. L. E. GROOM.—That is a very narrow view to take.

Mr. SAWERS.—In their opinion the capital site must if possible be on the railway connecting the two great existing capitals of New South Wales and Victoria.

Mr. JOSEPH COOK.—How can the honorable member say that, when a large contingent of honorable members visited Armidale, and had a very nice lunch there?

Mr. SAWERS.—A few members of Parliament certainly did visit Armidale; but so distinguished a gentleman as the President of the other Chamber said that he would not condescend to go to any site north of Sydney for a capital. If honorable members will consider only their own convenience, and the convenience of the present generation, by all means let them vote for a site south of Sydney.

Mr. HENRY WILLIS.—Lyndhurst is within the area the honorable member has referred to.

Mr. SAWERS.—I am not saying a word against Lyndhurst at the present time. I am prepared to admit that, after Armidale, Lyndhurst will stand first amongst the suggested sites as being nearer the centre of population than any of the rest. I know that it is absolutely useless for any one to advocate in this Parliament a site north of Sydney; but I am glad to have had an opportunity of placing on record the opinion—which I believe will be found to be justified long after the members of this Parliament have gone to their last rest—that the centre of the population of Australia will eventually be in the north and not in the south. I desire to point out that on a question of this kind there can be no pairing; and I suggest that the Prime Minister should consult with the leader of the Opposition for the purpose of fixing a definite time, say after tea on Thursday evening, for taking the ballot upon the question.

Mr. G. B. EDWARDS (South Sydney).—I support this Bill with all my heart, as I look upon it as providing a solution of a very grave question indeed. I am very pleased to note from the general tone of the speeches of honorable members that there is to be a legitimate attempt to solve the problem. The question is one of the most important with which we have had to deal. I cannot at all sympathize with the slight opposition raised to it on the ground that delay would be wise. It seems to me that every argument brought forward in support of the contention that we should delay the settlement of this question, might be made use of time and again upon any future occasion. To say that we are not possessed of sufficient information upon this subject and that

we are plunging into unknown expenditure is only to use an argument which might be repeated on any future occasion. To say that there is no idea of breaking faith in connexion with one of the cardinal principles, and one of the agreements distinctly made in the Constitution with the State of New South Wales, and that the only objection is to the immediate carrying out of the specific arrangement is one of those statements which might also be repeated *ad infinitum* on any future occasion. I take the stand that this Parliament is pre-eminently fitted for the settlement of this question, and that no other Parliament we are ever likely to have will be so well constituted for the purpose.

Mr. BROWN.—Should this Parliament be asked to settle it in a couple of days?

Mr. G. B. EDWARDS.—I propose to deal with that aspect of the question later on, but I may say that I would rather we settled the matter in a couple of days, if we sat up night and day to do so, than that it should be left unsettled, to be dragged through the turmoil of each succeeding election, and eventually not to be settled at all. It seems to me that every honorable member of the present Parliament came here well understanding that it would be part of our duty to decide where the future capital of the Commonwealth should be situated. I am sure that not only I, but nine out of every ten honorable members of this Parliament, placed their views before their constituents on this subject, and stated what they thought should be done to have this question settled. Many, I believe, went further, and mentioned what in their opinion would be the ideal site, and how the matter should be handled in carrying out the conditions of the Constitution. Honorable members will never be able to get rid of the fact that the matter is dealt with in the Constitution, and I am glad to see that it is generally admitted that there is a specific obligation contained in the Constitution that New South Wales shall have the Federal capital in territory to be handed over by her to the Commonwealth, and that that shall be the seat of government of the Commonwealth. Unless the site is honorably settled now, we shall find that no future Parliament will be in so favorable a position as this one to perform that duty according to the spirit as well as the letter of the law. Because it is plainly to be seen that this question will be

made one of the grounds of every appeal to the electors, and in various constituencies—not only in New South Wales, but in other States—men will be returned or rejected on account of their views on this matter. There is no doubt that amongst a large section of the people of Victoria—and I make no allusion to its representatives in the House—there is a feeling that it would be wise not to commit the Commonwealth to the selection of a site. We should find that candidates at any future election, particularly in Victoria, would be requested to pledge themselves not to do this, that, or the other, and so we should have honorable members in the Chamber honorably pledged to delay the settlement of the question as long as they possibly could, in order to fight a boggy. I hope before I sit down to prove that the estimate which has been circulated broadcast of the cost of erecting the capital is neither more nor less than a boggy. I hold that all those questions which have cropped up as arguments for delay will be just as well settled to-day as they are likely to be at any future time. We are not going to settle this session, I take it, the precise locality of the site. It would be absurd to ask the Parliament to prescribe the four corner pegs within which the capital should be erected. But we do undertake to decide the locality within which the site of the capital shall be ultimately chosen. Within that limit we are acting wisely, and can go forward safely, because the question whether the capital shall be erected on this hill or on that hill, on this range or on that range, on this plain or on that plain, can be left to experts, who will advise the Government in the matter. But as regards the selection of one locality or another, I submit that the House to-night is as well posted with information as any future House is ever likely to be. It has not been placed before us precisely in the best form, but those of us who have been industrious in this matter can pick out from this voluminous body of evidence sufficient facts to enable us at any rate to solve the problem. A good deal of this evidence—that relating to the size of the pumpkin, or the yield of grain on special areas, and so forth—is merely so much “leather and prunella.” But the facts which the two Commissions obtained from skilled experts, engineers, statisticians, and other authorities who could speak with knowledge as to building materials, temperatures, and so forth were

absolutely required by the House. With those few grains of valuable information, they obtained a very large quantity of chaff. It is safe to assume that honorable members have waded through the chaff and sifted the grain of reliable information, and we are now in a position to set to work and to decide, as far as we can, where the locality of the site shall be. I approach the consideration of this question with a very honest and unprejudiced mind. I think I have already given evidence of that state of mind. My mental attitude in regard to this question is precisely that which was described by the honorable member for Kooyong a few minutes ago. He said that he was acting from patriotic motives with a view to promote the best interests of Australia in the future, and not from any provincial feeling. That is precisely the attitude which I take. When an endeavour was made to get the representatives of New South Wales to assent to a proposal to amend the Constitution so as to allow the Parliament to decide that the capital should be in Sydney, I at once repudiated the idea. Long before the House was elected, I told the electors of South Sydney, when the cry of “Why not have the capital in Sydney?” was very popular there, that it had not my sympathy. If I were prepared to have the capital located in Sydney, I should be equally prepared to let it remain in Melbourne. It is because I think that the Parliament should meet in its own House in Federal territory that I object to the capital remaining in Melbourne longer than can be avoided. For the same reason I would object to the capital being in Sydney. The advocates of this proposed amendment of the Constitution had the foolhardiness to appeal to the taxpayers on the ground of economy, but I think that they had not looked into the question at all. For the three acres of land on which to erect the necessary Federal buildings in Sydney or Melbourne, we should have to give, it seems to me, a sum twenty times greater than the cost of the capital site, and of the water supply in most of the localities which have been proposed to us. Three acres is certainly the very smallest area on which we could erect a Parliament House, a Government House, a Mint, public offices, and so forth, even if we did take a site here and a site there in either city. My idea has always been that if we get a site

in a good locality, possessing all the natural features and capabilities for creating a fine city, it should be obtained at its prairie value—something between £2 and £5 an acre—that the land would rapidly assume a price equivalent to so many pounds per foot frontage, and that, with this increasing value, we could naturally expect under a leasing system, to which I am pleased to note, not only the House, but the major portion of the people of this nation agree, to get a rental sufficient to pay all the interest on any sum which I have known anybody extravagant enough to advocate as necessary for erecting the requisite buildings. I take it that the most extravagant estimate of the expenditure which would be required for a long period would be £5,000,000. I think I shall be able to show later on that from the natural growth which may be expected in the value of such a city, even if it were to remain only a small city, we should have a taxing field which would yield a revenue sufficient not only to meet the interest on the expenditure, but to keep the city in splendid order, and under the most modern and successful system of administration. I do not intend to contrast one site with another closely. I shall not speak in Committee on this question, because, after I have concluded my speech, I shall do nothing further than vote. If we consider the abstract qualities which are required in an ideal site, we should look first to climate; secondly, to water supply; thirdly, to the character of the soil as being likely to support a growing population; and, fourthly, to its accessibility, and whatever is included in that term. If a site complies with those main requirements, all the subsidiary ones will be found to fall into place pretty well. Of course while a place may suffer some slight disadvantages with regard to timber supply, it will probably have the advantage of a cheap rate of freight, or if it happens to be a little colder than it ought to be, the soil will probably be a little better; it will have some compensation. If we keep our minds fixed on those four cardinal points, I think we can find sites for the capital, not only in the territories which New South Wales has practically placed at our disposal, but in other localities, any one of which would fulfil the purpose very well. The Armidale site is one which very much attracted my attention. I agree with the honorable member for New England that it is

almost taken for granted now that the increase of population is in a northerly direction. I think it would be very difficult, even for the most ardent Queenslanders in the House, to overstate the possibilities of growth in that large Northern State. I believe it is inevitable that ultimately she will out-distance Victoria very largely, and probably beat New South Wales in regard to wealth and population. Therefore, as the honorable member pointed out just now, the Armidale site is more likely in a few years to become the centre, or the pivot, of the population areas of the nation. As a site it is admirable, because the climate is as nearly perfect as possible, while the soil and water supply are very good. But I came to the conclusion, like the honorable member, that it was of very little use indeed to attempt to go into the minute details regarding this site, for I felt that the House would not be called upon to gravely consider it, and largely as a matter of compromise and conciliation that site, and I believe a number of others, will have to be dropped. I was perfectly prepared, however, to find that Armidale was proposed as a site for the capital. Other sites besides Armidale comply very well with what I may call the abstract qualifications. The reports which have been made by the State and Federal Commissions seem to me to be largely biased in some directions. I suppose that it is almost impossible for any Commissioner or any member of the House to approach a question of this class without being biased at any rate by his individuality. I see a considerable amount of bias, and sometimes it seems to me to be rather childish bias, in some of these reports. For instance, I think that Mr. Oliver was biased very strongly in favour of Bombala, by the fact that it is 240 miles from Melbourne and 240 miles from Sydney. I think that the peculiar equidistance of that site from the two great cities was a consideration which rode him almost to death, and made him report so strongly in its favour. In setting forth his notions of what an ideal site should be, he described something very much the reverse of Bombala, because he specially warns all those interested in this question to beware of a wind-swept plain on which no tree could thrive. I think that everybody will agree with Mr. Oliver that a most essential quality in a site is that the land should be capable of growing trees of



various sorts—in avenues, plantations, and parks. From what I know of Bombala I think it fails utterly to come up to his ideal in that regard.

Mr. FOWLER.—Has it been proved that trees will not grow there?

Mr. G. B. EDWARDS.—I think that proof is contained in the fact that trees do not grow there. My experience is that if trees will grow in a locality, they are found to be growing there. After wandering about the Bombala plains for nearly half a day, I had to take shelter from the wind under a great granite boulder, because there was not a tree available. Although I consider the picturesque Bombala site in many respects an ideal one, and I largely sympathise with the idea of having a large Federal territory with a port, and lying between New South Wales and Victoria, bounded on the south by the line which now divides New South Wales and Victoria, and on the north by a line running west from some point north of Twofold Bay until it meets the Victorian boundary, I think the proposed site too cold, and that in choosing it we shall be acting rather precipitately, because it is not likely that the people of New South Wales will be ready to hand over to the Commonwealth the port of Eden, and I do not see anything in the Constitution to either compel or induce them to do so. Mr. Oliver, in favoring Bombala, was, as I have shown, dominated by the idea that the site chosen should be as nearly as possible equidistant from Melbourne and Sydney. The Capital Site Commissioners, too, showed undoubted bias in several ways. Like most of us they were carried away by the possibility of obtaining a fine water supply for the Capital. Undoubtedly, the water supply is one of the first features to be considered. There should be no such thing as the possibility of wasting water in a model city. Water should be obtainable there in sufficient quantities for every purpose. But the Commissioners over-valued the possibilities of the Tumut water supply, and disregarded other considerations. In my opinion, neither Mr. Oliver nor the Commissioners placed anything like an adequate value upon the qualifications of what is known as the Lyndhurst site. That is the site which I strongly favour, though, if it is not chosen, I shall be prepared to vote for any one of two or three others, because they are so good. The climate of Lyndhurst, taking the year round,

is as nearly as possible the same as that of Hobart, while its soil closely resembles that of southern Tasmania. With regard to accessibility, its advantages are unsurpassed by those of any other site except Albury. The main line to Sydney runs past its door, so to speak, while the branch line connecting the western and southern systems gives direct communication with Melbourne, and when the line from Wellington to Werris Creek has been constructed, which is likely to take place very shortly, there will also be direct communication with Queensland. The scenery in the surrounding district is very pretty, and although the possible water supply is not so great as that of some of the other sites, it would be sufficient for any population that is to be anticipated, unless some unusual manufacturing development occurs. There will be a plentiful supply of water both for domestic use and for ornamental purposes, and the city could be made very beautiful, because the soil is very suitable for the growing of trees, while fruit trees do well there. But, although I think that the Lyndhurst site fills the bill, I am prepared, as I said before, to vote for either of at least two other sites rather than see the question remain unsettled, because I feel that if it is not settled this session it is not likely to be settled at all. In reply to the argument that the selection of a site will force us to expend millions of money upon a bush capital, I should like to draw the attention of honorable members to some of the facts connected with the value of property in the chief cities of Australia, and I shall endeavour to make an estimate of the annual value of the land in the capital, supposing its population increases to 50,000 inhabitants. I assume that almost immediately some 2,000 Federal officers and employes will be located there, and they, with their wives, families, and dependents will make up a population of 8,000. No doubt another 2,000 will settle in the Capital to administer to their wants, and therefore it seems inevitable that the population of the city will, within a short time, number at least 10,000. I think that its progress to 20,000 or 25,000 will be moderately rapid, but that after that its growth will be slow, unless some industry is established there which will attract a large number of people. Eventually, however, I think that we may expect to have a population of 50,000. Without such a population, we shall not be called upon to expe-

as much money as I estimate will be spent upon the Capital, but the expenditure will be justifiable if the population increases to that number. In Sydney, which has a population of 481,830, the annual value of rateable property is £5,060,630, or £10 10s. per head, while the annual value of rateable property per head of population in Melbourne is £8 15s. 2d.; in Brisbane, £9 3s. 3d.; in Adelaide, £7 3s. 8d.; and in Perth, £10 15s. 8d.; or an average of £9 5s. 7d. Wellington, New Zealand, has a population of 50,000, and an annual rateable value of £486,000, or £9 13s. 4d. per head. Newcastle has a population of 48,830, and an annual rateable value of £6 19s. per head. Ballarat has a population of 40,000, and an annual rateable value per head of population of £5 17s. 10d. After the capital has been in existence for twenty-five years, and £5,000,000 has been spent upon it, it will not cost the taxpayers of the Commonwealth one penny of taxation. Knowing what I do of the growth of the cities of Australia, and bearing in mind the fact that we are likely to spend £5,000,000 upon handsome buildings and public works, I assume that in twenty-five years the Capital, with a population of 50,000, would have 100 miles of streets, and would contain 12,000 houses. There would be 1,000,000 feet of street frontages, leaving out of account 56,000 feet of corner frontages and sites for Government buildings. An annual value of £4 per foot would, therefore, amount to £4,000,000. That is not an extravagant valuation for a model city upon which £5,000,000 of public money would have been spent. Reckoning that value at twenty years purchase, or at 5 per cent., it would amount to £200,000 per annum. These figures compare very well with the figures obtainable in regard to other Australian cities, although I make some allowance for the increase of value which will be caused by the large expenditure of public money which will take place. I take it that the value of the land per inhabitant, exclusive of that upon which public buildings are situated, will be £4, and the value of the buildings erected upon it £6 per inhabitant, or altogether £10 per inhabitant, which is a little more than the average value of the land and buildings in the five chief cities of Australia. The £5,000,000 which would be spent upon the Capital is little more than we should expect the private holders of the leased lands

of the Federal territory to spend upon their property. I take it that these private holders, with £4,000,000 worth of land in their possession, paying a rental of £200,000 per annum, would spend £6,000,000 upon buildings. The total value of the Capital would then be—Federal buildings and parks, £3,500,000, which would represent borrowed money; municipal works, water, electric power, locomotion, and lighting, £1,500,000; leased lands, £4,000,000; and private buildings, £6,000,000, or £17,000,000 altogether, excluding the lands occupied as parks or upon which public buildings had been erected. The liabilities which would have to be undertaken to bring such a city into existence would be the borrowing of £5,000,000 upon loan at 3½ per cent. The money would be borrowed from time to time as it was required, and would probably all be obtained within twenty years. The annual charge upon the loan would be £175,000. In addition there would be £100,000 for the annual maintenance of the municipal services which I have mentioned, and £50,000 for administration and the upkeep of parks, plantations, and so on, a total of £325,000. The revenue from the leased lands being £200,000, the charges for municipal services, not debiting those services with the interest upon the original outlay, would equal their actual cost, namely £100,000, while municipal taxation at the rate of 1s. 8d. in the £1 upon an annual value of £600,000 for the leased lands, and buildings would return £50,000, a total revenue of £350,000, leaving a surplus of £25,000 for a sinking fund or for other purposes. Honorable members will naturally ask if these figures are likely to be realized. My answer is that they square with the figures applicable to the chief cities of the continent, though I have made some allowance for an increase in taxable rental value owing to the probable large expenditure upon public works and buildings. I think that we can safely assume that a model city, managed with care and wisdom, would return such an annual revenue. Both Mr. Oliver and the Capital Sites Commissioners have pointed out that the expenditure upon the Capital will be greater or less according to the site chosen. The Commissioners, taking the cost of Sydney as 1·00, estimate the cost of building a capital at Lyndhurst as 1·15, the cost of building at Tumut as 1·17, and of building at Bombala as 1·20.



Mr. Oliver, estimating the cost of Bathurst and Goulburn as 1·00, puts that of building at Orange or Lyndhurst, which is practically the same thing, as 1·04, and of building at Bombala as 1·15. He leaves Tumut out of the calculation, but puts Bombala and Lyndhurst in practically the same relation as that in which the Commissioners have placed them. I think that there is not more than ·2 in favour of Lyndhurst as against Tumut.

Mr. CONROY.—Coal must have been omitted from Mr. Oliver's calculations.

Mr. G. B. EDWARDS.—Mr. Oliver is dealing with building materials pure and simple, namely, stone, timber, and iron. Mr. Biddulph, who seems to have been left to himself in his efforts to foster the chances of Lyndhurst, has issued a small report at his own expense. There appear to have been plenty of committees to display an interest in other sites, and to spend money in issuing pamphlets, but in regard to Lyndhurst no one has been prepared to incur any expenditure, and except Mr. Biddulph no one seems to have taken any interest in it. That gentleman, however, makes representations which I believe to be honest, and which are sufficient to induce one to believe that the Lyndhurst site should receive more consideration than appears to have been bestowed upon it. He points out in regard to a whole series of articles the difference in cost at Lyndhurst compared with other sites. He deals not only with building materials, but with coal and other articles of consumption which would be required by the residents in the Federal Capital. In the figures which I have quoted I have dealt only with the expenditure which would have to be incurred by the Government, but the articles required by the residents in the capital would involve perhaps ten or twenty times greater outlay. I have allowed £3,000,000 for the buildings, and I think that that amount would prove ample for the next half century. Mr. Oliver published a sub-report furnished by a Committee of Experts, comprising architects and other skilled men, with regard to the cost of building material. They indicate a number of the buildings which it would be necessary to erect, starting with the Houses of Parliament, and including a residence for the Governor-General, offices for the Attorney-General, courthouses, and so on. They estimate that, according to Sydney prices, the buildings required will involve an outlay

of £2,117,500. They allow a period of ten years for the expenditure of that sum, and I think they have acted wisely, because it would be foolish to rush the expenditure. I have allowed £3,000,000 as the sum which would be required during the first half century. Although the experts referred to allow £250,000 for the laying out of the Federal city, they make no provision for parks and artificial lakes, which might with advantage be included in the scheme of a capital city at such a site as Lyndhurst. These ornamental features would be provided for in my estimate of £3,000,000. Worked out according to the formula adopted by Mr. Oliver and checked according to that of the Commission of Experts, works which in Sydney would cost £3,000,000 would involve an outlay of £3,450,000 at Lyndhurst, £3,510,000 at Tumut, and £3,720,000 at Bombala. In view of these facts, and also of the outlay upon railway communication and water supply, I think that the Tumut or Lyndhurst schemes could under any circumstances be safely financed and prove an absolutely certain investment for the Commonwealth. As I have said, over and over again, the establishment of the Federal Capital at these sites would not cost the general taxpayer one penny. But I warn honorable members that enormously large sums would have to be spent upon a city at Bombala. We should have to provide for railway communication which would not be contemplated by the Victorian or New South Wales Governments for nearly a century, and further we should have to construct a railway between Bombala and Eden. We should also have to improve the harbor at Twofold Bay, by the construction of breakwaters, and provide for its defence. Thus we should be plunged into an enormous expenditure such as would not be entailed by moderate schemes adapted to sites like those at Lyndhurst or Tumut or Armidale. If the works connected with the establishment of the capital were intrusted to Commissioners of integrity and experience, we could do everything required without involving one penny of expense to the taxpayers of the Commonwealth. At Lyndhurst we should have a railway to the door; the water supply would cost £427,360; land resumptions, £20,000; and buildings, according to my estimate, £3,450,000—making a total of £3,897,360. I mention the Armidale, Lyndhurst, and Bombala sites as those from which, I thin-

we shall have to make our final choice. In making my comparisons I have adopted the figures of the Commissioners in respect to the 4,000 acres which they consider will be required for the site of the actual capital. I cordially approve of the idea of acquiring a very much larger area, because I think that the Commonwealth should derive the benefit of the increased value given to the land in the neighbourhood by the establishment of the Federal Capital. In regard to the three sites mentioned, the extension of the area of the territory will not in any way affect my argument. It would be just as wise to take in a large area of surrounding territory in one case as in the other, because in every instance a largely increased value would be imparted to the neighbouring lands by the expenditure upon the capital. In the case of Tumut, a railway extension would have to be made at a cost of £50,000, the water supply would involve an outlay of £200,280, land resumptions would cost £25,000, and the buildings £3,510,000, making a total of £3,785,000, or slightly less than would be required at Lyndhurst. As in the case of Lyndhurst, the works to be carried out at Tumut need not cost the nation one penny if they be honestly undertaken by men of experience and integrity. In dealing with Tumut, however, the Commissioners have omitted to take into consideration one matter which certainly should have been noted. Sooner or later a railway would be required to connect Tumut with Germanton or some other place upon the southern line. It would be preposterous to expect persons travelling from the south to Tumut to go northward as far as Cootamundra, and then southward again *via* Gundagai to Tumut. We should have to build such a line, and the cost of that work should have been charged against the site. According to the evidence given by a number of witnesses the country between Tumut and Germanton is rough and mountainous, and the cost of constructing a railway would be considerable.

Sir WILLIAM LYNE.—I know the country very well, and a railway through it need not be very expensive.

Mr. G. B. EDWARDS.—I can assure the Minister that expert witnesses differ from him on that point, and hold the view that a railway through that country would be very expensive—not as difficult to construct as a line to connect Bairnsdale with

Bombala, but certainly a very costly one. When we come to consider Bombala we are brought face to face with a great danger. Here the boggy of the millions assumes a definite shape. If by any misfortune we should be led to adopt the Bombala site we should be launched upon a scheme which the infant Federation would not be able to finance for many years to come. We should start with a mill-stone round our neck. The railways which would be required to connect Bombala with Cooma and Bairnsdale and Eden would involve an outlay of £2,449,500. Although no estimates have been furnished as to the cost of constructing breakwaters at Eden and erecting the necessary defence works, I think that we may form a very fair idea of the heavy outlay that would be involved. If we have a Federal harbor, which will ultimately become the great shipping centre for the capital, we must provide for its defence, and I do not see how breakwaters and defence works could be constructed at a cost of less than £1,500,000. The water supply—I admit it would be a very excellent one—would cost £531,090, the land resumptions £24,000, and the buildings, according to my estimate, £3,720,000, making a total of £8,224,590. It would be utterly impossible to finance the Bombala site without resorting to extra taxation. We know that in Australia it is difficult to make railways pay, where they are adopted as means of communication with small cities. For instance, the railway between Hobart and Launceston has not paid for years. In connexion with a Federal city at Bombala, we should not only have one railway to connect it with the rest of civilization, but three separate lines—one to connect with Sydney, one with Melbourne, and the third with the Federal port, Eden. Each of these railways would compete against the other two for the limited traffic to and from the Federal city for many years to come. I grant that if the Federal city at Bombala, which is an ideal site in many respects, made such strides that within a very short time the population reached 500,000, the scheme which would have to be carried out might be made to pay. Unless, however, some special manufacture or industry were established in the immediate neighbourhood we could not hope that the population of the Federal Capital would exceed 50,000 for a very long time, and under these circumstances it would be utterly

impossible to finance a project such as would have to be carried out in connexion with the establishment of a Federal city at Bombah. I can only again express my great satisfaction that we are approaching the solution of this question. I hope that we shall be able to do so without any grave difficulty arising between the two Chambers. If we succeed, we shall have reason to say "good bye" to one another amidst congratulations that we have done good work for Australia.

Mr. EWING (Richmond).—I quite agree with the honorable member for South Sydney, and desire also to emphasize the remarks of the honorable member for New England with regard to the importance of the work upon which we are entering, and not only studying the convenience of the people of to-day or next year, but of selecting a site that will be worthy of Australia and Australian aspirations for all time. To act hurriedly in a matter of this kind would be almost criminal.

Mr. SYDNEY SMITH.—I do not think that we can be accused of criminality, in consideration of the fact that we have occupied two and a half years in arriving at the present stage.

Mr. EWING.—I was not blaming the honorable member. If any honorable member is not satisfied that he is in a position to vote for the best site outside of the 100 miles limit from Sydney, it is obviously his duty to endeavour to prevent any decisive action being taken. It is perfectly clear that in the selection of the Capital site local bias must operate very largely. After all members of Parliament are only human, and consequently are susceptible to local bias. Of course no member of Parliament is absolutely dishonorable, nor will any honorable member desire to choose a bad site simply because it happens to be located close to his own electorate. But he suffers from hallucinations, and the very fact of its contiguity to his district, causes him to regard it more favorably than he otherwise would. From those honorable members who entertain very strong opinions upon this question, and who seem prepared to sacrifice the interests of the whole of Australia, and of the Federal Capital, to those of their own electorates, we are likely to hear highly-coloured statements. Local bias is very common amongst all classes of people. We find it amongst savages and educated persons alike. The more pronounced the local

bias the greater the savage. Consequently, the more definite the views of honorable members are in favour of particular sites which are close to their own electorates, the more clearly is it established that they have not advanced very far along the line of civilization. I do not desire to enter into any dissertation concerning the merits of the rival sites from the point of view of their accessibility, or their water supply, or of any other distinctive feature. Upon these points a report has been prepared by competent officers—by men whose honour, speaking generally, is above suspicion—and therefore we may leave them out of consideration. It is my desire to bring before the House a matter of very much greater importance. But, before discussing it, I will say that the Constitution contains a compact in regard to the future seat of government, and one to which effect should be given as speedily as possible. We do not wish unnecessarily to emphasize these matters. In the past, although there may have been some little bickering, which originated from a want of reasonableness on the part of certain sections of the House, generally speaking the States have been generous towards one another. Consequently, I do not desire to discuss in any harsh way the constitutional compact which exists, but merely to say that when a compact is made it is taken for granted that it will be carried out ungrudgingly. Therefore, I assume that the representatives of Victoria are as anxious that the compact which confers the Federal Capital upon New South Wales shall be given effect to as speedily as was their desire to obtain the trade of Riverina, which, under Federation, flows unrestrictedly to the point where it ought to flow—namely, to the port of Melbourne. Both these matters, although they differ in their effect, form part of the Federal compact. I take it that if we can decide upon a suitable capital site in New South Wales, the Victorian representatives as a whole are prepared to fulfil their part of that compact. The site of the future seat of government should be chosen as soon as possible. There exists between the two great cities of Australia considerable jealousy. It originated in pre-federation days, when Sydney and Melbourne fought along the Murrumbidgee and the Murray for the carriage of every pound of wool or ton of produce. The Victorian railways were prepared to carry that

produce almost for nothing, so long as the Melbourne wharfs was its destination. Sydney retaliated, and by the adoption of differential railway rates carried produce from these localities to the port of Sydney at extremely low prices. This sort of conduct created more than business rivalry. It originated a feeling of intense antagonism between the two States—antagonism which, to a great extent, is still stimulated by men who ought to know better, and by newspapers from which we expected something better. Therefore, it was impossible for that reason, even if there were no other reasons, that the Federal Capital could be in either of the two great cities of Australia. It must be removed from the domination of the Melbourne press and free from the control or influence of the Sydney press. It must be located where Australian life can develop altogether apart from State interests. The New South Wales representatives, and those from all parts of Australia, entertain but one feeling concerning the hospitality which has been extended to us by the Government of Victoria in allowing us the use of this magnificent building without any payment whatever. That was a very magnanimous act on the part of the people of Victoria. But it cannot last. It is impossible for us to remain any longer the guests of the Victorian people. In my opinion, we have out-stayed our welcome as guests in Melbourne. Such charges must be paid for in the future, not by Victoria, but by Federated Australia, and under no circumstances is it possible for us—even though Victoria should desire it—to continue sojourners in these parliamentary buildings.

Mr. WILKS.—Only last week the cost involved in our occupancy of them was “thrown up” at us.

Mr. EWING.—I have seen no evidence of any sinister design to retain the Commonwealth Parliament in this city for an indefinite period, and do not regard the action of Victoria in making us comfortable here as in any sense a plot, but simply as a genuine exhibition of Federal feeling towards the representatives of the other States. The sooner we select the Federal Capital site the better, partly because of the jealousy which exists between the two principal States of the Union; partly because of the differences to which I have previously referred, and partly because we can no longer sojourn here. Moreover, until we establish a Federal Capital in which our main work shall be

the making of laws for Australia, we shall never lay the basis of that national life which it is so important that we should foster. Much has been said in the past about the importance of Australian unity, Australian precept, and Australian law. Now, the whole question with regard to the benefits conferred by federation seems to have degenerated into a consideration of the Tariff, or of the price of laces or of soap. There is something more important than these. Having said so much, I desire the House to consider an important matter. When the question of the establishment of a Federal Capital was placed before the people of Australia, what happened? At Albury, Armidale, Bombala, Bathurst, Lyndhurst, Orange and Tumut a local agitation was immediately started—an agitation which was intended to show that each of these towns furnished the most suitable place for a Federal Capital. The residents of each place agitated, and, as they possess a certain number of votes, each town naturally attracted to itself a certain number of friends. Consequently, we find the whole of these places put before us as suitable to become the capital of Federated Australia. The object of this agitation is to establish the Federal Capital close to one of these towns. That might be a very good thing for the successful town, but it might be an infinitely bad thing for Australia, which would have to pay for it. In this connexion honorable members might consider the remarks which were made to-day by the honorable and learned member for Parkes. I wish to show what Australia will be called upon to pay if a site is selected near any of these little tin-roofed towns.

Sir WILLIAM LYNE.—The honorable member must not talk like that about Albury.

Mr. EWING.—I withdraw that remark and will call them “small towns.” What is the population of Albury? Just about half a dozen thousand people. I am sure that no honorable member believes that the site which is adjacent to the town of Albury is the only eligible one in the Albury district, or that the site which is immediately adjacent to Armidale is the only suitable one in the New England district. The same remark is applicable to the other sites. To resume 64,000 acres in the vicinity of Albury will cost £252,800. The cost of resuming the minimum area prescribed by the Constitution in the vicinity of Armidale would be £317,000, and that of acquiring

it near Bathurst £1,354,065. Similarly the expense of resuming 100 square miles of territory at Bombala would be £361,730; at Lake George, £290,290; at Lyndhurst, £349,360; at Orange, £1,227,670; and at Tumut, £318,120. These are the nice little sums which we should be called upon to pay for 64,000 acres of ordinary prairie land.

Sir WILLIAM LYNE.—The honorable member is wrong in the case of Tumut. There is some very rich agricultural land there.

Mr. EWING.—The land in the vicinity of Tumut is a combination of very rich and poor—a sort of mosaic. It is of a poor quality in the hills, but is very rich in the flats. The geography of the place is well known to honorable members. The flats upon either side of the river are very fertile, but the moment one leaves the alluvial he finds that the soil upon the hills is of inferior character. Under the circumstances quoted above, Albury would receive approximately an average price of £4 per acre, Armidale £5 per acre, Bathurst £20 per acre, Bombala £5 10s. per acre, Lake George £5 per acre, Lyndhurst £5 per acre, Orange £20 per acre, and Tumut £5 per acre.

Sir WILLIAM LYNE.—I may tell the honorable member that the price of resuming land at Tumut is set down at £4 5s. per acre.

Mr. EWING.—I am speaking in round figures, but leaving Tumut out of consideration—because it is difficult to estimate the cost of resumption when we do not know the respective areas of the very good and bad lands—but assuming that sites were selected not contiguous to the towns which I have mentioned, it may be taken for granted that not one of these areas of 64,000 acres would be worth more than £2 10s. per acre. Consequently the House will recognise that, in endeavouring to consider the interests of these small country towns by establishing the capital close to them, we shall be called upon to pay an advanced value for the future seat of government.

Mr. SAWERS.—We shall get rental from the land.

Mr. EWING.—We shall not derive more rental because the capital is located close to one of these centres.

Mr. SAWERS.—If we resume the town we shall.

Mr. EWING.—In Riverina, or New England, we can obtain quite as good sites as those which are available close to Albury

or Armidale. A town in existence is an absolute obstacle to the satisfactory establishment of a Federal Capital. These lands which it is proposed to resume have an added value from the fact that they are the sites of towns, or are adjacent to towns; and if we could obtain in any one of the districts as good a site as Bombala or Tumut or Armidale, or any other suggested site, without paying special rates for town sites or lands adjacent to towns which nobody wants, why not do so? A town close to the Federal Capital would be an absolute blot upon the landscape and might be for all time. Let us get away from the towns. The whole agitation originates in the endeavour of these towns—to use a colloquialism—to “boost” themselves on to the Federal Capital of Australia, so that either the capital will be a suburb to the town or the town will be a suburb to the capital. Instead of the present population of one of the towns being a benefit to the capital, it would be a detriment. Take items like these: At Albury, to get a water supply, it will be necessary to spend £512,000. Surely there is some place along the Murray River where the land could be got for £2 or £3 an acre, and where it would be possible to obtain a water supply for £100,000. We have got on to wrong lines. We appear to have the idea that we ought to establish the capital near to a town, whereas we ought to get away from the towns.

Mr. BRUCE SMITH.—Which site is the honorable member in favour of? Which site is he exciting himself about?

Mr. EWING.—The honorable and learned member does not get excited; it is sufficient for him to be wrong. If Armidale were chosen, the water supply for that site would cost £391,000. The land at that place already has a special value from the population which is settled there. The only thing which gives land a special value is the population settled upon or adjacent to it.

Mr. BRUCE SMITH.—What about gold reefs? Do they not give a special value to land?

Mr. EWING.—A gold reef is of no ultimate use without labour. To work it you must have population. Then take Bathurst. Here again the cost of a water supply would be £474,865. The cost of the resumption of the alienated portion of the catchment area would be £124,665. At Bombala the

cost of a water supply would be £531,090. Surely there can be found somewhere in Australia a place where it would not be necessary to pay half-a-million to get a water supply. That would be preposterous. We have the same sort of thing in the case of the Lake George area. The estimated cost of resumption of the alienated portion of the catchment area is £80,400, and cost of works £290,100. The total cost is estimated at £380,500. In the case of Lyndhurst the cost of resumption of catchment area would amount to £111,500, the cost of works to £159,800, and the capital cost and working expenses together £275,000. In the case of Orange the cost of resumption of catchment area would be £141,750, and the capital cost and working expenses of a water supply would be £1,227,000. In the case of Tumut the cost of the catchment area would be very small—£180, so that the land is not very much good. The total cost would be £200,280. I ask honorable members to consider this point. I admit that the full force of it has only been borne in on me to-night whilst listening to the debate, but nevertheless ask honorable members to consider whether we are not sacrificing the money of Australia to the interests of the small country towns. Does any one mean to suggest that it is not possible for us to obtain a site as good as any of the suggested sites, where a water supply would not cost a quarter to half-a-million of money, and where another huge sum will not be required to resume the land? What should have been done is this: Some absolutely competent man should have been sent to choose a site.

Mr. CLARKE.—Where would the Government get the competent man from?

Mr. EWING.—Competent men are available if so instructed, I would ask the House whether even at the last moment we ought not to reconsider our position.

Mr. WINTER COOKE.—What site would the honorable member suggest?

Mr. EWING.—If I were forced to vote for any one of the proposed sites, I should vote for Tumut. I know that that place is said not to have a good summer climate, but it has many advantages.

Mr. FOWLER.—Is there not a site having such qualifications as the honorable member is advocating?

Mr. EWING.—I decline to believe that on the Upper Murray or elsewhere a site such as I have advocated could not be

found. The House should consider whether we are not choosing the very worst place possible in locating the Capital near to any one of these country towns. I hope that other honorable members will take up this view, and be able to speak more definitely with regard to it. It has only occurred to me within the last hour or two, but I feel that a fatal mistake may be made, and that Australia may be called upon to pay for it.

Mr. WILKINSON.—What about the possible concentration of population in future?

Mr. EWING.—Any one who knows Australia is aware that the population of Western Australia, speaking largely, has been attracted there by mining. Although there is good land there it is mainly a mining settlement.

Sir JOHN FORREST.—Oh no.

Mr. FOWLER.—Millions of acres of our territory are equal to the land on the Darling Downs of Queensland.

Mr. EWING.—But speaking generally Western Australia consists principally of gold-fields. What attracts population to Western Australia principally is its gold-fields.

Mr. FOWLER.—We have other lands.

Mr. EWING.—How many sheep will the honorable member say that there are in Western Australia? Are there more than a couple of millions?

Sir JOHN FORREST.—Three millions.

Mr. EWING.—One-third of Australia is in Western Australia, and it is inhabited by as intelligent and as enterprising men as there are on the continent; but all the sheep it can count in this year are 3,000,000.

Mr. FOWLER.—Western Australia is practically only fifteen years old.

Mr. EWING.—There are in Western Australia 200,000 or 300,000 cattle, not as many as there are in one district in New South Wales. Honorable members will agree with me, at any rate, in this: that except in the case of mining enterprise the rainfall absolutely controls every occupation of man. Take the rainfall of Australia, and then consider what the future of the continent is going to be. Around the eastern sea-board, as far as Adelaide, there is a fair rainfall. That is where the manhood of Australia will be bred and live.

Mr. WILKINSON.—Where will the centre of population be in the future?

Mr. EWING.—It will probably be somewhere about Armidale.

Mr. WILKINSON.—And as far north as where?

Mr. EWING.—As far north as Mackay and south to Adelaide, and extending inland say 200 miles from the coast. If it were possible to defer the selection of the Federal Capital for 100 years, probably the weight of representation would by that time be north of Sydney and not south of it.

Mr. PAGE.—Now the honorable member is now using the language of a statesman.

Mr. EWING.—But it is no use our discussing that aspect of the case, because we have to do the best we can now.

Mr. WILKINSON.—For the future also.

Mr. EWING.—We therefore have to choose a site that will be good enough. No man ever absolutely sacrifices the present for the future. The reason why the future is important is that it will be the present some day. Therefore, so long as we choose a site that is not too remote, or that will be near the centre of population I am prepared to agree to the selection of a compromise site. This is a Parliament of human beings—not the very wisest probably—and they will consider their interests and the ease with which they can get to the capital selected. Therefore, I feel that we must have a compromise site if we choose at all. But even now, at the eleventh hour, seeing the enormous expense which it is proposed shall be entailed by the Commonwealth because of the serious mistake made in selecting sites near to small towns—in consequence of which we shall have to pay the increased value that contiguity to the towns has already given to the land—I feel very much inclined to reconsider my view, and to state that I do not believe that any one of the suggested sites is the proper site for the Federal Capital of Australia. It is a dilemma. A site should be chosen, but I must keep an open mind in view of such complications.

Mr. CONROY (Werriwa).—I am sorry to say that, in my opinion, the discussion which has taken place is not likely to carry the settlement of this question very much further. The whole blame for the position in which we find ourselves rests with the Ministry. The section in the Constitution which deals with this question is a mandatory one, but until now the Government have done nothing to give effect to it. The

provision in the Constitution for the creation of the High Court has been carried out, but the Ministry have delayed to give effect to this requirement. I was one of those who did not think it should have been inserted in such a measure, but as it was inserted, and as New South Wales would otherwise have refused to join the Federation, I think that one of the first works which we should have undertaken was the making of all necessary provision for the selection of a site for the capital. With the exception of the appointment of a Commission to take evidence with regard to the suitability of sites which had already been reported upon very fully by Mr. Oliver, no step has, until now, been taken in this direction, and when we compare Mr. Oliver's report with that just submitted by the Commission of Experts we find that we have no new information to assist us in arriving at a determination. Without further discussing the history of this question, I wish only to say that in my opinion this Bill has been introduced in an entirely wrong way. The honorable and learned member for Parkes has already pointed out the form which, in his opinion, the Bill should have taken. There is no doubt that we should have been called upon to select not a particular site, but a district. We are incompetent to select a site, because we really do not know anything about those submitted for our consideration. On the other hand, we could give reasons for selecting a locality or district, and allow it to be subsequently determined what particular part of that district was best adapted for the site of the Federal Capital. We have heard a good deal as to the fitness of the Albury site, but I would remind honorable members that if, when the clause providing that the capital shall not be within 100 miles of Sydney was inserted in the Constitution Bill, it had been understood that whilst the letter of the law was to be kept the spirit of it was to be departed from, we should have had no federation. I say at once that the selection of a site close to the Victorian border, like Albury, would be, as far as New South Wales is concerned, a departure from the spirit of the Constitution. In proof of this assertion one has only to look at the discussions which took place when the matter was originally under consideration, and to remember the statements made by the late Prime Minister when he was before the country. When it was suggested that a

site such as Albury might be chosen, the late Prime Minister asked whether the matter could not be left in his hands—whether the people did not think it might with safety be intrusted to him. If any honorable member thinks that Albury should be selected he should be equally favorable to the selection of Wagga Wagga, which is on the main line, is 80 miles nearer Sydney, and is practically midway between Sydney and Melbourne.

Mr. SALMON.—Is this another compromise site?

Mr. CONROY.—There could be no reason for choosing Albury which would not apply with equal force to the selection of Wagga Wagga. The climate of both districts is exactly the same; and, as a matter of fact, Albury is some 70 or 80 feet lower than Wagga Wagga.

Sir JOHN FORREST.—But what about Tabletop at Albury?

Mr. CONROY.—There are many tablelands in the vicinity of Wagga Wagga which are higher than Tabletop.

Sir WILLIAM LYNE.—No.

Mr. CONROY.—There is little to choose between them. When some honorable members are discussing the desirableness of selecting the Albury site because of its proximity to Melbourne, and thus proposing to utterly ignore the spirit of the Constitution, why should they not be a little more generous and say that Wagga Wagga should be chosen as the site of the capital? Wagga Wagga occupies a slightly more elevated position; it is situated on the river; its water supply is just as good as that of Albury, and as soon as the Barranjack weir is constructed it will be in many respects superior. A private company has offered to construct that weir, and evidence in regard to the proposal is now being taken by a Select Committee appointed by the State Legislature. The two places are almost equidistant, one from Melbourne and the other from Sydney; and if honorable members contemplate the selection of Albury, they should out of justice to New South Wales go a little further and declare in favour of Wagga Wagga.

Mr. PAGE.—Is not Albury in New South Wales?

Mr. CONROY.—Yes; but whilst we should comply with the spirit of the Constitution if we built the Federal Capital there, we should not comply with the letter of it.

Mr. SALMON.—Was it intended to deprive Victoria of all the benefits attaching to the capital?

Mr. CONROY.—I do not say what the intention was; I merely say that while thought at the time, and still think, that the insertion in the Constitution of the provision to which I refer was a mistake, the Federation would not have taken place but for the action taken in that regard. I was the price which had to be paid for the Federation; and it would be a departure from the compact then made to select a site such as Albury. Curiously enough, no honorable member has ventured to advocate the claims of Wagga Wagga to the Federal Capital, because we all know that it is too hot. The same objection applies to Albury.

Mr. WILKINSON.—Is Wagga Wagga in the honorable and learned member's electorate?

Mr. CONROY.—No.

Mr. PAGE.—Where does the honorable and learned member think the capital should be erected?

Mr. CONROY.—It should be on the main-line between Sydney and Melbourne. Accessibility should be the first consideration.

Mr. PAGE.—How would the selection of Armidale suit the honorable and learned member?

Mr. CONROY.—We are bound to recognise that at the present time Melbourne and Sydney are the great centres of population in Australia.

Mr. PAGE.—But what about the future?

Mr. CONROY.—I am inclined to think that in the future the centre of population will drift towards the north; but I do not feel myself called upon at present to support the selection of the Armidale site. If in the course of thirty or forty years hence we were sitting in Melbourne and debating this question there might be some warrant for the proposition that we should select Armidale on that ground.

Mr. WILKINSON.—Forty years is a very short time in the history of a nation.

Mr. CONROY.—No doubt; but I do not consider that to-day we are called upon to do more than consider the possible requirements of the next half century. Having regard to the increase in population which has taken place of late years, it seems to me that it will be a long time before population will shift away from the railway line between Melbourne and Sydney. I have



never believed in a bush capital; but we have to carry out the provisions of the Constitution, and we should choose a place which is of ready access to both those centres of population. The site should be on the main-line between Sydney and Melbourne. The western line of course may also be said to run between Sydney and Melbourne, and we might choose an equally good site on it. There can be no doubt that a site such as Lyndhurst, which has been mentioned, has many advantages which are not shared by some of the other suggested sites. But my desire is to discuss, in the first place, those sites which find most favour in the eyes of the majority of the representatives of Victoria. It is for that reason that I have shown that there is not one point relating to the Albury site which does not apply equally to Wagga Wagga. A greater area of land could be obtained at Wagga Wagga, and at a lower price.

Sir WILLIAM LYNE.—I do not think so.

Mr. CONROY.—Let us assume that the value of the land in each case is the same. There is undoubtedly a greater area of good land obtainable within a radius of twenty-five miles of Wagga Wagga than is available at Albury.

Sir WILLIAM LYNE.—The honorable and learned member is mistaken.

Mr. CONROY.—The soil within a radius of twenty-five miles of Wagga Wagga is certainly a little superior to that of Albury, and there is a greater area of good land there.

Sir WILLIAM LYNE.—The honorable and learned member is in error.

Mr. CONROY.—I am familiar with the characteristics of the soil at each place. The fatal objection to the selection of Tumut is that it is not on a main line and never can be. Passengers and mails from Melbourne or Sydney to Tumut would have to branch off a distance of 60 miles from the main line.

Mr. WILKINSON.—The present line between Melbourne and Sydney goes 80 miles out of the direct route. Had the route of the railway line been determined, free from political influence, the journey could have been cut down to that extent.

Mr. CONROY.—To what particular part of the line is the honorable member referring?

Mr. WILKINSON.—I could not now go into the details.

Mr. CONROY.—I know the country thoroughly, and I think the honorable member is mistaken. If there had been a man like Peter the Great to draw a straight line, and to determine, regardless of expense, that the railway should be built accordingly, the length of the route might have been reduced.

Mr. WILKINSON.—What about the old coach road?

Mr. CONROY.—It would be almost impossible to construct a railway along that route. The extent of tunnelling would be enormous, and the cost of construction would be so great that the line would not pay. I understand that the honorable member is suggesting that a line might be constructed from Tumut to Yass. A direct line between those towns would involve the making of a tunnel almost as great as that of Mont Cenis. Altogether there would have to be about 20 miles of tunnelling.

Mr. WILKINSON.—I am not making such a suggestion.

Mr. CONROY.—Then I beg the honorable member's pardon. Another consideration is the cost of carrying coal to Tumut. I presume that the wholesale price of coal delivered in Tumut would be 22s. or 23s. per ton.

Sir WILLIAM LYNE.—The cost would be about the same as at Yass.

Mr. CONROY.—Does the honorable gentleman mean to say that coal would be carried over the railways free of charge?

Sir WILLIAM LYNE.—No one would feel the difference.

Mr. CONROY.—If Tumut were selected coal would have to be carried about 110 miles beyond Yass. Does the honorable gentleman mean to say that the increased journey would make no difference in the price?

Sir WILLIAM LYNE.—Such a distance makes very little difference when there is good loading.

Mr. TUDOR.—They used to carry coal for little or nothing on the Victorian railways.

Mr. CONROY.—At the expense of the people of the country. But, of course, if the money still remains in the country, according to the view of certain honorable members, there is no cause for complaint. I could quite understand the taxpayers objecting, but surely the honorable member cannot object. We know that on some of the flats around Tumut there is rich land, but the climate is not good.

Sir WILLIAM LYNE.—It is a splendid climate.

Mr. CONROY.—We may imagine the sort of climate it is, when I say that maize and tobacco can be grown there.

Sir WILLIAM LYNE.—Those products can be grown almost anywhere in Australia.

Mr. CONROY.—When we have the fact that maize and tobacco can be grown, we may admit that the climate is a good one for mosquitoes. The disadvantages I have pointed out, appear to me to put Tumut "out of the running." The mails would have to be carried a distance of sixty miles off the main line, which would practically mean a delay of about three-quarters of a day in the communication with the Federal Capital. There is not one reason in favour of Albury which does not apply with equal or greater force to Wagga. If the land were sufficiently elevated in the neighbourhood of Junee, which is almost equi-distant from Sydney and Melbourne, we should there find about the best place for the Federal Capital; but, here again, it is said very rightly that the climate puts that district out of the question. We might as well select Wagga as Junee, seeing that the water facilities are greater in the former place. The next place where there is a fairly decent climate, and a large area of productive soil, is Yass, and in the latter I include the whole of the area known as Lake George. In regard to Yass, it was stated in the first report that the water would have to be pumped from the Murrumbidgee, but that appears to be a mistake, seeing that water might be brought by gravitation from the Micalong Creek, 38 miles distant, from whence 1,250,000 to 1,500,000 gallons per day could be obtained at a cost of £30,000.

Sir JOHN FORREST.—That is not enough.

Mr. CONROY.—It is quite enough for a population of 25,000.

Mr. DEAKIN.—What is the use of that?

Mr. CONROY.—That is quite a sufficient supply for a start. There is so much water, that it would only be necessary to duplicate the pipes in order to supply a population of 50,000, and by damming up the Micalong swamps, enough water could be obtained to supply a city of 100,000 inhabitants. Then it must be remembered that thirteen or fourteen miles away there is the Murrumbidgee River. Another point in favour of this site is that within 25 miles there is the great Barranjack Reservoir, which,

when completed, will be the largest in Australia, and there is a likelihood of its being completed, because a private company has offered to carry out the work. As to Bombala, I speak with some experience of the country, and I say that between that place and Dalgety, there is a site which possesses striking advantages. From just below Dalgety all the water required can be obtained by gravitation from the Snowy River, and there is very fair soil in the district. It will, of course, have to be a pumping scheme at Bombala, and that is a grave objection. We ought to go to a place where the water supply can be obtained by gravitation.

Sir WILLIAM LYNE.—I am not sure that at the place indicated by the honorable and learned member water can be obtained by gravitation unless from some distance up the river.

Mr. CONROY.—At all events there is plenty of water in the Snowy River.

Mr. AUSTIN CHAPMAN.—There are thirteen streams from which to get a water supply.

Mr. CONROY.—All the water required can be got at Bombala, which possesses undoubted advantages, but the objection is the absence of railway communication. It will be many years before railway communication can be completed, and so far as Victoria is concerned, probably thirty or forty years must elapse before it will pay to construct the railway through the eastern portion of the State.

Sir WILLIAM LYNE.—The journey by that route would be about 100 miles longer.

Mr. CONROY.—With the greater disability that the grades would be so severe, and the curves so sharp that there could not be an express service. It seems to me that if we desire climatic advantages, and prefer to have a place off the main line, a site must be fixed on the Western line, say at Lyndhurst, or somewhere about Carcoar-Garland. At Lyndhurst there is very good land, much of which is church and school lands, which by an Act passed by the New South Wales Parliament a few years ago became Crown lands, and would revert straight away to the Federal Government.

Sir WILLIAM LYNE.—I am not quite sure whether these lands come under that Act.

Mr. CONROY.—I feel pretty confident that the lands come under the Act, and are Crown lands. Lyndhurst

undoubtedly possesses a great many advantages, and all the water necessary for a population of 40,000 could be obtained at small expense. For the first 10,000 of population, I think a supply could be obtained for £30,000 or £40,000. As the population increased, the supply would, of course, become more expensive, but for a population of 40,000, the sum required would not be more than £150,000. A population of 50,000 in the Federal area is, of course, a long way off, but as much water as necessary could always be obtained, because there is the Lachlan River only twenty miles away, which could be resorted to if the catchment area became exhausted.

Sir JOHN FORREST.—That would be by means of pumping.

Mr. CONROY.—Yes, while the catchment area would give a supply by gravitation. I should say that fully one-half of the area consists of basaltic soil, and there is a very fair rainfall, with one of the most equable climates in New South Wales. As soon as the Wellington to Werris Creek railway is completed, Lyndhurst will practically be the same distance from Brisbane as Sydney is to-day.

Mr. THOMSON.—It will be seven miles farther.

Mr. CONROY.—Lyndhurst may be slightly farther from Melbourne than are some of the other sites, but the distance from Sydney to Lyndhurst would be the same as that from Sydney to Yass within ten or twelve miles.

Sir JOHN FORREST.—But from Melbourne to Lyndhurst would be a long distance.

Mr. THOMSON.—The distance to Lyndhurst from Melbourne is forty-five miles farther than to Tumut.

Mr. CONROY.—In any case, how is a line to be made to Tumut?

Sir JOHN FORREST.—From Albury.

Mr. CONROY.—I know the country well, and I am certain that a line could not be carried through. A line might be carried from near Germanton, but certainly not from Albury. If the House really wishes to select a site which will carry out both the letter and the spirit of the law, a place like Lyndhurst or Yass would be very suitable. To Lyndhurst coal would have to be brought only ninety miles from Lithgow, and that is an important consideration, seeing that the cost would be 11s. or 12s. per ton, as against a cost of 21s. or 22s. per ton delivered at Tumut, with a

slightly increased price for delivery at Albury. If the Wilcannia-Cobar line were made, Lyndhurst would be brought much nearer Adelaide than is the case with the present railway communication. Then, again, if at some future date a railway be taken from Bourke to Cooper's Creek and across the Diamantina up to the Gulf country, the Federal Capital would be within reach of the Northern Territory. In my opinion the advantages offered by Lyndhurst transcend those of any other site. At all events, I hope that, as I suggested before, we shall merely decide on the district. It is impossible, unless we take a radius of twenty or twenty-five miles from a particular place, to come to any conclusion. I was rather pleased to notice that a short time ago the Minister for Home Affairs expressed the opinion that the greater the latitude we allow ourselves the better it will be. Every honorable member, I suppose, is aware that the Minister for Home Affairs earned his spurs in the way of exploration, and is thoroughly competent to give an opinion on matters of the sort. We know what he has done for Australia in the way of exploration in the past, and we fully understand the great difficulties under which his work was performed—difficulties so great that I venture to say no one who understood would now face them. Even after a lapse of thirty years, he would be a bold man who, in spite of the fact that there has been extended settlement, would traverse the areas explored by the right honorable gentleman. If the right honorable gentleman were to visit the different sites and give us the benefit of his knowledge and experience, I should place great reliance upon any opinion he expressed in regard to them. Considering the means of communication, suitability for carrying on the general work of the Federal Capital, and remembering that we must have cheap coal and other incidentals necessary for comfort in living, I am of opinion, looking at the question from every point of view, that Lyndhurst complies with the requirements of a Federal Capital more completely than does any of the other sites suggested, always supposing that a site like Lake George or Yass should not be chosen. Some of the land around Lyndhurst is better than that around Yass, and it has an advantage over the Yass district in having a better water supply. It is true that in the last report it is stated that water can be brought to Yass from

Mickalong Creek, and that fact has completely altered the value of Mr. Oliver's first report with respect to Yass. Without a knowledge of that fact, Mr. Oliver gave Yass third place in the matter of water supply, and I think that if he had been thoroughly informed of the facts he might possibly have placed it first. He places Yass first on the ground of accessibility, and I agree with him in believing that that is a most important consideration. I am glad that the Minister for Trade and Customs has carried out the promise made last year to give all the suggested sites a chance of being included amongst those submitted for our selection, and that we now have an opportunity of considering Mr. Oliver's report as well as the Report of the Royal Commission. I am not very hopeful that we shall come to a conclusion this session, but we can only work on and do the best we can.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—As it is probable that I shall not be present to-morrow, I should like now to say a few words upon this very important subject. I feel some difficulty in addressing myself to the matter, because I cannot forget that I am a member of the Government, and that some honorable members have sought to cast blame upon the Ministry for their action in connexion with the selection of the Federal Capital site. I do not, therefore, feel as free to speak in regard to the subject as my honorable and learned friend the member for Parkes seemed to consider himself this afternoon. I noticed that, although the honorable and learned member gave us a long speech, he did not say either that he had any preference for a particular site, or that he had made up his mind with regard to the locality or district in which the Federal Capital should be situated. Speaking not only for myself, but also for the Government, I may say that there never has been, and there certainly is not now, any desire on our part to delay the settlement of the question. I have not heard any member of the Government express himself otherwise than as being anxious that the Constitution should be completely fulfilled in regard to this important subject of fixing upon the site for the Federal seat of government.

Mr. BROWN.—It is rather late in the life of this Parliament to deal with a big question like this.

Sir JOHN FORREST.—The honorable member is repeating the parrot cry about it being too late, and listening to him one would think that we had been sitting here for the last three years doing nothing, that we had an opportunity during the whole of the time to deal with the question of the Federal Capital site and had neglected the opportunity. Does the honorable member forget that we spent eighteen months in the consideration of the Tariff alone, and that every other subject had to be put aside for that?

Mr. CONROY.—That was the fault of the late Minister for Trade and Customs.

Sir JOHN FORREST.—I shall not say whose fault it was. The fact remains that we occupied eighteen months in dealing with the Tariff, and I feel sure the late Minister for Trade and Customs would blame others for the delay if his opinion were asked. It is somewhat unreasonable to say that in this Parliament, in which we have had to pass the Tariff and all the legislation which is upon our statute-book, dealing with every Department necessary to make the Commonwealth machine a going concern, we should also have already dealt with the capital site, and to blame members of the Government because it has not yet been dealt with. As honorable members are aware a Commission was appointed to consider the various sites suggested. It is only recently that the report of the Commission was submitted to us, and the evidence taken by the Commission has been placed in our hands only within the last day or two. Some people may think that the selection of a capital site is a very simple duty for us to carry out; but, as a matter of fact, I believe there is scarcely a single honorable member who at present has made up his mind where the Federal Capital ought to be. I have probably had as much experience in the selection of sites and the examination of country as most honorable members; and I must say that I have found it very difficult indeed to make up my mind as to the best site, and I am certain that other honorable members are experiencing a similar difficulty. I have no doubt the honorable member for Canobolas has made up his mind that the site should be somewhere in his own constituency. It is remarkable that honorable members should have so decided a leaning towards or liking for sites connected with their own constituencies.

Mr. BRUCE SMITH.—They know so much about them.

Sir JOHN FORREST.—That is so no doubt, but it is no reason why a site should be the best for the purposes of the Federal Capital. The honorable member for Canobolas did not express any anxiety to give his opinion with regard to the suitability of other sites, and I guarantee that, when it comes to a vote, we shall not have much difficulty in deciding in which way the honorable member's vote will be cast.

Mr. BROWN.—I have not given my opinion yet.

Sir JOHN FORREST.—I think that as surely as the compass needle points directly north, the honorable member will be found to have voted for a site which will not be far from his own constituency. The provision for the selection of a capital site is but one of many important provisions contained in the Constitution. We have dealt with many of the other provisions, and to-day we had the pleasure of inaugurating the High Court of Australia, which was chief amongst them. I think we have done well in this Parliament in having dealt with almost all the important matters contained in the Constitution, in order to make the Commonwealth machine a going concern, and to have left only this one important provision yet to be complied with. However much our honorable friends from New South Wales may desire that the site should be fixed at once—and I am quite in sympathy with them in desiring that it should be fixed as soon as possible—it will not ruin Australia if we do not rush the matter in such a way as will result in the making of an unsuitable choice. I should like every honorable member to be certain of his ground before giving a vote upon the question, and for that reason I hope that, unless honorable members have fixed opinions with regard to the matter, they will say so, and that they will hesitate to cast their votes for one place or another until they are satisfied in their minds which is the best. I think the honorable member for Richmond uttered words of wisdom when he referred to the desire expressed by local people that the Federal city should be situated somewhere near their existing township. It is not, perhaps, after all, so extraordinary as it may seem at first sight, that the people of every township that would appear to have any chance in the selection should be eager for the selection of the site nearest to it. This may be

due to a desire upon their part that the advantages which they have had for many years should be shared by their fellow-countrymen. They desire that others should experience the advantages of a splendid position, a salubrious climate, a pure water supply, and all the other good things which they have themselves enjoyed. I am inclined to think that in addition to this humanitarian view there may be some considerations of £ s. d. about their eagerness. They probably think that if they get the Federal city located near them there will be a large expenditure of public money by which their property will be enhanced in value, and their material prospects improved. We who come from the western side of Australia are influenced by no motives of that kind. It cannot be said of the honorable member for Fremantle or of myself that in this matter we have any axe to grind.

Mr. BROWN.—The right honorable gentleman does not want the Federal Capital site, but he does want a Federal railway.

Sir JOHN FORREST.—We certainly want a Federal railway, because we think it would be of great benefit not only to our State but to the rest of Australia.

Mr. CONROY.—If the line is extended from Kalgoorlie to Esperance Bay we will connect with it at that place.

Sir JOHN FORREST.—The history of this question is that the New South Wales Government appointed Mr. Oliver as a Commissioner to examine and report upon various sites. That gentleman selected various sites, and these have been accepted as the only suitable places for the Federal Capital. It seems to me that Mr. Oliver's opinion has been accepted by almost every one, but I think it is quite likely that there may be other sites which may be found quite as suitable for the purpose as the half-dozen named by Mr. Oliver. The Commission of Experts who recently reported seem to have felt themselves compelled to deal with only certain sites, and not even to offer an opinion in regard to any others. I have not seen the terms of their commission, but I can hardly think that it could have been intended, if they saw any other suitable site, that they should not freely express their views upon it. Because the only object which every one has in view is to get at the truth, and to arrive at a just decision.

Mr. CONROY.—They were only commissioned to examine certain localities. They could not very well go outside their commission.

Sir JOHN FORREST.—I think that was tying them down to the sites named by Mr. Oliver, as if those were the only ones in that vast State.

Mr. BRUCE SMITH.—Who tied them down?

Sir JOHN FORREST.—Perhaps they felt themselves more tightly tied down than was intended. But on that point I need not say anything more. I have visited Dalgety, Bombala, Bathurst, Orange, and Tumut, and of course I know a little of the country about Albury. My opinion is that although a suitable site for a Federal city may be found somewhere near those localities, I have seen no site which I would select for a great Federal city. I do not mean to say that within a few miles in some cases—perhaps a dozen miles—there may not be a suitable spot. But I am dealing with the spot marked 4,000 acres on the map by the Commissioner. There must be a great many honorable members who have not seen these sites, because they have not had an opportunity since they were selected by the Commission, and, therefore, I do not think that they are in as good a position as I am to form an opinion. My idea is that a great Federal city should occupy a commanding position in a place which is cool in the summer time. There is not one capital city in Australia in which people care to stay all the summer if it can be avoided. It has always seemed to me that if the Federal city were in a locality where the climate was cool in summer, it would be visited by persons going away for a change. Who would go to a city where the thermometer registered 100 degrees, or anything like that heat, in the summer time?

Mr. CONROY.—The country between Orange and Lyndhurst is the best in Australia in that respect.

Sir JOHN FORREST.—I am not saying that it is not; because some of these sites are suitable with regard to climate. When I said that there was no site amongst those I had seen which I would select, I was referring to the exact localities and not to the climate, and I went on to say that in my opinion it is a *sine qua non* that the place should be cool in the summer time. We want a locality where there are rolling downs

with some considerable elevations. The seven hills on which Rome is built are not very high, but they are conspicuous. They are not too high for building upon. Long before the Eternal City is reached its towers and spires can be seen. St. Peter's dome can be seen miles and miles away from Rome. Again, in the United States the dome of the Capitol can be seen miles and miles away from Washington. We wish to be able to see the Federal city with its domes and spires long before it is reached. We do not want it to be built in a ravine or valley, nestling amongst the hills, and not visible until you are close upon it. It ought to be built on some expansive place with rolling hills and conspicuous elevations, on one of the most commanding and conspicuous of which should be the House of Parliament, with the streets radiating from it in all directions. I have not found that sort of place in any of the localities which I have visited.

Mr. BROWN.—Did the Minister look at Mount Canobolas?

Sir JOHN FORREST.—Yes. I am not going to say anything against the suitability of the locality there, but I do not think that the site selected at Orange was well chosen. The Government do not desire it to be said of them that they wish to delay the settlement of this question. Our desire is to select a site at once if we can. If it is the view of the House that it should be done, I am prepared to vote. I shall not vote willingly, but I am prepared to vote for the locality which I think is best.

Mr. CONROY.—Which locality is that?

Sir JOHN FORREST.—I am not going to say which it is. I think we are not acting in the interests of Australia in pushing forward this matter. If we are to be the judges, let us, at any rate, make up our own minds on some good foundation. Information and knowledge is the foundation which we want.

Mr. THOMSON.—Another Commission?

Sir JOHN FORREST.—I do not know about another Commission. I suppose I may say what I think on this occasion. I do not think that we have exhausted the sites in New South Wales, nor do I think that we have got the best site in any of the localities which I have seen.

Mr. THOMSON.—The Minister must remember that a much larger number of sites—thirty-nine, I think—were reported on by Mr. Oliver.

Sir JOHN FORREST.—I do not wish to say anything more. I feel myself in a very great difficulty, because, although I have visited these sites, I have not found amongst them one which I consider suitable for a Federal city.

Mr. WINTER COOKE.—Did the Minister see Lyndhurst?

Sir JOHN FORREST.—No; and that, I think, is the only one I have not seen.

Mr. THOMSON.—How many did the Minister see?

Sir JOHN FORREST.—I saw Bombala, Dalgety, Tumut, Orange, and Bathurst.

Sir WILLIAM LYNE.—Not Albury?

Sir JOHN FORREST.—I have been to Albury several times. I have been down the river and to one place and another. I have not been to Tabletop, but I know the elevation.

Mr. CONROY.—Did the Minister see Yass?

Sir JOHN FORREST.—I do not know Yass.

Sir WILLIAM LYNE.—Lake George?

Sir JOHN FORREST.—No; but I should very much like to visit that locality because it has a great elevation. I do not know about the water supply to the elevation, but judging from the map the locality, commends itself very much to me, because it is 2,000 feet above the level of the sea. I have not been to the place, and therefore I am not able to offer an opinion. If I hesitate in regard to this matter, I am sure that there are many others in a similar position. I certainly have had as good an opportunity as most of them, and I do not speak without having had some experience in these matters. I strongly advise that the vote, if taken, should give a latitude of 40 miles radius round each locality named for the final selection of the exact site. My last observation to the House is that I have not seen in any of these localities a place which I consider suitable for the Federal city.

Mr. SYDNEY SMITH (Macquarie).—I understand that there are several honorable members who desire to speak.

Sir WILLIAM LYNE.—Cannot the honorable member speak to-night?

Sir JOHN QUICK.—Move the adjournment of the debate.

Mr. SYDNEY SMITH.—I am anxious to fall in with the wish of the House, but as it appears that several honorable members desire to speak on this question, I move—

That the debate be now adjourned.

Mr. McDONALD (Kennedy).—I should like to know if the Government are really in earnest in regard to the settlement of this question, which has been hanging fire for some time? The House adjourned over Friday in order to give honorable members a holiday, and the last words of the Prime Minister were that he hoped that they would be prepared to finish the second reading of the debate to-night.

Sir WILLIAM LYNE.—No; on Wednesday.

Mr. McDONALD.—If the general election is to be held in December some honorable members will be prevented from going round the whole of their constituencies. It takes me eight weeks to go round the whole of my constituency, but in the circumstances I shall be unable to visit a portion of it. I do not see why, even if we had to sit until the early hours of the morning, we should not finish the second-reading debate to-night and take the Committee stage to-morrow. I enter my protest against these proceedings. Some of us have held our tongues in order to allow honorable members who are personally interested to speak, and I think it only fair to continue the debate to-night until it is finished.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The Government would be very happy to ask the House to sit on; but when a leading member like the honorable member for Macquarie, whose constituents are interested in this matter, pleads for an adjournment, and several honorable members urge that it would be unfair to expect them to speak at this hour, it would be very ungracious on our part to refuse to accede to their request. As the honorable member knows, I have endeavoured to persuade him and others to address themselves to the question now, so that debate might be avoided at the next stage, but it is scarcely fair to press those who represent constituencies in New South Wales, and particularly those whose constituencies are directly interested in the question. I should be glad to sit on, but I do not wish to force honorable members to remain here if they think that they will not

be able to-night to do justice to a subject which they have so much at heart.

Sir JOHN QUICK (Bendigo).—After the impressive address of the Minister for Trade and Customs, I think that the subject should be exhaustively and systematically debated, even at the present stage of our proceedings. I have not yet been able to make up my mind on the capital site question, and I do not wish to be rushed into a determination until there has been an exhaustive debate. The matter is of such tremendous importance that it should be dealt with fairly and earnestly at every stage.

Mr. McDONALD.—The question has been hanging over now for two years.

Sir JOHN QUICK.—That does not matter. Before coming to a determination, we should be in possession of all available information, and every honorable member who has knowledge of the subject should be allowed the fullest opportunity to place his views before the House. I, and I believe some other honorable members, have not been able to visit the sites or to examine the evidence, and, therefore, it is necessary that we should hear the views of those who have done so. We cannot, however, be expected to remain here until midnight. Therefore, although I do not wish to unduly prolong our proceedings, I think that the Bill should not be taken into Committee until the whole matter has been fairly debated at the present stage.

Mr. THOMSON (North Sydney).—The intention, as I understand it, is that there should be no cutting short of opportunities for the discussion of this subject. I do not desire that there shall be a full debate both at the second reading stage and in Committee. I would prefer to have the discussion in Committee, as I think that that is the better stage at which to take it; but if honorable members choose to deal fully with the various sites on the second reading, I think it would be a mistake to waste time by repeating the discussion in Committee.

Mr. BROWN.—The understanding early in the evening was that the sites should be discussed in Committee.

Mr. THOMSON.—Yes. Therefore we might as well let the motion for the second reading pass now. I am prepared to reserve what I have to say until the Committee stage, though I am equally ready to

speak at the present stage. It is, however, undesirable to have two debates.

Mr. SYDNEY SMITH.—In explanation, I wish to say that I moved the adjournment of the debate because I understood that other honorable members wished to speak, and I thought it right that they should have an opportunity to do so. If, however, it is the general desire that the second reading shall be taken now, I am prepared to forego my right to speak at this stage, and to reserve what I have to say until we get into Committee.

Motion negatived.

Original question resolved in the affirmative.

Bill read a second time.

*Resolved* (on motion by Sir WILLIAM LYNE)—

That the standing orders be suspended to enable a certain motion to be moved.

Motion (by Sir WILLIAM LYNE) proposed—

1. That, with a view of facilitating the performance of the obligation imposed on the Parliament by Section 125 of the Constitution, this House do, on Thursday, 8th October, proceed to determine the opinion of Members as to the place in New South Wales at or near which the seat of government of the Commonwealth should be situated.

2. That the selection be made from among the places mentioned in the Schedule hereto.

3. That the following be the method of selection, and that so much of the Standing Orders be suspended as would prevent the House from adopting such method.

A Preferential Ballot shall be taken without debate in the following manner:—

- (a) Ballot-papers shall be distributed to honorable members containing the names of the sites mentioned in the Schedule hereto.
- (b) Members shall mark each name with a figure showing the order of their preference for the respective sites, and shall sign the paper.
- (c) The ballot-papers shall then be examined by the Clerk.
- (d) If on the first examination, any site proves to have received an absolute majority of first preferences, the Speaker shall report the name of such site to the House, and such site shall be deemed to be the one preferred by honorable members.
- (e) If no site receives an absolute majority of first preferences, then the Clerk shall add together the figures opposite the name of each site respectively on all the ballot-papers, and the name of the site against which the largest total is placed shall be reported to the House and shall be struck out.



- (f) If any two or more of the sites shall receive an equal total, such total being the largest sum placed opposite the name of any of the sites, then the Speaker shall ascertain by a show of hands which of such sites should, in the opinion of honorable members, be further balloted for, and the name of the other, or others, shall be struck out.
- (g) Further ballots shall then be taken on the names of the remaining sites, and the name of the site receiving the largest total in each successive ballot shall be reported to the House and struck out in the manner aforesaid, until one of the sites receives an absolute majority of first preferences.
- (h) When one of the sites has received an absolute majority of the first preferences, the name of such site shall be reported to the House by the Speaker, and such site shall be deemed to be the site preferred by honorable members.
- (i) The House shall thereupon resolve itself into a Committee of the whole on the Bill.

## SCHEDULE.

Albury	Lake George
Armideale	Lyndhurst
Bathurst	Orange
Bombala	Tumut.
Dalgety	

Debate (on motion by Mr. DEAKIN) adjourned.

## ADJOURNMENT.

## FEDERAL CAPITAL SITES—ELECTORAL ROLLS—

## ORDER OF BUSINESS.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That the House do now adjourn.

If honorable members before to-morrow's sitting will make themselves acquainted with the method of procedure embodied in the motion just moved by the Minister for Trade and Customs, a good deal of time will be saved. The Government propose that method as the best which they can devise, but they will be ready to receive any suggestion whereby it can be improved. Our only object is to meet the wishes of honorable members, so that the conclusion arrived at will be, not a party one, but the decision of the whole House.

Mr. SYDNEY SMITH (Macquarie).—It has been suggested to me that now that the Minister for Trade and Customs has moved a motion providing for a method of selection, there will be some difficulty in discussing

the various sites in Committee. I wish to know if honorable members will be precluded from fully placing their views before the Committee?

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—In reference to the question raised by the honorable member, I would point out that it is not quite easy to indicate what course will be taken. The difficulty is one with which we have not to deal every day. It has, however, been the intention of the Government from the outset that every opportunity should be given in Committee to deal with the sites in detail. It was fully understood that no restriction should be placed upon honorable members. We know that otherwise the second-reading debate would have occupied much more time. I do not anticipate any trouble, but if any technical difficulty should arise we shall take steps to insure honorable members every facility for free discussion.

Mr. SALMON (Laanecoorie).—I desire to bring under the notice of the Minister for Home Affairs the condition of the electoral rolls issued for the country districts. The rolls are not only badly compiled, so far as the individual names are concerned, but in some electorates subdivisions have been made which did not exist at the last election. In my own electorate there are apparently two new subdivisions. I suggest that the services of the municipal officials should be utilized in connexion with the scrutiny of the rolls, because it is impossible to induce electors to go even across the street to see whether their names are properly entered. The number of mistakes is positively alarming, and it is difficult to understand how they could have occurred. In one instance a married man is put down as a resident of one town, whilst his wife is entered as a resident of another town. Mistakes of this kind might give rise to serious complications.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—I shall be very glad to avail myself of the suggestion of the honorable member, and solicit the assistance of municipal officers. I am sorry to hear that some errors have crept in, but I suppose that some of them were almost inevitable.

Mr. TUDOR.—Does the Minister intend to engage the services of the town clerks?

Sir JOHN FORREST.—I hope that they will be only too ready to act on our

behalf, but if they require payment we shall have to consider the matter. The object of exhibiting the rolls for a month is to allow errors to be detected and corrected, and we shall avail ourselves of any assistance that may offer in carrying out this work. I hope that the electors will now take more interest than the honorable member seems to anticipate in ascertaining that their names are properly recorded.

Mr. McDONALD (Kennedy).—I desire to ask the Prime Minister whether, in view of the desire that has been expressed to bring the session to an early close, he will, if necessary, arrange for an all-day sitting on Friday, and for sittings on Saturday and Monday?

Mr. BROWN (Canobolas).—In connexion with the capital sites question, honorable members have been furnished with copies of a short review of the report of the Commonwealth Commissioners on the sites by Mr. Alexander Oliver. I find that in his introductory note Mr. Oliver states—

This memorandum does not profess to be an exhaustive criticism of the Commonwealth Commissioners' Report. The short time at my disposal, coupled with the state of my health, made that impossible. Still less does it profess to be in any sense a substitute for the supplementary report now passing through the Government press, but for various reasons not likely to be issued for some weeks.

I understand, from other references to the supplementary report, that it embraces expert evidence, given by State officials. I should like to know whether the Government have obtained copies of the report, and whether it is possible to make them available before we are asked to vote.

Mr. DEAKIN.—I shall be pleased to communicate with the Government of New South Wales, and if possible obtain copies of the supplementary report to which reference has been made. With regard to the transaction of the business before us, it is hoped, a vote is taken upon the Federal Capital sites on Thursday next, I expect that we shall be able in the course of the ordinary sitting on Friday to dispose of all the business we have to transact until the Senate is able to deal with some of the matters awaiting its attention. If necessary, however, we shall take special measures to meet any emergency.

Question resolved in the affirmative.

House adjourned at 11 p.m.

## Senate.

Wednesday, 7 October, 1903.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### PETITION.

Senator WALKER presented a petition from the Western Federal Capital League, New South Wales, praying the Senate to have prepared a ratio of values to distinguish the relative importance of factors in connexion with the Federal Capital Site.

Petition received.

### ELECTORAL ACT: REGULATIONS.

Senator PEARCE.—I desire to ask the Attorney-General, without notice, whether the regulations under the Electoral Act which the Government promised to lay on the table before the end of the session have yet been prepared, and, if not, can he indicate when they will be ready?

Senator DRAKE.—I shall ascertain and let the honorable senator know by tomorrow.

### SENATE OFFICERS' SALARIES.

Senator DOBSON.—I desire to ask the Vice-President of the Executive Council, without notice, if he knows whether the Estimates for the Senate, as sent by the President to, and adopted by the Government, and submitted in the printed Estimates of Expenditure, have been altered by the House of Representatives, and, if so, in what manner?

Senator PLAYFORD.—I believe that the Estimates have been altered in three particulars. The House Committee, of which I am a member, recommended the Treasurer to place on the Estimates an addition to the salaries of three officers, so as to place them on an equality in that respect with the corresponding officers in another place, and the Government adopted the recommendation; but the other House knocked out the increases.

### CUSTOMS REVENUE: QUEENSLAND.

Senator STEWART.—I desire to ask the Vice-President of the Executive Council, without notice, whether he can give any information as to the reason for the sudden drop in Queensland's Customs receipts?

Senator PLAYFORD.—No ; but I shall make inquiries. I was not aware that there has been a drop in the revenue.

### PAPERS.

MINISTERS laid upon the table the following papers :—

Appointment of Lt. W. Mailer.

Ordered to be printed.

Transfers under section 37 of the Audit Act.

The CLERK laid upon the table the following return to order :—

Proposed Pacific Cable Conference : Telegram.

### BASS STRAITS CABLE.

Senator CLEMONS asked the Vice-President of the Executive Council, *upon notice*—

If it is the intention of the Government to take advantage of the obvious opportunity that will be presented by the forthcoming Conference of the Partners in the Pacific Cable Company to obtain from the Eastern Extension Company an option of purchase of the cable between Tasmania and the mainland upon terms advantageous both to that State and the Commonwealth ?

Senator PLAYFORD.—The matter will be considered by the Cabinet.

### PACIFIC CABLE CONFERENCE.

Senator STANIFORTH SMITH asked the Vice-President of the Executive Council, *upon notice*—

1. How the proposed Pacific Cable Conference is to be constituted ?
2. Where is such Conference to be held ?
3. When will it sit ?

Senator PLAYFORD.—The Government is not yet in a position to reply to these questions.

### TRANSMISSION OF MAILS.

Senator PULSFORD asked the Vice-President of the Executive Council, *upon notice*—

1. Is it not true that the Postal Department regularly despatch Western Australian mails to and from Fremantle and Adelaide by the overseas mail steamers ?
2. Is it intended to take power in the proposed Navigation Bill to stop such coastwise transmission of mails ?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow :—

1. Yes.
2. It is not usual to answer questions as to the contents of Bills which are to be introduced.

### POST-OFFICE DIRECTORY.

Senator HIGGS asked the Vice-President of the Executive Council, *upon notice*—

1. Is it true that a Queensland Post-office directory (Wise's), printed in London, has been admitted to Australia duty free ?
2. Is it true that the directory contains a considerable number of advertisements ? Is not the directory entirely made up of advertisements ?
3. Is the duty on advertising matter imported into the Commonwealth 3d. per lb. ?
4. Is it true that the Brisbane Customs officers wished to collect 3d. per lb. duty on the directory aforesaid, but the Federal Government ordered that no duty should be charged ?
5. Will the Government introduce an amending Customs Tariff Bill to protect the compositors and printers of the Commonwealth against outside competition ?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow :—

1. Since the 6th of August, 1903, directories have, in accordance with the Attorney-General's opinion, been admitted free into the Commonwealth as works of reference. Prior to that date duty was charged as "Advertising matter," 3d. per lb.
2. The directory contains 100 pages of advertisements to 800 pages of information not paid for.
3. Tariff item 122 A reads :—"Paper—Manufactures of, unframed, for advertising purposes, including price lists, catalogues, and all printed or lithographic matter for such purposes—per lb., 3d."
4. See reply to No. 1.
5. This is a question requiring careful consideration. The contents of numbers of imported magazines, for instance, are made up largely of advertisements, often relating to Australian business. These magazines are admitted free.

### TELEGRAMS AND POSTAGES.

Senator PULSFORD asked the Vice-President of the Executive Council, *upon notice*—

1. What is the aggregate amount of expenditure for telegrams and postages for the year 1902-3 for the whole of the Federal Departments debited to each separate State ?
2. Of such expenditure, what is the amount, exact or approximate, credited as telegraph and postal revenue to each State ?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow :—

		Amount debited to each State (approximate).	
		£	
1.	New South Wales ... ..	2,637	
	Victoria ... ..	2,111	
	Queensland ... ..	2,075	
	South Australia ... ..	1,156	
	Western Australia ... ..	1,116	
	Tasmania ... ..	534	
		£9,629	

		Amount credited to each State (approximate).
		£
2. New South Wales	...	1,740
Victoria	...	3,851
Queensland	...	1,747
South Australia	...	912
Western Australia	...	965
Tasmania	...	414
		£9,629

Note.—Postage and telegrams were not charged for prior to 1st November, 1902, except in South Australia and Western Australia, and except as regards postage (only) in Queensland.

## IMMIGRATION RESTRICTION ACT.

Senator PEARCE asked the Vice-President of the Executive Council, *upon notice*—

In view of the continued increase in the number of Asiatics in Western Australia, will the Government consider the advisability of enforcing the provisions of the Immigration Restriction Act by withdrawing the permission given under regulations allowing the importation of Asiatics for use in the pearling industry in Western Australia and Queensland?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The Government has no information that there has been an increase in the number of Asiatics in Western Australia, but an inquiry will be made.

Senator PEARCE asked the Vice-President of the Executive Council, *upon notice*—

In reference to the statements made by Mr. Clayton Mason, Collector of Customs, Western Australia, which were brought under the notice of the Government by question on 18th June, 1903, and which the Government then promised to take into consideration—

1. Has the Government yet decided whether an appointment should be made of an officer to administer the Immigration Restriction Act?

2. Has such appointment yet been made; if not, why not?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

Since the date mentioned, changes have been made in connexion with the work, which appear so far to be satisfactory, and to render unnecessary any additional appointment.

## ARTILLERY INSTRUCTION.

Senator HIGGS asked the Vice-President of the Executive Council, *upon notice*—

1. Is it true that, on the advice of the General Officer Commanding the Commonwealth Forces, the Government is going to send two officers home to undergo a special course of artillery instruction (at the country's expense)?

2. Did not two officers, ranking as majors—one from New South Wales and one from Victoria—recently go to Sydney to the new "School of Gunnery" there, to go through a "special course" or examination in order to qualify themselves as instructors?

3. Did not one of them fail, and, if so, which?

4. Why is it proposed to send officers home, as put the country to great expense?

5. Are there no officers on the staffs of any of the States qualified to act as artillery instructors?

6. Is it true, as stated recently in the *Age* newspaper, that the Victorian Field Artillery Brigade is declining in efficiency for lack of a properly qualified instructor?

7. Is it true, as also stated in the *Age*, that the only fully-qualified officer capable of so instructing the Artillery Brigade has been taken out of that work and put to teaching Infantry?

8. If so, was that done with the Minister's knowledge and approval?

9. Is it true that a Victorian militia officer, of only two and a half years' experience, is about to be promoted on the staff over the heads of senior men?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follows:—

1. The General Officer Commanding has recommended that two officers should be sent to England for a course of instruction, and provision has been made on the Estimates under division No. 66, subdivision 2, and division No. 86, subdivision 2; but no approval has as yet been given for the expenditure.

2. Two officers ranking as honorary majors are to attend a special course of instruction at the School of Gunnery, Sydney, but the General Officer Commanding reports that they did not attend necessarily to qualify as instructors.

3. No.

4. It is considered advantageous to the efficiency of the Forces, and for the higher qualification of officers, to send officers to England or India for some time to time for further instruction and experience. This was done by the States previous to transfer.

5. Yes; but an insufficient number of technically and scientifically qualified officers.

6 and 7. The General Officer Commanding reports—No.

8. On the recommendation of the General Officer Commanding, an Order-in-Council was passed appointing Lieut. Mailer to be Staff Officer to the Victorian Rangers, as from the 1st July, 1902.

9. No.

## STANDING ORDERS COMMITTEE

*Resolved* (on motion by Senator DRAKE)—

That Senator Playford be appointed a member of the Standing Orders Committee in the room of Senator O'Connor, resigned.

# MOTIONS FOR ADJOURNMENT.

## RELEVANCE OF DEBATE.

Senator HIGGS (Queensland).—I move—

Whereas on the 18th June, 1903, the Senate (in Committee) considered the proposed standing order:—

“The following motions are not open to debate, shall be moved without argument or opinion offered, and shall be forthwith put by the President from the chair and the vote taken:—

- (a) That the Senate do now adjourn.
- (b) That the Senate do now divide.
- (c) That the debate be now adjourned.”

And whereas Senator Lt.-Col. Neild moved—  
“That paragraph (a) be omitted,” advancing as a reason why his amendment should be carried that in the majority of British Legislatures the rule is to permit a member on the motion for adjournment to debate matters requiring redress,

And whereas after argument for and against (see *Hansard*, pages 1065, 1066, and 1067), the amendment by Senator Lt.-Col. Neild was carried on the voices,

And whereas this decision was reported to and adopted by the Senate,

And whereas on the motion, “That the House do now adjourn,” it is the practice of the House of Representatives to debate matters not relevant to the motion for adjournment,

This Senate is of opinion that members of the Senate should on motion, “That the Senate do now adjourn,” be permitted to debate questions not relevant to the motion.

The object of this motion is to afford the Senate an opportunity to express an opinion as to whether the absence of a certain paragraph from the standing order entitles honorable senators to debate matters not relevant to the motion—“That the Senate do now adjourn.” If honorable senators will refer to *Hansard* of the 18th June last they will see that when Senator Neild moved to strike out that paragraph, and advanced certain arguments in favour of his motion, it was opposed by the Government, and also by the President. The Government, in the person of Senator Drake, considered that to allow a debate of that character would lead to interminable discussion, and I think, sir, that you pointed out that it would be very objectionable on a Friday afternoon when honorable senators would be anxious to catch their trains to permit of a discussion of that kind. Although you, sir, and Senator Drake advanced, from your point of view, some forcible arguments, the majority of honorable senators carried the amendment on the voices, showing clearly to my mind that the intention was to permit debate on this motion. However, whether that

was the intention or not, the time has arrived when the Senate may give a definite expression of opinion. On looking through the *Hansard* reports I find that the statement of Senator Neild that this practice is adopted in most British Legislatures is true. I find from the official reports that in the Canadian House of Commons various matters are debated on the motion for adjournment. I consult the *Hansard* report of the Victorian Legislative Assembly, and I find, that, on the 24th September last, on the motion for the adjournment of the House, four different questions were discussed—the Budget statement, despatch of business, the presentation of the address in reply, and compensation to retired railway employés. In the same Chamber, on the 10th September, on the motion for the adjournment, the House discussed the unemployed question, cold storage, the labour bureau, and Flinders-street railway station. In New South Wales, on the 9th July, on the motion, “That the House do now adjourn,” the Legislative Assembly discussed the Wilcannia railway, distress in the west and north western districts, the parks vote, the Public Works Committee, and colliery weighing machines.

Senator MCGREGOR.—Did they not have a fight?

Senator HIGGS.—*Hansard* does not describe the little affrays that take place in that Chamber. On the 4th July, on the motion for adjournment, the Legislative Assembly discussed the registration of firms, the Victorian railway strike, the Broken Hill water supply, distress in the country districts, the Cobar to Wilcannia railway, and Black Wattle Bay. Now I come to the *Hansard* reports of the House of Representatives, and I find that on the motion for the adjournment they have discussed many questions. On the 4th September, the House of Representatives discussed on the motion for adjournment the Tasmanian mail service, the Federal Capital site, and the Queensland Telegraph-office. On the 30th September they discussed the opening of the High Court, the Federal Capital site, and the recruiting of Polynesians. Honorable senators will see from this list of quotations what a great necessity there is for having a practice by means of which honorable senators, if they are not satisfied with the action of the Government in dealing with public questions, can discuss them at any length they please on the motion

for the adjournment. We must bear in mind that a debate on the motion for the adjournment has no statutory effect on any given question. We do not pass a law; we do not ask for a decision of the Senate; no vote is taken. Such a discussion merely gives honorable senators an opportunity for bringing forward certain grievances which they in their wisdom or otherwise think require redress. It is said that it would be very inconvenient on Friday afternoons when honorable senators wish to catch their trains to discuss matters of this kind. In the first place it must be remembered that the Senate was not created for the purpose of catching trains on Friday afternoons; and in the next place those honorable senators who wish to get away on Fridays will be able to rely upon the generosity of honorable senators not unnecessarily to cause them to stay a day longer in Melbourne. A senator is not compelled to stay; and if any senator thought that his official duties required his presence, he would be able to get some one else to act in his stead. I hope the Government will not oppose this proposal to formulate a practice. One great advantage in having such a discussion is the publicity which is given to any matter requiring redress.

Senator DRAKE.—An honorable senator can always get that by asking a question without notice, as is frequently done.

Senator HIGGS.—What redress did I get the other day when I asked the Government whether they proposed, in the Papua Preference Bill, to allow boots and shoes to come from New Guinea with a preference of 20 per cent., and sugar with a preference of £20 a ton? The Government simply replied that it is not customary to give information in the Senate regarding Bills which are before another place.

Senator DRAKE.—Then something else besides drawing attention to the question was desired by the honorable senator.

Senator HIGGS.—It all depends on what the Attorney-General means by "drawing attention" to a question. Sometimes it is very necessary to emphasize a point. A senator is not at liberty in asking a question to reflect in any way upon the administration of the Cabinet; but, if it were necessary to criticise the Government, that could be done upon the motion for the adjournment. I can understand Senator Drake's objection to a motion of this kind, but that objection would be largely diminished if the

Government would only fall in with the wishes of the Senate, and appoint one or two other senators as Cabinet Ministers, so that Senator Drake would not have so much to do as he has had sometimes when the Vice-President of the Executive Council has been away, and he has had to take upon himself the whole burden of defending the Ministry. The honorable and learned senator knows that a discussion on the motion for adjournment cannot, except in an indirect way, harm the Government. If at any time it becomes necessary to criticise the Government, I am sure that the majority of honorable senators will deem it only right and just that that opportunity should be afforded. Why should we who are so anxious to differentiate between the Senate and an ordinary Legislative Council be debarred from availing ourselves of the practice which prevails in other legislative bodies? The only valid reason, to my mind, is that it may be very inconvenient at the end of the week, when honorable senators desire to go away to their own States, to raise a discussion on the adjournment that might prevent them from catching their trains. I sympathize with those honorable senators who are put to a great deal of inconvenience in having to come here. They fear being kept in Melbourne for a whole week and being unable to go home to attend to their private business. But I feel certain that honorable senators are not likely to infringe upon the consideration that has always been shown to their fellow senators, so far as I can remember. I am one of those who are compelled to stay in Melbourne during the whole session. But those of us who are in that position have not, I think, shown a want of consideration for honorable senators who come from South Australia and New South Wales, and who are able to go home at the end of the week. Therefore, I trust that the majority of honorable senators will support my motion.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I suppose that I am a little bit prejudiced with regard to this matter, because I come from a State where the proposed practice did not prevail, and where we got on exceedingly well without it. It is a singular thing that the standing order was carried on the voices, and yet that paragraph *a*, alluded to by Senator Higgs, was left out. That having been done, I suppose that the honorable senator thinks that if

any senator likes to debate the question, "That the Senate do now adjourn," he has a right to do so. Where then is the necessity for submitting this motion? Why does not Senator Higgs test the point when the motion for the adjournment is moved?

The PRESIDENT.—I think the honorable senator submitted this motion at my request.

Senator HIGGS.—I did not care to dispute the President's ruling.

Senator PLAYFORD.—Personally I am opposed to the motion, and there are a great many reasons why the proposed practice should not be adopted. I cannot see the slightest necessity for it. Any honorable senator who has anything urgent to bring before the Senate can always, at the commencement of the proceedings, move the adjournment to an unusual hour. I cannot see what earthly good it is to delay the adjournment taking place when it is moved at the end of a sitting, and when honorable senators naturally wish to catch their trains and trams, and go home. The adjournment of the Senate at the end of the sitting is always moved by the leader of the Senate, and if this motion be accepted, honorable senators will have the opportunity then of getting up and talking on any question they like, and there will be no stopping them. It will not matter whether the questions raised are relevant or not. Any senator who wishes to annoy another senator will be able to take advantage of the motion for the adjournment to do so. Although up to the present time we have not had a disagreeable member of the Senate, there is no telling who may be sent here in the future. The adoption of this practice will give honorable senators an opportunity of criticising the Government, but the Government need not take the trouble to reply. Under the circumstances, I think that Senator Higgs might as well withdraw the motion. We have done very well for the last two or three years under the old standing orders of the Parliament of South Australia, and it cannot be pointed out that any injurious result has followed from keeping to the rule under which we have been working for so long. I can imagine circumstances under which a senator would, on the motion for the adjournment, get up to debate questions, and hardly anybody would listen to him. The only way to stop his talk would be by counting out the Senate. That course would

be troublesome to the Government, because then they would have no right to alter their business-paper, and the lapsed motions would go down exactly as they stood at the time when the sitting ended; whereas, under ordinary circumstances, the Government have the right to put the business in such order as they think convenient. The Government are always willing to listen to criticism. Honest, straightforward criticism is advantageous to a Government, because if they are reasonable men they will possibly be able to see the error of their ways. I never object to criticism so long as it is straightforward and honest. But I cannot see the special good of criticism that is made just at the usual hour of adjournment. What good can it do? There will be very few members to listen to it, and it will not be of any effect; whereas, if an honorable senator at the commencement of a sitting moves the adjournment of the Senate till an unusual hour there will be numbers of senators to listen to him, and perhaps more attention will be paid to his criticism.

Senator DRAKE (Queensland—Attorney-General).—My view of this proposal is entirely unchanged. I think it is undesirable that on the motion for the adjournment of the Senate a debate should take place, and that matters which are not relevant should be discussed. I do not think that Senator Higgs has made out a strong case in favour of a course contrary to our present practice. He says that honorable senators may desire to call attention to particular matters. I say in reply that honorable senators have always had ample opportunities of doing so. They have been in the habit, by means of questions, of calling attention to any grievances which might exist or any matters that required immediate attention. It appears to me to be perfectly clear that Senator Higgs desires something more than he admits. He wants to be able on the motion for adjournment to direct attention to any particular matter.

Senator HIGGS. — Hear, hear; if it is necessary.

Senator DRAKE. — That is a sort of threat held over the Senate, and I think it undesirable that threats of that kind should be encouraged. When we reach the point when the adjournment of the Senate is moved by a Minister, it must be moved at the general wish of the Senate in every case. Are we going to put it in the power of any

individual senator or group of senators to say, "We will now start talking and will not permit the Senate to adjourn"? In ordinary cases in the Legislative Houses of the States, when the usual adjournment hour is late at night, if members choose to get up a discussion on the adjournment, the House is compelled to sit till a late hour. But it has become the practice for this Senate to adjourn at 4 o'clock one day a week for the purpose of enabling senators who live in other States to catch their trains. It would be very unfair to put it in the power of a few senators to say, "We have some grievance, and if we do not get a promise that it will be removed, we shall take the opportunity of speaking on the adjournment and preventing senators who live in other States from going home." The consequence will be that either those senators will be prevented from catching their trains or they will go away not knowing what questions may be raised in their absence. Senator Higgs has alluded to the motion "That the Senate do now divide," but he knows that during the discussion of the standing order which permits that motion to be put it was agreed, by way of compromise, that it should not be carried unless by thirteen affirmative votes. Therefore it is not likely to be carried in a thin Senate after 4 o'clock on Friday afternoon, when honorable senators are anxious to get away. Senator Higgs' motion will put it the power of a few senators to upset the arrangements entered into by a majority. That does not seem to me to be fair. Honorable senators generally have always tried to act together in a friendly way in order to convenience the majority; but if Senator Higgs' proposal is agreed to, and we agree to a practice under which the motion for the adjournment of the Senate may be debated at any length, we shall probably do away altogether with the friendly feeling which has always existed amongst us with respect to motions for the adjournment. Ample opportunities are afforded under the Standing Orders to any honorable senator to bring forward any matter he may desire to have discussed in an orderly way. Under the peculiar circumstances connected with the Senate, the motion "That the Senate do now adjourn" ought to be carried or negatived without debate, and should not be made an occasion for long speeches. Senator Higgs is quite within his rights in bringing the matter forward, and is correct in his statement of facts in the

*Senator Drake.*

preamble of his motion. The matter was very slightly discussed in dealing with the Standing Orders, but there is no doubt that it was supposed that by striking out the reference to the motion "That the Senate do now adjourn," honorable senators would be given an opportunity to debate any subject on that motion. The President has ruled that, according to a strict interpretation of the Standing Orders, everything said upon the motion "That the Senate do now adjourn" must be relevant to the question. He has said that he must rule in that way unless by resolution the Senate indicates a desire that he should rule otherwise, and permit the discussion of irrelevant questions. I hope that honorable senators will consider the matter carefully, and if they believe that no irreparable injury will be done, or that honorable senators will suffer no undue restriction of the right of debate, they will hesitate to interfere with the practice which has been adopted in this Chamber hitherto, and which on the whole has given very satisfactory results.

Senator MCGREGOR (South Australia).—When the alteration of the Standing Orders referred to in this motion was made, it was evident to every honorable senator that the intention was to give an opportunity for the fullest consideration of any matter of urgency that might arise at any time.

Senator DRAKE.—There is no reference to urgency in this motion.

Senator MCGREGOR.—I am putting my case, and the Attorney-General must recognise that there could be no other object for the alteration made in the Standing Orders. What was the reference to the motion for the adjournment of the Senate struck out for? Was it not for the purpose of exempting that motion from the number of motions upon which irrelevant matters may not be discussed? Why should any objection be raised at this stage to what was done when we dealt with the Standing Orders? I know that when an attempt was made to discuss a question on the adjournment of the Senate, there was some little agitation in the minds of honorable senators as to the possibility of losing their trains, and I believe that it was to some extent in consideration of this that the President refrained from giving a definite ruling with respect to the position in which



an honorable senator placed himself in raising any irrelevant discussion on such a motion. But I ask you, sir, and the Attorney-General, for what reason the alteration of the Standing Orders was made? Was it for fun? Were honorable senators jesting with each other when, after discussion, they decided to strike out certain words from standing order 416? Was that all nonsense, intended merely for the purpose of wasting time? We all know that it was for the purpose of putting members of the Senate in exactly the same position as members of another place in this respect. We have honorable senators here who will probably not vote for Senator Higgs' motion, and yet at various times they cry out against any comparisons being made of the Senate with a Legislative Council or any body of that description. But when an honest attempt is made to place honorable senators in exactly the same position as honorable members of the House of Representatives, in respect of questions of urgency or otherwise, they say there is nothing in it. The Vice-President of the Executive Council has mentioned the custom which prevailed in the State from which he and I come, and he has stated that we have ample opportunity for discussing matters of urgency, by moving the adjournment of the Senate at the commencement of a sitting. That is a very inconvenient practice, and, if Senator Higgs' motion is agreed to, it will do away with the necessity, except on very special occasions, initiating a discussion at such a stage. During a sitting of the Senate, any matter of importance may suddenly arise. Great Britain may declare war with Russia; a rebellion may take place in India, or another war may break out in South Africa, and it would be a very convenient time for honorable senators to express their views in connexion with a subject of that description, on the motion "That the Senate do now adjourn." I do not see why they should not be given that opportunity.

Senator FRASER.—They might abuse it.

Senator MCGREGOR.—The Vice-President of the Executive Council has said that the motion, if agreed to, would give an opportunity to a cantankerous senator to annoy other members of the Senate. I ask honorable senators to look around the Chamber, and say whether there are any such characters here. I do not know a single member of the Senate who in the past has

not been prepared to resume his seat when he has learnt that his fellow senators would be subjected to inconvenience if he unreasonably continued a discussion. We have every reason to believe that in the future equal care will be taken by the electors in the selection of honorable senators, and we have no cause to fear anything of the kind suggested. If an occasion should arise when it is necessary to discuss a question on the adjournment of the Senate, honorable senators should be given the right to take advantage of the opportunity afforded by the motion for adjournment, and I do not think that it will ever be abused. I remind honorable senators who suggest that the practice would be abused that any honorable senator who so offended would receive no sympathy from the members of the Senate. Every member of the Senate recognises his obligation to pay some little respect to the feelings and convenience of his fellow senators. I believe that the recognition of that obligation will be sufficient to prevent any abuse of the proposal submitted by Senator Higgs. I point out that the provision which Senator Higgs seeks to carry is already in existence, and the adoption of this motion will only confirm the previous action of the Senate. If an epidemic broke out in any State, involving danger to the safety of citizens in other States, and something might be done by the Senate to avert the danger, would it not be the duty of any honorable senator, on a motion for the adjournment of the Senate, to call attention to the matter, and suggest a remedy? We know that in Victoria recently there was such a thing as swine fever. Senator FRASER will probably know something about that. We know the honorable senator is interested in connexion with all kinds of production—cereal, animal, and mineral. The honorable senator has always led us to believe that if an epidemic occurred in any State which might involve the safety of the herds in any other State, and we could do anything to save the situation, it would be our duty, if a discussion on the motion for the adjournment of the Senate would effect the purpose, to initiate such a discussion. Honorable senators are aware that there has been an outbreak of smallpox in Tasmania, and Senator Dobson will probably know something about that. If it were necessary for the protection of other portions of the Commonwealth that a matter of that kind should be brought before the Senate, it would be

our duty to initiate a discussion upon it, and to suggest such action as might result in securing the safety of the citizens of the Commonwealth. Seeing that in every other Parliament in the world this opportunity is afforded for discussion, that the House of Representatives has a similar provision, and that we should have some confidence in the wisdom of those with whom we are associated, we ought to give ample opportunity for the discussion of any question on the motion for the adjournment of the Senate. With that intention in view, and with no thought that any honorable senator will be found to abuse the privilege, but believing that it will always be exercised in the best interests of the Commonwealth, I hope the motion submitted by Senator Higgs will be carried.

The PRESIDENT.—I should like to say a word or two upon this matter. The position is this: As stated in the preamble to Senator Higgs' motion, an amendment to standing order 416 was carried in Committee of the Senate, and the Senate afterwards adopted the resolution of the Committee, that the words "That the Senate do now adjourn" be left out. But the Senate did not carry the matter any further. We did not alter standing order No. 405, which provides that all discussions shall be relevant to the motion before the Chair. We made no alteration of that standing order, relating to the motion "That the Senate do now adjourn." So that we have left the motion "That the Senate do now adjourn" governed by standing order 405, though some honorable senators undoubtedly did intend to provide that any matter might be discussed on the motion for the adjournment of the Senate. Senator McGregor has asked whether honorable senators agreed to amendment upon standing order 416 for fun. Undoubtedly they did not. Under the Standing Orders, as they came from the Standing Orders Committee, the motion "That the Senate do now adjourn" was to be put without any debate. Under standing order 416, as amended, the motion could be debated; but it seems to me that that debate is governed by standing order 405, and must be confined to the question whether the Senate do adjourn or not. I am indebted to the courtesy of Senator Higgs for having brought forward his motion in this form. It is

only right that honorable senators should say whether or not they desire to alter standing order 405. This is not a question involving the status, position, or power of the Senate. It is merely a question of convenience as to the manner in which public business may be best carried on. I remind honorable senators that for three years, practically speaking, we worked under a standing order which provided that this motion should be put without debate. I ask Senator Higgs whether, in consequence, any single member of the Senate has been prevented from bringing forward any grievance. There has not been one occasion of the kind that I know of. It is quite true that in most Houses of Legislature irrelevant matters may be discussed upon the motion for the adjournment. But we must not forget that we have two standing orders peculiar to the Senate under which grievances may be brought forward.

Senator DAWSON.—We have no grievance day.

The PRESIDENT.—We have a standing order under which, upon the first reading of a Bill which the Senate may not amend, any matter may be brought forward for discussion. That is peculiar to the Senate. We have also a standing order which provides that, before the business of the day is entered upon, a motion may be made that the Senate, at its rising, adjourn until an unusual hour. That is also a somewhat novel standing order, and honorable senators have an opportunity under it of bringing forward grievances which is not open to members of all ordinary Houses of Legislature. But I do not think that this is a matter of any great importance. It is entirely a question for honorable senators to decide, and I would ask them to consider whether or not we shall get on any better than we have done under our Standing Orders. I would ask any honorable senator to bring forward an instance in which he has been prevented from ventilating a grievance at the earliest opportunity under the standing order which has been in force for the last two years and a half. Only the other day five Bills were brought up to the Senate. On the motion for the first readings of those Bills, any matter could have been discussed. No honorable senator made an attempt to discuss any question, and the first reading of each Bill was passed without debate.

Does not that show that there was nothing urgent in the mind of any honorable senator which required to be brought forward?

Senator DAWSON.—We always take the first reading of a Bill as formal.

The PRESIDENT.—We have a new standing order which says that the first reading of any Bill which the Senate may not amend may be debated, and that the debate need not be relevant to the subject-matter.

Senator DAWSON.—Honorable senators have only observed the old parliamentary practice.

The PRESIDENT.—It has been done away with.

Senator DAWSON.—Yes; but it is observed by honorable senators notwithstanding the new standing order.

The PRESIDENT.—I do not think that honorable senators can plead that they did not know of the existence of the standing order, because, not very long previously, on the first reading of a Bill which the Senate might not amend, we had a very long debate, in which all manner of questions were discussed, and the debate was adjourned until the following day. So far as I am myself concerned as President this is a matter in which I have not the slightest feeling. Whatever the Senate may decide, I shall most cheerfully administer its decision. It does not matter to me in the slightest degree whether or not the debate on a motion for adjournment is to be relevant to the subject-matter. I am only expressing my opinion as a member of the Senate as to what would be the most convenient practice. I shall vote against the motion. Of course, we cannot alter the standing order this session, because we have a rule which says that a decision cannot be altered during the same session unless certain formalities are complied with; but the session is so near its end that I shall have no hesitation in carrying into effect any resolution which the Senate may arrive at.

Senator STEWART (Queensland)—I intend to support the motion, and I must confess that I am rather astonished at the opposition which it has received from the Government and several honorable senators. The reasons for the opposition have been of a most surprising character. For instance, the Attorney-General was afraid that some cantankerous senator would use the rule as a weapon with which to badger and annoy

other honorable senators. I was wondering whether it was in order for him to say, or even to assume, that any honorable senator would be cantankerous. I do not know what the meaning of the word is.

Senator DRAKE.—I do not think that I used the word.

Senator STEWART.—I really cannot say whether it was used by the Attorney-General or Senator Playford, but it was used by one Minister or the other. In any case if Senator Drake did not use the word he appeared to be very much afraid that honorable senators might abuse a right of this character. I ask honorable senators whether it was in, order or consonant with the dignity of the Attorney-General for him to assume gratuitously than any honorable senator would abuse any form of the Senate.

Senator FRASER.—Yes; all power is abused sometimes.

Senator STEWART.—Evidently the honorable senator has a very guilty mind, and if his conscience could be laid open to public view, I think it would present a very sorry sight. I think it was ungenerous for the Attorney-General to assume that any honorable senator would abuse this privilege or make use of his position to annoy, badger, or cause inconvenience to any one. The only assumption on which our rules should be founded is that every honorable senator would do the best he could to promote the public interest. We have not had an example of a rule being abused. The House of Representatives has a rule which permits of irrelevant questions being discussed on the motion for its adjournment. Have we heard of the rule being abused? And if it has not been abused, is Senator Drake entitled to assume that we are such a disreputable set of persons that we cannot be trusted with the same privilege as our brethren in the other House? I do not know whether he intended to insult honorable senators, but it appears to me that that is really what he has done. In his view, the members of the other House are grown men, who can be trusted to use such powers as they possess with discretion and moderation, but we are mere children, who cannot be permitted the same degree of latitude. If the members of the British House of Commons, and the members of the Canadian Parliament, can be trusted with a privilege of this character, and if it has been found to work beneficially

in the public interest in other Legislatures, why cannot it be introduced here? If all the evils, which the Minister so laboriously pleaded would ensue here, had resulted in the other House, would not the standing order have been abolished? It has existed there for nearly three years without provoking a complaint. No one has abused this privilege, and it is profitably taken advantage of at the close of almost every sitting, as honorable senators can see, if they refer to the reports of its proceedings. How is it that we find any honorable senators opposed to the proposition of Senator Higgs? I think that Senator McGregor gave some very excellent reasons why it should be adopted. Unforeseen contingencies are always arising in public matters. And it is always desirable that at the end of every sitting honorable senators should have an opportunity of questioning the Government or bringing forward any matter of public importance which has arisen probably suddenly. In your address, sir, you said that we had ample opportunity of bringing up grievances, and you referred to Supply Bills; but as a rule we do not have a Supply Bill brought in more often than once a month. You also referred to the fact that honorable senators at the beginning of a sitting can move the adjournment of the Senate to discuss any question of urgent public importance. No doubt that statement is true, but very often honorable senators do not desire to take that course. On the final motion for adjournment an honorable senator might merely wish to elicit information which could be conveyed in the shortest possible time, and without provoking any debate, whereas when a matter is brought forward at the beginning of a sitting, there is always a probability that it will be as exhaustively debated as the rules of the Senate will permit. I would appeal to Senator Drake and other opponents of this motion to reflect and see whether they cannot change their minds. I do not believe that the privilege, if granted, would be abused. My experience has been that honorable senators in all parts of the Chamber have always been ready to accommodate themselves to the convenience of others. The Attorney-General said that on Friday afternoons honorable senators wish to get away to Sydney and Adelaide, and that if this motion were passed a discussion on some question might be raised, and prevent them from leaving. On no occasion has an

*Senator Stewart.*

honorable senator attempted to interfere in any way with the convenience of the majority. The utmost good will and readiness to comply with the desire of others has been displayed on all sides of the Chamber, and there appears to be no reason for anticipating that anything different will happen in the future.

Senator PULSFORD (New South Wales).

—I intend to support the motion, because I think it is desirable that honorable senators should have the fullest opportunity of bringing forward any grievance, or calling attention to any matter of importance. In the circumstances under which the Senate ordinarily adjourns, it is not at all likely that this opportunity of ventilating a grievance would be abused. When the motion for the adjournment is moved, whether early or late, honorable senators are all ready for leaving, and it would be almost with an ill grace that they would remain behind—certainly they would not be prepared to stay behind to listen to anything which was of no moment. I do not think for a second that there would be any serious risk of the privilege being abused. I wish to tell you, sir, that your statement that the non-existence of this power has been no obstacle to the submission of grievances is, with respect to one case, inaccurate. Had such a rule been in force last session I should have been enabled to refer to a subject which I was unable to reach for a long time. During the months of July and August I was put to a good deal of inconvenience and, I confess, to a little annoyance by my inability to bring forward a matter which to me was of some importance. Had a rule of this kind been in force I should certainly have brought forward the subject, and I think the Senate would have considered that I was not abusing my privilege. In all the circumstances I trust that even the members of the Government will withdraw their opposition to this motion, and grant this very reasonable privilege to honorable senators.

Senator DAWSON (Queensland). — I quite agree, sir, with your statement that there is ample provision in standing order 182 to enable honorable senators to ventilate a grievance on the first reading of any Bill which the Senate may not amend; but at the same time I do not think it would do any harm to allow a grievance to be ventilated on a motion to close the sitting of the

Senate. If you rely absolutely on that standing order then you invite honorable senators to start the ventilation of their grievances at the commencement of the sitting, whereas if this motion were passed only real grievances about which honorable senators felt deeply would be likely to be ventilated. It is scarcely necessary for me to point out that when the adjournment of the Senate is moved at the beginning of a sitting, the ventilation of the grievance probably occupies three quarters of the sitting, and practically the sitting is of little value. It is for that reason that I deprecate inviting honorable senators to ventilate their grievances at the commencement of sittings, and advocate that provision should be made for them to discuss matters in which they are interested at the end of the day, when only really tangible grievances are likely to be mentioned.

Senator HIGGS (Queensland).—I am sorry that so many honorable senators oppose this motion. If they reason with themselves for a moment they will see that if there is likely to be any danger accruing from carrying it, that danger already exists. Senator Drake knows that we can debate the motion "That the Senate do now adjourn" and can advance reasons why the sitting should be continued. Any honorable senator who desires to prove obstructive can do so. The intelligence and ingenuity of honorable senators is sufficient to enable them to delay the business if they were cantankerous enough to wish to do so. There are hundreds of different subjects that might be discussed if it were desired to cause delay. But my only wish is to give an opportunity to those who have genuine grievances to bring them forward at the close of the business of the day, so that they may be considered and dealt with as soon as possible. Those honorable senators who do not wish to listen can go home. Those who think that the sitting has lasted long enough can either leave or move "That the Senate do now divide"; whereupon, if it is wish of the Senate, the debate will be cut short.

Question put. The Senate divided. .

Ayes	...	...	...	13
Noes	...	...	...	11
				—
Majority	...	...	...	2

#### AYES.

Barrett, J. G.	Pulsford, E.
Dawson, A.	Smith, M. S. C.
De Largie, H.	Stewart, J. C.
Keating, J. H.	Styles, J.
McGregor, G.	Walker, J. T.
O'Keefe, D. J.	Teller.
Pearce, G. F.	Higgs, W. G.

#### NOES.

Baker, Sir R. C.	Playford, T.
Charleston, D. M.	Reid, R.
Clemons, J. S.	Saunders, H. J.
Dobson, H.	Zeal, Sir W. A.
Drake, G. G.	Teller.
Fraser, S.	Macfarlane, J.

Question so resolved in the affirmative.

### PACIFIC ISLAND LABOURERS ACT.

#### DEPORTATION OF KANAKAS.

Senator HIGGS (Queensland).—I move—

That, in the opinion of the Senate, it is the duty of the Federal Government to at once undertake the transshipment of those kanakas who desire to return to their islands, or who are not under engagement to work on sugar plantations.

Honorable senators must have been very much surprised to see in the newspapers quite recently a telegram stating that the recruiting of kanakas had been stopped in the Solomon Islands, and that kanakas were not being deported to their islands. I find that this state of things has arisen through the action of Mr. Woodford, the Government Resident in the Solomon Islands, in prohibiting the recruiting and the landing of kanakas. The majority of kanakas have come from the Solomon Islands, which consist of a group of about thirteen or fourteen. I cannot understand why Mr. Woodford has taken this action. The Government of the State of Queensland have, I believe, put themselves in communication with the Colonial Office, in order to endeavour to get the prohibition removed. I think that the Federal Government has authority under the Pacific Island Labourers Act to deport kanakas who wish to return to their islands, and also to deport those who are not under engagement to work on sugar plantations. The figures giving the number of kanakas who have been brought into Queensland, and the number who return annually, show that on an average about 1,500 kanakas arrive every year, and about 800 or 900 return.

Senator DRAKE.—What period do those figures cover?

Senator HIGGS.—I am speaking particularly of the year 1900, when 1,743 kanakas

were brought into the Commonwealth, and 940 were deported to their islands.

Senator DRAKE.—Is that the last year for which the honorable senator has figures?

Senator HIGGS.—Yes. It will be found that that is about the average. At any rate fully 800 kanakas have been in the habit of going back to the islands every year. Owing to the action taken by Mr. Woodford, these departures are stopped. I venture to think, although I have not any statistics at hand, that there must be hundreds of kanakas in Queensland at the present time who wish to return to their islands, but who are not permitted to do so because the recruiting vessels have ceased to recruit.

Senator DRAKE.—Has the honorable senator any information to that effect?

Senator HIGGS.—Only the information appearing in the Queensland *Hansard* with reference to a question which was answered by the Premier, to the effect that Mr. Woodford, the Government Resident, had stopped recruiting, and had issued instructions that no more kanakas were to be landed at the islands until further legislation had been passed. That seems to me to be a sufficient reason why the matter should be brought before the Federal Parliament by means of a motion of this kind. Section 8 of the Pacific Island Labourers Act reads as follows:—

An officer authorized in that behalf may bring before a Court of summary jurisdiction a Pacific Island labourer found in Australia before the 31st day of December, 1906, whom he reasonably supposes not to be employed under an agreement; and the Court, if satisfied that he is not and has not during the preceding month been so employed, shall order him to be deported from Australia, and he shall be deported accordingly.

2. The Minister may order a Pacific Island labourer found in Australia after the 31st day of December, 1906, to be deported from Australia, and thereupon he shall be deported accordingly.

Section 11 says—

The Governor-General may make regulations for carrying out this Act.

Up to the present evidently the Government have not drawn up regulations to carry out the Pacific Island Labourers Act. It is a matter of surprise that the Government have not done so, because the Governor-General, Lord Tennyson, some time ago advised the Imperial authorities not to give their assent to the Act until the regulations had been passed or framed.

Senator DRAKE.—How could the regulations be passed before the Act was assented to?

Senator HIGGS.—The Attorney-General knows very well that the Governor-General advised the Colonial Office in that direction. Knowing that the Government have had a great deal to do, I make due allowance for the fact that the regulations have not been drawn up. But Senator Drake will see the great necessity there is for their issue, from the fact that Mr. Woodford, the Government Resident, has stopped recruiting, and that, such being the case, the labour vessels have ceased to go to the islands, and the kanakas who wish to return are prevented from doing so. We have power under the Act to deport kanakas who wish to return. The kanakas can claim the right to be deported. In fact, it is part of the agreement under which they are engaged that they are to be returned whence they came. Let me read to Senator Drake a copy of a letter which appears in the *Worker* newspaper of 8th November, 1902. It is there related that a northern correspondent, who does not wish his name and address to be disclosed, has forwarded a copy of a letter received by one kanaka from another. I will not attempt to give the Senate the benefit of the kanaka dialect, but I will read the letter as best I can. The extract is as follows:—

This is what Newboo writes to Manowel: "You tell em me you want to go home, but Government he no let you fellow go. Me too. Me been ask em Government plenty time before. Him he gammon alonga you and me fellow all the time. Me ask him, he say, 'Schooner he no stop where he go alonga place belonga you. You go work lit bit, by-and-by schooner he come up.' Me go more; him he tell me fellow, 'Schooner he go—finnish; too late now. You go work little bit.' . . . Me want to go home to father and sister; want to look alonga face belonga me, but all same cant help it." Newboo consoles his mate and himself by referring to "the minister's" promise to give him "plenty school suppose Government no let em you and me fellow go home."

Honorable senators will recollect the deportation of kanakas that waited upon the Governor-General at Rockhampton, and who presented a petition asking that they should not be deported. Some of them were able to prove that they had been in Queensland for twenty or thirty years. Some were able to prove that they had married and reared families. In giving reasons why they should not be deported, they said that they were brought into Queensland on the understanding that they should be returned to their islands, but that that understanding was not carried out. They said—"We were not permitted to return to our islands, and we

settled here, and ought to be permitted to remain." I feel certain that under the régime of the late Government in Queensland no attempt was made to return the kanakas to their islands in accordance with the spirit of the agreements. I mean to say that the Queensland Government did not put themselves out of their way to return kanakas. Now we have a new Government in power there, and I have no doubt that they will co-operate with the Federal Government in carrying out the Act.

Senator CHARLESTON.—The Queensland Government have not carried out their own Act.

Senator HIGGS.—There is no doubt that a great deal of the administration of the Pacific Island Labourers Act rests upon the shoulders of the State Government. But the Federal Government also have a duty to perform. At any rate they should make inquiries as to whether there are any kanakas in Queensland who desire to return to their homes, and should consult with the State Government to see whether they will provide facilities for those kanakas to return. Within a very few months the recruiting of kanakas must stop. Not a single kanaka can be brought into Queensland after next March. The Government will, therefore, realize what a great necessity there is for preparing a set of regulations to carry out the objects of the Pacific Island Labourers Act. I am sure that the Government must know from the records that hundreds of kanakas have been unable to return to their islands.

Senator DRAKE.—From what source does the honorable senator get that information?

Senator HIGGS.—The Attorney-General will not deny that several hundreds of kanakas have been returning every year up to the commencement of this year. The honorable and learned senator understands the kanaka traffic as well as any one. No one will attempt to give the honorable and learned senator any information upon the subject. He knows that hundreds of kanakas had been returned to their islands up to the end of last year. We are informed that the recruiting and the landing of kanakas at the Solomon Islands have been stopped. Knowing, as we do, that hundreds of kanakas have been in the habit of returning to their islands every year, it must necessarily follow that hundreds will desire to return during 1903, and the stoppage of

the landing of kanakas at the Solomon Islands will prevent kanakas being returned to their homes. It is the duty of the Federal Government to move in this matter. I do not think they should move without consulting the State Government, but they certainly should make some attempt to see that kanakas who desire to go back to their islands are given an opportunity of doing so. Out of the 1,500 kanakas who may be brought into Queensland, during a given year, making allowance for the average of 300 who die every year, there must be a large number who find that Queensland and the work on the plantations is not what it has been represented to them to be, and who are desirous of getting back to their homes. I hope Ministers will see their way clear to take some action in this matter.

Senator DRAKE (Queensland—Attorney-General).—I do not for a moment blame Senator Higgs for bringing this matter forward. But I think the honorable senator will admit that at present he is taking action upon somewhat scanty information. I presume that if the honorable senator had any case he would have brought it forward, but no case has yet been submitted to show that the law is not being carried out at the present time. Last year we passed a Federal Act, which, as honorable senators are aware, is being carried out through the instrumentality of the State Government. The State laws for certain purposes are still in existence, and I presume that action is being taken under them. The Federal law is being carried out by a State agency, and I am so far unaware of any instance in which either the State or the Federal law has not been given effect to. I should learn with very great regret that the gradual deportation of the kanakas had slackened off in any way. Honorable senators must be aware that that would make the task of the Federal Government in 1906 very much more difficult. Senator Higgs has referred to the arrivals and departures for the year 1900, but he must bear in mind that the diminished importations of kanakas under the Federal law commenced only in the year 1902. The Federal Act provides that in the year 1902 the number that may be introduced shall be only three-fourths of the number returned to their native islands, and in 1903, the present year, not more than half of the numbers returned can be introduced. During last year and this year, we may

safely conclude that the number of kanakas in Queensland has been considerably reduced. I point out to Senator Higgs, if he speaks now of there having been diminished recruiting in consequence of a recruiting ground being stopped, that that will cut both ways, because the number introduced depends under the Federal law upon the number taken back. If there is a very small importation, the probability is that the number in the Commonwealth is being considerably decreased, and I hope it is.

Senator HIGGS.—The number in Queensland on the 30th June, 1903, was 8,014, as against 9,327 at the time of the 1901 census.

Senator DRAKE.—That is a diminution of over 1,300 up to that date. That is a very considerable diminution, and the reduction of the number must increase from this time, because there will be deportations and no importations after March of next year. No licences to recruit can be issued after the 31st December of this year; but under licences issued previous to that date, the importations may continue until about March of next year, when they will absolutely cease. The deportation through the running out of the terms of the agreements will continue, so that we hope that between now and the end of 1906 the number of kanakas in Queensland will be very considerably decreased. I have no official information that Mr. Woodford has reported against the return of islanders to the Solomons, nor do I know whether the report applies to the whole of the Solomon Islands. It may perhaps apply only to some particular islands, where conditions are disturbed, and where for that reason it may be considered undesirable that islanders should be landed. Honorable senators must bear in mind that the Government gave a pledge to Parliament in connexion with the return of the islanders, that they should not be returned under conditions which would involve danger to their lives. If Mr. Woodford's report is to the effect that it is not safe to land islanders at the Solomon Islands, there are good humanitarian reasons for discontinuing the deportation of kanakas to those islands. No case has yet been reported to the Government in which the law is not being carried out. Section 8 of the Pacific Island Labourers Act, to which Senator Higgs has referred, provides in the first paragraph for the carrying out of the Federal law, through State instruments.

"The officer authorized in that behalf who is at present one of the State officers under that section may bring before a Court of summary jurisdiction any Pacific islander whom he reasonably believes is not employed under any agreement. If it is proved to the satisfaction of the justice that the islander is not under any agreement, the magistrate may order him to be deported from Australia and he must be deported accordingly. I have not heard yet of any case of failure to carry out the Federal law in Queensland. Certainly, before we take any such action as Senator Higgs proposes, we should be perfectly satisfied that the State Government is not causing the Federal law to be given effect to. The second paragraph of the section to which the honorable senator has referred, dealing with the period after the 31st December, 1906, provides that the Minister may order a Pacific islander to be deported from Australia, and that he shall thereupon be deported accordingly. It becomes clear that from that time the duty will be thrown directly upon the Federal Government of seeing that the kanakas are deported. I think that up to that time we shall act wisely in leaving the matter to be carried out by the State Government, especially when we have a feeling of confidence, which Senator Higgs indicates that he has, that the Government of Queensland will do its duty in this matter. I offer no objection to the suggestion of the honorable senator, that we should make inquiries and find out from the State Government of Queensland exactly what are the facts, how many kanakas there are in Queensland at the present time, and whether there has been any hindrance to the deportation of those who should be deported, according to either State or Federal law.

Senator HIGGS.—What about the regulations?

Senator DRAKE.—The matter is being attended to in the Department for External Affairs, and I suppose that when the officers of the Department get a little spare time from the burden of work which has fallen upon them of late, it will be dealt with. So far as I am aware, no ill effects have resulted from the fact that the regulations have not been framed up to the present time. I presume that on the understanding that inquiry will be made from the Government of Queensland to find out how the matter stands, Senator Higgs will not be disposed to press



his motion. If the honorable senator will inform me that he will not press his motion to a division, I will undertake to suggest to the Prime Minister that an inquiry should be made. Is Senator Higgs satisfied with that proposal?

Senator HIGGS.—I should rather reply later on.

Senator DRAKE.—I do not think that this is a motion which should be carried at the present time. Senator Higgs admits that we are not in possession of the facts.

Senator HIGGS.—I have referred the honorable and learned senator to information appearing in the *Queensland Hansard*.

Senator DRAKE.—I have not time even to read the *Federal Hansard*, and I certainly have no time to read *State Hansards*. The information which the honorable senator has given from the *Queensland Hansard* comes to me as something new, but it is information that was given in answer to a question put in the Legislative Assembly in Queensland, and certainly that is not a sufficient ground upon which to found a motion of this kind. If Senator Higgs has heard something which he thinks necessitates an inquiry, we shall have an inquiry made, and find out all that is necessary.

Senator HIGGS.—Does the honorable and learned senator deny that it is the duty of the Federal Government to see the Act carried out?

Senator DRAKE.—I think that the Government are doing their duty at present, in allowing the Federal Act to be carried out through State instrumentality. At present, State officers are administering the Federal Act, and no case has been brought before us to show that the Act is not being properly carried out by the State authorities. That being so, it would be exceedingly undesirable for the Senate to pass a motion of this kind, which would practically amount to an assertion that the State Government of Queensland has not been doing its duty in this matter, and that it is necessary that we should take the duty out of its hands. I think it would be rather unbecoming to assume that the State Government has not in this matter done its duty, and to pass a motion of this kind can only mean one thing, and that is, that the duty hitherto performed by the State Government has not been properly performed. I hope Senator Higgs will not

press his motion, and if I am in order, I will move that the debate be adjourned.

The PRESIDENT.—The honorable and learned senator cannot move that motion, having spoken to the question.

Senator STEWART (Queensland).—There certainly appears to be some screw loose in connexion with this matter. We are all aware of the legislation passed a session or two ago to stop the traffic in kanakas, and to send those introduced home to their islands. The Imperial Government is aware of the legislation we have passed, and we find the Colonial Office issuing an order to the effect that the recruiting and landing of Solomon Islanders is prohibited, pending further legislation. So long as this order remains in force, apparently not a single kanaka can be sent back to his island. The Federal Government should at once ascertain from the Colonial Office whether this step has been taken under official instructions, and if so, what are the reasons for it. Being naturally of a suspicious turn of mind, I do not say that any such thing has happened, but knowing the friendly relations which exist between Senator Dobson and Mr. Chamberlain, I cannot help thinking that it is possible that the honorable and learned senator may have recommended this to Mr. Chamberlain, as a method of check-mating the Federal Government in the deportation of kanakas. I can discover no reason for the issue of an order such as this, unless the motive behind it is to place some barrier in the way of carrying out the legislation passed by the Federal Parliament. I do not know whether Mr. Woodford, the Government Resident in the Solomon Islands, has given any reasons for the issue of the order, but it is a remarkable fact that immediately after the Pacific Island Labourers Act was passed it was discovered that there was considerable danger in landing these islanders in their native places. I was a member of the Queensland Parliament for years before I came down here, and every session when the Estimates were being dealt with, I asked questions as to whether there was any difficulty in landing kanakas, and the invariable answer I received was that there was no difficulty, and that there was never any trouble between the recruiting vessels and the natives. But immediately this Federal legislation was passed it was discovered that there was some very great

difficulty in landing kanakas upon the islands from which they came, that they were being slaughtered on account of being landed where they ought not to have been landed, and that every obstacle was placed in the way of returning them to their homes.

Senator CHARLESTON.—Were they recruiting from the same island?

Senator STEWART.—They were recruiting from exactly the same island. This circumstance, in my opinion, gives an air of suspicion to the whole transaction. It almost appears to me as if this new move on the part of the Government Resident was merely a contrivance to place some impediment in the way of Federal legislation and the intention of the people of Australia being given effect to, in order that breathing time may be secured for the advocates of coloured labour, during which time it may be possible to reverse the public verdict.

Senator DOBSON.—Does the honorable senator really believe that?

Senator STEWART.—I do not know whether I believe it or not. I am not going to “give myself away,” but I have had such ample and unfortunate experience of the black labour party that I am inclined to regard with suspicion every move they make. My experience of the party in the past has been that they have stopped at nothing to gain their ends. Although beaten now and again, and repulsed often, they have never abandoned their design of developing the northern part of Australia with coloured labour. Having that experience, I am more than justified in coming to the conclusion that, although now, as we may say, beaten decisively, they have not abandoned all hope of bringing the public round to their way of thinking. On no other assumption can I explain the extraordinary position taken up by the Colonial Office.

Senator CHARLESTON.—Why has recruiting been stopped?

Senator STEWART.—I really cannot say. It is the duty of the Federal Government to ascertain why recruiting has been stopped, and some communication ought to have passed between the Federal Government and the Imperial authorities on the subject. The very fact that the Federal Government seem to be without any information appears to me to place the matter in rather an unfavorable light.

Senator DOBSON.—Is not there information that some kanakas were killed on being returned to their islands?

Senator STEWART.—I do not know whether or not that is the information.

Senator DOBSON.—The honorable senator need not “give himself away,” but is not that the fact?

Senator STEWART.—I cannot say. I have already pointed out that these discoveries about killing, wounding, and eating have been made only since the Federal legislation has been passed. Either such things occurred before that legislation or they did not; and on the evidence of the Queensland Government they did not occur. I took particular care, as may be seen from the Queensland *Hansard*, to ask almost every session whether there had been any rows between the native Polynesians and “boys” who were being landed from Queensland. The invariable answer was that there had been no rows, but that the sweet spirit of peace brooded over the Solomon Islands—that there was no trouble either about the landing of “boys” who were going home or about the recruiting of “boys” who desired to come to Queensland. But, as I have said more than once, immediately the Federal legislation was passed the whole scene became one of turmoil and slaughter.

Senator DOBSON.—We got at the facts then.

Senator STEWART.—How was it that we did not get at the facts before?

Senator DOBSON.—That was the honorable senator's fault.

Senator STEWART.—How could it be my fault, or the fault of the party to which I belong? We questioned the Queensland Government, and if the Government told lies were we responsible? The fact of the matter is that the whole traffic, immoral in itself, has been conducted in a most immoral fashion. I may say at once that I was suspicious there was trouble in the landing of these “boys,” and also in the recruiting.

Senator DOBSON.—And yet the honorable senator was satisfied with the answers he received.

Senator STEWART.—I was compelled to be satisfied. I could not tell the members of the Queensland Government that they were liars. I was bound to accept their answers as truthful. I had my own misgivings, and that was the reason I put the questions. We are not, however, concerned with the past, but with the present. The Federal Parliament, with the sanction of the people of Australia, has passed a particular law which involves the sending of a large number of kanakas to the islands.

within the next few years. Unless the embargo on the part of the Home Government is removed those kanakas cannot be returned. What are we to do with the kanakas? If we are not permitted to send them home, are we to keep them in Queensland? I for one object to the latter course. Even if these men are coloured, the contract with them ought to be carried out, and after they have served a certain time in Queensland they should be returned to the islands from whence they came. I find that on the 30th September this year the Queensland Premier was asked in Parliament—

1. Is it true that information has been sent to the Government that "the recruiting and landing of Solomon Islanders is prohibited pending further legislation?"

2. If the above is correct what action does the Government intend to take?

To that the Premier replied—

1. Yes.

2. His Excellency the Governor has been asked to represent to the Secretary of State for the Colonies that the action of the Resident Commissioner at the Solomon Islands will interfere with existing arrangements, and will hamper matters relating to the sugar industry and the island trade generally; to point out that hardship may be entailed on a large number of islanders whose agreements are now expiring, and who may desire to return to their homes; and to urgently request the Secretary of State to instruct the Resident Commissioner to allow matters to proceed as at present until the issue of licences ceases at the end of the year.

It will be seen that, apparently, recruiting has been stopped, and what I have read shows what the Queensland Government have done. What are the Federal Government prepared to do? Have they taken any action? Are they going to carry out the will of the people of the Commonwealth as expressed in an Act passed by the Federal Parliament? We ought to have some distinct statement from the Vice-President of the Executive Council on the matter this afternoon. I do not think that Senator Higgs will be inclined to press his motion if he gets an assurance from the Government that they will second the action which apparently has been taken by the Queensland Government in making a representation to the Imperial authorities that unless the embargo is removed very great inconvenience will arise, and the internal policy of the Commonwealth will be interfered with. Before the debate concludes, we ought to have a more definite statement than that which has already been made by the Attorney-General.

Senator WALKER (New South Wales).

—I trust that Senator Higgs will accede to the request of the Attorney-General and withdraw his motion. If, however, the motion be pressed, I would point out that in one direction it does not seem to express the intention of the mover. The motion speaks of transshipping kanakas who desire to return to the Islands, but not a word is said there as to those kanakas whose engagements have not expired. I take it that Senator Higgs does not propose to return kanakas who are under engagement.

Senator HIGGS.—No.

Senator WALKER.—I think the following words, "or who are not under engagement to work on sugar plantations," had better be omitted, because the honorable senator will then probably get the support of the Senate for the first part of the motion, words being added excepting those whose engagements have not expired. As to the danger of kanakas going back to the Islands, I would remind honorable senators that on the 5th December, 1901, I drew their attention to extracts from a document prepared by the Secretary of the South Sea Islands Boys' Association, who said—

One of their claims is that they may be allowed to remain in the State and not be forced back to their islands where their friends are dead, and, perhaps, the whole of their tribe slaughtered, and they, too, would meet with the same fate.

We know, unfortunately, that it would in some cases be absolutely unsafe to attempt to return kanakas to their own islands. I shall not, however, discuss that subject now; but evidence was given by a man who had accompanied returned islanders, and who said that he had actually seen a child taken from its parents and killed. Be that as it may, I think that Senator Higgs forgets that there is a new Ministry in Queensland, which, judging by the antecedents of some of the members, will take care that the Act is carried out in its entirety. Two members of the Labour Party are in the Queensland Ministry, and they, at all events, will endeavour to see the Act carried into effect so far as the authorities of that State are concerned. If Senator Higgs will alter his motion in the way I have already suggested, it will probably be carried, but I think the assurance of the Attorney-General should suffice—that under the circumstances everything necessary will be done to conduct this traffic in accordance with the Act.

Senator HIGGS (Queensland).—I do not wish to press the motion to a division. The Attorney-General has given an assurance that he will cause inquiries to be made, and I am sure that he will find I had good reason for bringing this subject forward. I believe the Government will administer the Act sympathetically, but, at the same time, I urge the great necessity there is for regulations dealing with the deportation of the kanakas. I feel sure that, after a given time, the Queensland Government may request the Federal Government to take over the entire administration of the Pacific Island Labourers Act, and supervise the deportation of kanakas. I beg leave to withdraw the motion.

Motion, by leave, withdrawn.

#### NORTH-WEST COAST SURVEY.

Senator DE LARGIE (Western Australia).—I move—

That this Senate urges the Government to bring under the notice of the Admiralty the pressing necessity of having a complete survey of the north-west coast, so that it may become less dangerous to the lives of those who trade along that coast, and also for the safety of the growing commerce of the north-west.

It will be within the recollection of honorable senators that some months ago I drew attention to the necessity there was for a survey of the north-west coast in order to minimise the danger to shipping, which since that date has been somewhat intensified. On the 26th June last, I asked the present Attorney-General—

1. Has the Government any controlling influence or power over the Australian Squadron?

2. If it has, will the Government exercise it to relieve from their present duties in Sydney Harbor as many of the ships as may be required to make an exhaustive survey of the north-west coast so that these waters may become less dangerous to life and property of those engaged in the mercantile trade of the coast.

To those questions the Attorney-General replied—

1 and 2. As far as I am at present aware, there is only one surveying ship on the naval station. If the honorable senator will furnish me with particulars of the dangers in question the Prime Minister will make a communication to the Governor General, with a request that he will invite the Naval Commander-in-Chief to consider it.

Since that date I have supplied the Government with such information as came readily to hand from ship-owners in Western Australia, bearing out my contention as to the

extremely dangerous nature of the north-west coast. There have been two very serious shipping accidents on the coast since I asked the questions which I have read. One accident was to the well-known trading steamer, *Sullian*, and the other was to the steamer *Bullara*, which carries the mails, and both of these vessels struck on uncharted rocks. The result in both cases was considerable damage and a great deal of inconvenience, and the accidents fully justified the questions which I asked. This is a matter which requires attention at the very earliest moment, but, so far as I know, nothing has been done.

Senator DRAKE.—By the Admiralty.

Senator DE LARGIE.—By the Admiralty, of course. The north-west coast is not naturally more dangerous than any other part of the Australian coast, but there has never been anything like an exhaustive survey made. The trade of the coast is of considerable importance to Western Australia, seeing that the whole of the meat supply for the State comes from the north-west district, and of course its cost is very considerably increased by the rates of freight. When we consider that life and property are in constant danger, and that the trade will naturally increase owing to the spread of settlement along the coast and also in the interior. I think it will be recognised that it is the duty of the Federal Government to urge the naval authorities to remove these very great drawbacks. The Australian Squadron is provided with all the scientific appliances for carrying out a survey, and the ships have ample time at their disposal. It would be much more satisfactory to the people of the Commonwealth, and much more beneficial to all concerned, if the ships were occupied in this useful work rather than laid up most of their time in Sydney harbor. I felt that if I were to allow the session to close without bringing forward the matter, I should be wanting in my public duty. From time to time the people of Western Australia have drawn attention to the necessity for a survey. The ship-owners of Fremantle have drawn attention to the occurrence of two accidents, and passed a resolution in favour of a survey being made. When all these facts are considered, it will be seen that the very dangerous nature of this coast can only be ascertained by making a complete survey. The many uncharted rocks, reefs, and

shoals, and the strength and uncertainty of the currents, about which very little is known, are dangers which can only be minimized by the Australian Squadron carrying out a complete survey which we may very reasonably expect it to do. This part of the coast of the Commonwealth has been neglected more than any other part. When it is remembered that it extends for some thousands of miles, it will be seen that it is utterly impossible for us to encourage settlement unless facilities can be given to vessels and others to do business along the coast. I hope that the Government will press the urgency of this matter on the attention of the powers that be, and that a survey will be carried out as soon as possible.

Senator DRAKE (Queensland—Attorney-General).—I think that Senator De Largie is to be thanked for bringing this matter under the notice of the Senate. He has not exaggerated its great importance not only to Western Australia, but also to the rest of the Commonwealth. He will remember that the information which he was good enough to furnish to me was communicated to the right quarter, as I promised, and any additional information which he may have will be gladly forwarded by the Government to the Admiralty through the proper channel. But I do not think that he is likely to get much help from the Australian Squadron. I believe that, as a rule, the Admiralty do not care to send expensive warships to look for uncharted rocks, in case they should be found in some unexpected and disastrous way. This work is always done by special ships. At the present time there is only one survey ship on the coast. That, no doubt, is one of the difficulties to be overcome. I dare say that the Admiralty have at their command a number of survey ships, and that if we could convince them of the absolute necessity for making a survey they would send out a ship. The Government have no objection to the motion, and we shall be very happy to receive from the honorable senator any information on the subject, and forward it to the proper quarter, with a request that the necessary action may be taken.

Senator PEARCE (Western Australia).—I desire to say a few words in support of the motion. Of course, none of us would contemplate the sending of an expensive warship to do this work, because it would not be suitable for the purpose. Some four

years ago Western Australia was visited by a proper surveying vessel, called the *Penguin*, and, no doubt, if this matter were brought under the notice of the Admiralty in a pointed way, it would be sent out again. It was also employed in Esperance Bay, and along the southern coast in doing useful work. The necessity for a survey of the north-west coast is very urgent. The *Sultan* was a very valuable vessel, built only five or six years ago, and she was practically lost by running against an uncharted rock. The disaster that recently happened to two valuable vessels proves that it is imperative to make an early survey. There is a great and increasing trade between Western Australia and Singapore, and all the vessels have to pass over practically an unknown sea. When I mention that in our north-west ports the tide rises and falls to the extent of 30 or 40 feet—the greatest rise and fall of tide known to occur in any part of the world—honorable senators will understand what an immense effect it must have on the currents. I think that the Government should press this matter upon the attention of the Admiralty with all the influence that they can command, because the trade is increasing rapidly. Only recently our north-west squatters have opened up a trade with South Africa in cattle. It is not a very big trade at the present time, but the vessels have to go over this unsurveyed water. Again, the local steam-ship companies charge a higher freight in respect to goods sent to that quarter than is charged in any other part of Australia, simply because of the dangers which exist and the big premiums which are charged by marine insurance companies. I hope that the Government will take immediate action in the interest of not only property, but also life.

Senator MACFARLANE (Tasmania).—I support the motion, which I may point out refers to only the "north-west coast," meaning, I presume, the north-west coast of Australia. The north-west coast of Tasmania is just as important to that State as the north-west coast of Australia is to the Commonwealth. The north-west and west coasts of Tasmania require to be surveyed very badly indeed. For years the Admiralty has been urged to make a survey by the State Government, the Chambers of Commerce, and the Marine Boards; and the old cry is always raised that the Imperial Government have not the

ships available. On one occasion a surveying schooner did come down, but the weather was so rough that she did not stay very long. There are a great many uncharted rocks, whose existence is only made known in very bad weather by the break of the sea. Therefore, the small steamers have to keep a long way off this very dangerous coast. I hope that in any action which may be taken the Government will not forget the claims of the north-west and west coasts of Tasmania.

Senator O'KEEFE (Tasmania).—I heartily indorse the remarks of Senator Macfarlane. It has been my fortune to live for eleven or twelve years in the western part of Tasmania, and I have known a number of most disastrous shipwrecks to occur owing entirely to the presence of uncharted rocks along the west coast. I certainly intend to give my hearty support to this motion, and I do not think that either Senator Macfarlane or myself can be accused of provincialism or narrow-mindedness if we also impress upon the Government the necessity of requesting the Admiralty to consider the claims of Tasmania in this regard. Only a few years ago a splendid vessel called the *Australia* was wrecked in a place where the presence of a rock was entirely unsuspected simply through going a few yards closer to the coast than the ordinary route. A proper survey of practically the whole coast line of Tasmania is urgently required in the interests of life and property.

Senator DOBSON (Tasmania).—I think it is most important that the north-west coast of Australia and the west coast and other parts of Tasmania should be surveyed at once. But it appears to me that this question, like every other, resolves itself in the last resort into a question of money. I am inclined to think that the Admiralty would put themselves out to send ships here to make both surveys, if the Commonwealth undertook to bear a fair proportion of the cost. When I was in office I had to write to the Imperial authorities with regard to getting part of the Tasmanian coast surveyed; and it generally did resolve itself into a question of cost. Nine months ago His Majesty's ship *Egeria*, one of their largest surveying boats, was sent to Vancouver, and was to remain there probably for three years; but a friend tells me that the Admiralty state that she may only be kept there for twelve months. If the

Ministers will make immediate application to the Imperial authorities, it is quite possible that the *Egeria* or some other ship may be supplied to do this work if fair terms can be arranged.

Senator PULSFORD (New South Wales).

—I do not suppose that any honorable senator will disagree with this proposal, but at the same time I should like to ask some of its earnest supporters to think a little about what they are asking, when they come to consider questions affecting British shipping and a question such as the naval subsidy. I think it does not bespeak the soundest of political principles, or show the truest spirit of independence, that we should be prepared to go cap in hand to the British Government and ask them at their expense to send out ships to survey our coast. It appears to me to be anything but statesmanlike for us to press the Home Government to undertake work like this—which, as we all know, they are ready to do to the best of their ability—and reward generous actions with such proposals as are too frequently and too strongly supported by certain sections in the Senate.

Question resolved in the affirmative.

## EXTRADITION BILL.

### SECOND READING.

Senator DRAKE (Queensland—Attorney-General).—I move—

That the Bill be now read a second time.

I think I can explain the provisions of this measure in a very few words. The British Extradition Act of 1870 applies to all British possessions, with this modification—that although the powers and functions under that Act may be performed by the Governor of any British possession, such a possession may legislate on the subject. If such legislation is passed, one of two things happens. Either the Imperial Act does not apply, or the local Act is read as part of the Imperial Act. Each of the States of Australia has passed an Extradition Act, with the exception of New South Wales; in each case providing that the powers and functions pertaining to extradition shall be vested in the Governor of the State, and that the power shall be exercised by a police magistrate. In New South Wales, however, the old power has to be exercised by the Governor of the State. What we propose to do in this measure is this—We first of all provide that the functions shall be exercised by the Governor-General; that is to

say, that the warrant of extradition shall be issued by the Governor-General. Thereby we make the whole of Australia one unit with regard to extradition. We then propose that the duties which are exercised in Great Britain by a police magistrate may in Australia be exercised by any stipendiary magistrate authorized by the Governor-General for that purpose. That concludes the first part of the Bill, which really treats the States as a whole, with results, of course, that must be very satisfactory wherever extradition is applied for. The remaining clauses are taken from the Canadian Act, and they refer to cases where it is desirable to bring back criminals for crimes committed in the Commonwealth. At the present time, in order to procure the extradition of such criminals, it is necessary to work through the Secretary of State for the Colonies, with the result that very often delay occurs. A criminal might escape in consequence of that delay. The two clauses taken from the Canadian Act provide that where an extradition crime has been committed in the Commonwealth we may make application direct to a foreign Government to obtain the extradition of the criminal if he has sought refuge within their territory.

Question resolved in the affirmative.

Bill read a second time, and reported from Committee without amendment; report adopted.

## APPROPRIATION BILL.

### SECOND READING.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I beg to move—

That the Bill be now read a second time.

At about the end of July, the Treasurer of the Commonwealth, Sir George Turner, made his Budget speech to the House of Representatives. I have had the pleasure of reading through that speech with a considerable amount of care, and, as an old Treasurer, I can say that a more full, a more straightforward, and a more complete statement of the financial position of the Commonwealth could not have been made. There were no frills about it; it was a quiet, sensible, intelligent exposition of the financial position of the Commonwealth. Sir George Turner also furnished a most complete set of figures in connexion with the financial operations of the Commonwealth from the very commencement. I am quite sure that my

honorable friend, Senator Pulsford, has looked through those figures with a considerable amount of interest, and has at his fingers' ends any amount of information gleaned from that source with which he intends to favour the Senate. Of course, the position of a Federal Treasurer is very different from that of an ordinary State Treasurer. Most of our States Treasurers at the present time are puzzling their brains to know how to make both ends meet. I think there is hardly an exception to that rule. In some of the States the Treasurers are trying on the one hand to reduce expenditure, and on the other hand to make up deficiencies by some increased taxation that shall not be too unpopular with the people. I do not look upon it as an altogether fortunate thing for a Treasurer to have an overflowing revenue, because there is always a danger when a Treasurer, a Government, and a Parliament can dip their hands practically as deep as they like into the coffers of the State, of extravagance taking place. My experience in South Australia was that when we came out with a surplus of some £100,000 or £200,000—it is a long time ago since we did that—the next year there was a considerable amount of extravagance. There were a number of roads which required to be made, and of bridges that had to be constructed, with the result that in the following year there was a deficit.

Senator HIGGS.—Did South Australia ever have a surplus when the honorable senator was Treasurer?

Senator PLAYFORD.—Yes, there were very considerable surpluses. I never came out with a deficit, and I was responsible for five State Budgets. I do not think that any other ex-Treasurer of South Australia can say that. Under ordinary circumstances, I might simply refer honorable senators to the Budget statement of Sir George Turner, and to the various papers he has laid before Parliament. That would practically be the course adopted in one of our Legislative Councils. But the Senate has powers which the Legislative Councils do not possess. The Senate has the power to make requests, which ordinary Legislative Councils have not. The Senate represents the States, and the States are deeply interested in the finances of the Commonwealth; because, if there be any extravagance on the part of the Commonwealth Government, the States are the sufferers. They receive less from the

Commonwealth Treasurer, and therefore have to make up the deficiency by extra taxation. Therefore, I think I may be pardoned for making a brief Budget statement, which, in the language of the aborigines, I might call a "pickaninny Budget."

Senator STEWART.—Hear, hear; by a pickaninny Minister.

Senator PLAYFORD.—In the year 1902-3, the estimated receipts were £11,570,104. The actual receipts for the year were £12,105,878, or an increase over the estimate of the Treasurer of £535,774. That increase is made up as follows. Customs and Excise were estimated to return £9,115,000; but they actually produced £9,685,153, or an excess of £570,153. The reason for that increase, so far as the Commonwealth was concerned, was rather an unfortunate one, because it was due entirely to the drought. The drought in the first place spoiled the sugar crop in Queensland, which was barely half what it had been in the preceding year. The result was that a number of the States had to import sugar, and had to pay duty upon it at the rate of £6 per ton. That increased the Customs revenue. Then there were the duties on grain and fodder, which, in consequence of the drought, increased the revenue to a very considerable extent.

Senator REID.—By £500,000 or £600,000.

Senator PLAYFORD.—There was an increase of a little over £500,000.

Senator REID.—Duties on food.

Senator PLAYFORD.—Not so much on food—on grain in certain cases, and in other cases on feed for stock. Stock-owners had to import a quantity of hay from New Zealand and other parts. I turn next to the receipts of the Post and Telegraph Department. The two great revenue-producing Departments of the Commonwealth are the Department of Trade and Customs and the Post and Telegraph Department. The estimated Post-office receipts were £2,444,400. The actual receipts were £2,404,650. That is to say, the receipts were below the estimate to the extent of £39,750. These figures show that the Customs receipts were considerably above the estimate, but the Post-office receipts were slightly less than the estimate. When we come to the amounts that have to be returned to the various States, we see that they benefited to a

considerable extent from the unfortunate drought. New South Wales benefited to the extent of £469,155; Victoria benefited to the extent of £245,641; Queensland benefited to the tune of £95,618; South Australia benefited to the tune of £26,137; Western Australia by £8,999; and Tasmania by £37,059. Those large amounts were, it may be said, due almost wholly to the extra revenue received from imported sugar and imported grain and fodder, which were brought in to feed our stock—until, at all events, the rains came again. Now we come to the totals. The estimated amount to be returned to the States by the Treasurer last year was £7,317,848. The actual amount returned was £8,200,457, or £882,609 in excess of the Treasurer's estimate. This was made up by increased receipts from Customs amounting to £535,774, after deducting the loss on the Post Office and a balance of £350,147 which was not paid over to the States, and which was unexpected at the time. The estimate of expenditure made by the Treasurer for the year 1903-4 is £4,320,449, an increase on the estimate for 1902-3 of £418,690, made up of new works and buildings, in excess of the amount actually expended last year of £266,322; new expenditure of £118,729, including £75,000 more for electoral expenditure; £30,000 for sugar bounties; £91,635 additional expenditure in connexion with the Post and Telegraph Department, occasioned by increments to public servants, and the operation of the minimum wage section of the Public Service Act; £30,000 for the Pacific Cable and other expenditure. Honorable senators will see that we have to incur a very considerable amount of extra expenditure which we have not had to meet in previous years. I have now to deal with the question as to how the States may expect to fare this year in the matter of the surplus which the Treasurer will be able to give them. We expect this year that New South Wales will receive £489,373 less than last year, in consequence of the extra expenditure to which I have alluded; Victoria, £160,859 less; Queensland, £114,365; South Australia, £37,183; Western Australia, £129,667; and Tasmania, £17,546 less than last year. The total estimate for 1903-4 is £7,251,464, as against a total actually paid in 1902-3 of £8,200,457, or £948,993 less than the previous year's payments. That is accounted for by anticipated reductions in Customs receipts to the



extent of £539,703, and an increase in expenditure of £418,690.

Senator STEWART.—How much of that is due to the operation of the minimum wage provision of the Public Service Act?

Senator PLAYFORD.—About £40,000. From all sources the total estimated receipts for 1903-4 amount to £11,566,175, as against actual receipts in 1902-3 of £12,105,878. The Treasurer, as honorable senators will observe, estimates that he will receive less this year than last year by £539,703. Dealing with the items upon which he expects to receive less, the first to be referred to is that of Customs. The Treasurer estimates his Customs receipts for 1903-4 at £9,107,000, and the actual receipts from this source in 1902-3 amounted to £9,685,153, the balance against the estimate for this year being £578,153. He estimates that in 1903-4 the Post Office Department will return £2,450,000, whilst the actual receipts for the previous year were £2,404,650. These figures indicate a slightly increased estimate of revenue to the extent of £45,350. We very frequently gauge the accuracy of a Treasurer's estimate of Customs receipts from the actual receipts received on the first two or three months of the year, and I have received from the Treasurer a statement of the amount which has been received for the first three months of this year. The total estimate of receipts from Customs for the year is £9,107,000, and the actual receipts for the first three months have amounted to £2,461,821. The actual receipts during the corresponding period of the previous year amounted to £2,526,764. Honorable senators will notice that these figures indicate a falling off of revenue, and show that we have received less during the first three months of this year as compared with the corresponding period of the previous year by £64,943. But if we take the three months' period as the fourth of the twelve months, making up the year, we shall find that the receipts show an increase upon the estimate of the Treasurer to the extent of £189,000. It must be remembered that during the first three months of the previous year there was very little received from sugar duties, or from duties upon grain and fodder, whereas during the first three months of this year the receipts from grain, fodder, and sugar have been considerable. We anticipate an excellent sugar crop in Queensland this year, and we anticipate throughout the States sufficient grain not only to supply

our own wants, but to provide a considerable quantity for export. We look for good fodder returns also. We shall, therefore, find that the nine months left of the present financial year will show a considerable falling off in revenue receipts from Customs duties, and the chances are that, after all, the Treasurer's estimate will not be very greatly exceeded. I believe that it will be slightly exceeded. I have noticed that some of the States Treasurers have taken it into their heads to believe that they will receive a considerable increase upon the amount which the Treasurer estimates that they will receive. In my own State the Treasurer has made allowance for an increase of some £30,000. What the State Treasurers do is, of course, their own look-out. The Federal Treasurer has told them what he believes he will be able to pay them. They have been acting upon the experience of last year, when they received a considerable increase upon the amount which the Treasurer estimated they would receive, and they are anticipating similar treatment this year. The chances are that they may be left in the lurch, and the South Australian Treasurer, who estimates that the amount he will receive will be £30,000 in excess of the Treasurer's estimate, may find that the excess will not amount to more than £10,000 or £20,000. I believe that the Treasurer will have a surplus over his estimate, but I do not think it will be a very large surplus, and it would be wise for the States Treasurers not to anticipate that they will receive, as they did last year, a very considerable sum in excess of the Treasurer's estimate.

Senator HIGGS.—The honorable senator believes that there will be a good harvest throughout Australia.

Senator PLAYFORD.—Speaking for South Australia I have not the slightest doubt that there will be a good harvest, if—and there is always an if in these matters until the grain is reaped and put in the bags—the crop is not effected by red rust, which is the thing we have to fear most. We shall certainly have a heavy hay crop, even though we should get no more rain. There will also be a good wheat crop, even though we should get no more rain, and we have only to fear the red rust, which is a fearful thing. In one year in South Australia it destroyed a whole crop, which would have

resulted in one of the finest harvests we ever had in that State.

Senator HIGGS.—Does the honorable senator think that the consumers will get bread and meat any cheaper.

Senator PLAYFORD.—I think they will get meat cheaper, but not bread, and I am not sure that it is desirable that they should get bread too cheap. We desire to live and let live, in the Commonwealth. I know that in some portions of South Australia farmers were only getting 1s. 6d. a bushel for grain, and, of course, there was cartage down to the seaboard to be met. They hope to get a fair price for their wheat, and every one will benefit if a large section of the community, such as the farmers, get a fair price for what they produce. There may be a cry for a "cheap loaf," but if it is secured by means of low prices paid to the farmer, the cheap loaf is a curse rather than a blessing to the community. I have now to deal with the Post and Telegraph Department. I find that the actual expenditure for 1902-3 was £2,569,017, whilst the estimated expenditure for 1903-4 is £2,823,502, or an increase of £254,485. This is accounted for by the Treasurer in the following way:—The expenditure on new works and buildings was £141,535 in 1902-3, and is estimated at £297,744 for 1903-4, an increase of £156,209. I am sorry to say that the increase in the expenditure in the Post and Telegraph department is considerable. It must be remembered that the expenditure upon new works and buildings is paid out of revenue, whereas in South Australia, and I believe in the majority of the States, all new buildings and additions to old buildings are paid for out of loan money.

Senator STYLES.—Not in Victoria.

Senator PLAYFORD.—I do not think that Victoria is much better than her sister States in this respect.

Senator STYLES.—I think so. She shines in this particular.

Senator PLAYFORD.—I am very glad to hear it. We are paying for these works out of revenue, and, as I have said, the increase of expenditure on this head, is estimated to amount to £156,209. There is a loss of £29,400 estimated on the Pacific Cable, or in round numbers, £30,000; and an increase in the cost of the Vancouver mail service of £6,700.

Senator REID.—What is that for? There are no new steamers used.

Senator PLAYFORD.—I know nothing of the details as I have never managed the Department, but I am informed that the increased cost will be £6,700. In connexion with the Tasmanian cable there is an increase of £2,250, and in connexion with the West Australian mails, an increase of £1,250. Then, a further increase of about £50,000 is shown in consequence of the increments which the Commonwealth is bound to pay to the State servants who were transferred with the Department. New appointments to the number of 213 are responsible for an increased expenditure of £15,000, but against that there has to be shown a saving of £25,000, the result of filling up vacancies at lower salaries. Altogether, the expenditure shows an increase of £297,000 as compared with the previous year. I desired to have a return showing the comparative cost of the Post and Telegraph Department under the States and under the Commonwealth, but the Treasurer was unable to have it prepared. I have been able, however, to get a statement showing the receipts over expenditure in the Department in the various States from 1899 onwards. The figures in regard to 1899 are taken from *Coghlan*, who cannot be absolutely relied on, and therefore honorable senators must make a certain allowance when dealing with his calculations in this connexion. For instance, *Coghlan* states that in preparing the figures for 1899 he has not taken into account the cost of maintenance of buildings, which cost, as well as all other expenditure, except for new works and buildings, has been included in 1901-2 and following years. It is not certain that Mr. Coghlan has been able to ascertain the amount of expenditure in 1899, which was then defrayed from votes of Departments other than the Post office. The interest on cost of buildings, etc., is not included. It will be seen, therefore, that the figures in regard to 1899 must be taken with a little "grain of salt," though they may be regarded as substantially accurate. The figures may appear inflated, because in many instances work was formerly done by the Department and paid for, which is not done now. For instance, in South Australia the Post and Telegraph Department printed all the stamps, and did printing for other Departments, with the result that in that State the Department was credited with revenue which is not received by the Commonwealth. In New South Wales the receipts over expenditure, in 1899, amounted to £31,052;

in 1901-2, during which the Department was partly under the State and partly under the Commonwealth, the amount was £40,944; in 1902-3, it was £70,254; while the estimated excess of receipts over expenditure for 1903-4 is £53,701. In New South Wales the Post-office has been returning a larger sum under the Commonwealth than it did under State management. When we come to Victoria, however, we find a different state of affairs. In the latter State a system of penny postage was adopted just about the time when the Department was taken over by the Commonwealth. With the twopenny postage in operation the receipts over expenditure amounted to £52,369, but with penny postage they dropped to £17,585. There was a little increase in Victoria last year, when a profit of some £46,603 was shown, and a profit of £46,967 is expected during the present year. Queensland, in this connexion, is the most unfortunate State. According to *Coghlan*, the loss in Queensland in 1899 was £48,912; in 1901-2 there was a marvellous loss, which I have never heard explained, of £102,505; in 1902-3 the loss was actually £103,242; and for this year the Treasurer estimates a loss amounting to the enormous sum of £119,118. In South Australia, according to *Coghlan*, there was in 1899 a surplus of £61,675, which, immediately the Department was taken over by the Commonwealth, dropped to £32,845; in 1902-3 there was a still further drop, the surplus being only £17,607; and it is estimated that this year the surplus will be only £8,079. Very soon it may be feared that no surplus at all will be shown on the working of the Department in South Australia, although before it came under the control of the Commonwealth it earned a profit of some £60,000 a year after the payment of all working expenses.

Senator REID.—That is accounted for by the Eastern Extension Company's agreement.

Senator PLAYFORD.—It is because of the Pacific Cable and a variety of other matters, which it would take too long to enumerate.

Senator REID.—Cable messages are now being sent by another route.

Senator PLAYFORD.—But the South Australian Department still receives the terminal charge of 5d. In the matter of receipts as compared with expenditure Western Australia comes out badly. In 1899, the loss

was £26,738; in 1901-2, the loss had increased to £30,940; and in 1902-3, to £44,814; while this year the estimated loss is £51,121. The State which shows the worst return, however, is Tasmania, which started in 1899 with a surplus of £22,177, but which next year showed a deficit of £15,713. In 1902-3, Tasmania pulled herself together a little, showing a deficiency of only £9,240, but the State Treasurer, for some reason which I have not been able to ascertain—though, no doubt, it is a good reason—estimates the loss for this year at £14,266. Summarizing these figures, it will be seen that when the Commonwealth took over the Post and Telegraph administration, there was a surplus over working expenses of £91,623, there being no loss in any of the States, except Queensland and Western Australia; whereas for this year the estimated loss is £75,758.

Senator MACFARLANE.—That is because charges are being made against revenue which were formerly made against loans.

Senator PLAYFORD.—Not altogether. I know that under the Commonwealth there is being spent £100,000 odd on works out of revenue, which works under the State management would undoubtedly have been paid for out of loan money, and to that extent we have, of course, a perfect right to make a deduction from the loss.

Senator PEARCE.—And we must also consider the reduced charges for telegrams.

Senator PLAYFORD.—Then we must not forget the penny postage in Victoria, some £40,000 a year to provide for the minimum wage of £110, and the increments which must be paid to transferred servants, amounting, I suppose, to £50,000 or £60,000.

Senator REID.—That covers the whole deficiency.

Senator PLAYFORD.—I should like to see the Post and Telegraph Department worked without a loss. I contend that when a State performs services such as carrying letters, parcels, or sending telegrams, the payment should be sufficient to cover all expenses, and, if anything, there should be a little profit. In Great Britain the profit on the working of the Post and Telegraph Department amounts annually to £4,000,000, whereas in Australia we have to face a loss of £75,758.

Senator PEARCE.—The Post and Telegraph services form part of the development policy of Australia.

Senator PLAYFORD.—They may be part of our development policy, but it is very unfair to the great mass of the people that there should be this great loss annually. Insurance societies, banks, and other huge business concerns send an immense quantity of correspondence through the Post-office, and the payment received in return for the service is not sufficient to cover the expense. The loss has to be made up by the general public, the great majority of whom send very few letters. As to Customs receipts, I shall have to show a considerable decrease in some of the States as compared with the results under State management. It must always be borne in mind, however, that if a State shows, for instance, a deficiency of £100,000 in the Customs receipts, the people are all the richer for it, since the money remains in their pockets.

Senator HIGGS.—The Minister will have the free-traders on his track directly.

Senator PLAYFORD.—There is no doubt of the truth of what I have stated, and we must admit it, whether we be free-traders or protectionists. The Customs receipts per head of population under the Commonwealth and State Tariffs are shown in the following table :—

State.	1903-4.	1900.
	£ s. d.	£ s. d.
New South Wales ...	2 3 11	1 6 4
Victoria ...	1 19 10	1 19 3
Queensland ...	2 5 9½	3 3 8
South Australia ...	1 17 10	1 15 8
Western Australia ...	4 17 10	5 6 2
Tasmania ...	2 1 1	2 16 6

The average per head was £2 1s. 5½d. under the States Tariffs, and is £2 5s. 3d. under the Federal Tariff, or an increase of 3s. 10d. When we consider what a fight we had in both the Senate and the other House, and how the free-traders on the one hand and the protectionists on the other were not perfectly satisfied with the duties, it is astonishing how closely the earning capacity of the Federal Tariff approximates to that of the States Tariffs.

Senator CHARLESTON.—What would have been the position if the Government Tariff had been adopted?

Senator PLAYFORD.—I was not in the Government at the time, and therefore I

do not know. It strikes me that the Customs revenue would not have been more than it is, because if my honorable friend had any knowledge of what a protectionist Tariff means, he knows that it is not a revenue Tariff if it produces the desired results—the manufacture of articles in the country. The answer to the question of my honorable friend is that very likely the revenue would have been less than it is, and that there would have been a good deal more work in the country for the people to do. In an interesting little return, the Treasurer shows the net gain or loss to the States under the Federal Tariff as compared with the States Tariffs of 1900. It is shown that in 1902-3, New South Wales has gained £1,578,594, Victoria has gained £58,157, Queensland has lost £342,025, South Australia has gained £20,866, Western Australia has gained £200,204, while Tasmania has lost £142,997. As regards the total for the three years, I find that New South Wales has gained £3,687,599.

Senator PULSFORD.—How has she gained it?

Senator PLAYFORD.—I am stating the position from the point of view of the Treasurer, not the taxpayer.

Senator PULSFORD.—From the point of view of the bushranger, not the poor taxpayer.

Senator PLAYFORD.—Considering that in New South Wales factories are being built which are threatening to swamp the Victorian manufacturers in a short time, and that that State has rich deposits of coal and iron, and is likely to become the Philadelphia of Australia, the honorable senator has no reason to complain of the Tariff. I consider that the people of his State have done remarkably well; and now a bonus, which the rest of the community will have to provide, is to be given to her cane-growers who produce sugar by white labour, which they have always employed—about the most cruel thing ever inflicted on the rest of the community. During the period of three years, Victoria has lost £71,020, Queensland has lost £1,085,647, South Australia has gained £69,518, Western Australia has gained £554,076, while Tasmania has lost £410,676. I do not intend to trouble honorable senators with many remarks about defence. I know very little about the subject, and therefore I have to refer them to the Treasurer's speech for information. The Defence Force has cost less in all

the States except South Australia, in which there has been an increase over the State expenditure of 1900 of £7,600, and Tasmania in which there has been an increase of £6,700. In Tasmania, like South Australia, the forces were worked on very economical lines, and the result has been that we have had to increase the rate of pay and various perquisites of the men, and quite justifiably too, I think. Other States appear to have been more extravagant, and therefore, after deducting those two amounts, we hope to be able to save a total sum of £200,000 this year. In all the States a good many persons have been charging the Commonwealth with extravagance in a variety of ways. In South Australia the changes have been rung on the cry of extravagance to an extent which has been perfectly alarming to some of us, especially those who have to appeal to their constituents shortly. This continual harping on the part of certain newspapers and public men, on the gross extravagance of the Commonwealth, is a troublesome thing. It will be recollected that at the Adelaide Convention Sir Frederick Holder laid on the table an estimate in which the new expenditure in connexion with the Commonwealth was set down at £300,000 a year.

Senator WALKER.—That estimate was framed for only five States.

Senator PLAYFORD.—It applies to six States in a great many cases. For instance, it includes an item of £4,000 for a President and a Speaker; and an item of £14,400 for thirty-six senators at £400 each. There is a considerable amount of doubt as to who is responsible for the estimate. Sir Frederick Holder says—"I only laid the estimate on the table; I was not responsible for it." Sir George Turner, as Treasurer for Victoria, and Mr. G. H. Reid, as Treasurer for New South Wales, put their heads together and manufactured it. That is the assumption, but Sir George Turner says, "I do not recollect anything about it; I am not responsible for it." So far as I can ascertain, nobody will father the estimate.

Senator WALKER.—The Finance Committee prepared it.

Senator PLAYFORD.—The Finance Committee did not care about taking the responsibility. It has turned out, however, to be a most wonderfully accurate estimate. Some persons reckoned the cost of the

Commonwealth Government at as high as £500,000; but I have never heard of a lower estimate than £300,000. The Adelaide estimate was quoted to the people when they were being asked to vote for the acceptance of the Constitution Bill. I told the people of South Australia, from public platforms, that their proportion of the cost would be about £40,000 a year, and on that understanding they agreed to enter the Federation. The press of South Australia has been denouncing, to an extent which is perfectly surprising, the gross extravagance of the House of Representatives and the improper conduct of the Ministers in taking the members allowance of £400 a year in addition to the Ministerial salary. The estimate which was laid on the table of the Adelaide Convention provided for the payment of thirty-six senators at £400 a year, the payment of seventy-six representatives at £400 a year—of course including those members who would hold Ministerial office—and the remuneration of seven Ministers with the sum of £12,000 in all. Where is the fairness of this charge which is rubbed in so persistently? The question was raised in the other House last session, and it was resolved that Ministers—who did not vote—were entitled to the members allowance of £400 a year in addition to their Ministerial salary. Yet it has been represented by the press and public speakers that we have done something which the Constitution did not contemplate. What do these people tell the public that it contemplated? The men who drew up the estimate that was laid on the table of the Convention by Sir Frederick Holder, then Treasurer of South Australia, evidently intended that Ministers should receive £400 per annum as members of Parliament as well as their salaries as Ministers; and they provided for that in their estimate.

Senator DOBSON.—The charge is that the estimate of £300,000 was exceeded in the first session.

Senator PLAYFORD.—I will show the honorable and learned member that we have not exceeded it, and shall not exceed it.

Senator PULSFORD.—There is £300,000 in one lump sum for the protection of the sugar industry.

Senator PLAYFORD.—We have not spent that yet. Sir George Turner's estimate of the cost of Federation is £324,946.

Senator DOBSON.—Did he add £52,000 for interest on public buildings? That is the estimate that was laid before the Convention.

Senator PLAYFORD.—We are paying interest because we are paying rent. Is not the rent we are paying for the buildings in Spring-street practically interest?

Senator DOBSON.—That is only about £5,000.

Senator PLAYFORD.—It is a good deal more than that in all the States. I shall work out these figures in my own way, and shall prove that we have not exceeded the £300,000 if certain facts are taken into consideration, which, it will be admitted, I am placing in the proper position. We have got down in our Estimates this year, under the heading of Federal Expenditure, £75,000 for electoral expenses. That sum certainly ought to be spread over three years. About £30,000 of the amount has been incurred in the compilation of new rolls, and is certainly an expenditure that ought not to be charged to one year. Let me show honorable senators how I work it out. The expenditure classed as "other" means the purely Commonwealth new expenditure. The expenditure classed as "transferred" is for the transferred services. The "other" expenditure for 1902-3 was £316,217. We should take off that amount straight away £60,826 for sugar bounties. That expenditure was never taken into account when the Adelaide estimate was prepared, and it is money which we have to pay for the policy of a white Australia, that is unmistakably believed in by the vast majority of the people of Australia. We are also paying £20,000 a year for New Guinea. That was never taken into account, and, therefore, must be deducted from the amount which has to be classed as "other" expenditure. It was not expected at the time of the preparation of the Adelaide estimate. The sugar bonuses for last year amounted to £60,826, and for the present year 1903-4 £90,000 is put down for that purpose. In addition to that, there is a sum of £15,000 for printing-office machinery, as against £6,359 in the preceding year. Contingencies for 1903-4 amount to £4,724, as against £1,527 in the preceding year. Electoral expenses for the present year amount to £75,000, as against nothing in the preceding year. The amount for the Governor-General's establishment is

£6,015, as against £3,196 in the preceding year. We have £434,946 set down by the Treasurer as "other" expenditure for 1903-4; but, if we leave out the cost of New Guinea, £20,000, the sugar bonuses, £90,000 and deduct £50,000 for electoral expenses—being two-thirds of £75,000—that makes £160,000 which has to be deducted. With these deductions we only have left £274,946 and that sum is considerably less than £300,000.

Senator DOBSON.—Has the honorable senator added £50,000 for interest?

Senator PLAYFORD.—We can strike that off in a variety of ways. Taking it all through, I consider that we have worked this Commonwealth, for the first three years of its existence up to the present time, well within the estimate laid before the Convention. But even if we had exceeded it this year, which I do not admit, we only have to look back two years, when we shall find that the expenditure classed as "other" was far below the £300,000. In the first year of the history of the Commonwealth it was only £275,862. For 1902-3 the Treasurer put down the "other" expenditure at £316,217, from which large deductions should be made; and I contend, and I think I have shown, that for the present year, if we make the very proper deductions which I have made, we shall be well below the £300,000. It must also be remembered that an estimate made seven or eight years ago is not to stand for all time. It is not to be expected that, because we say we can start the Australian Commonwealth at an expenditure not exceeding £300,000, the expenditure is going to continue at £300,000 for all time. That was never anticipated. In all fairness we must add a fair proportion for the growth of population, and the increase of the needs of the Commonwealth.

Senator DOBSON.—In all fairness the honorable senator ought also to add £40,000 for the minimum wage.

Senator PLAYFORD.—That is not part of the expenditure of the Commonwealth, strictly speaking. It is expenditure upon the transferred Departments. All I wanted to do, and what I think I have done, is to prove that this charge of extravagance which is made throughout the States, and which I am sorry to see the Treasurer of South Australia is so exceedingly fond of taking up, is, when critically examined, and when the figures

are looked into fairly, seen to be quite unjustified. There is certainly no justification for it in regard to salaries. It has been said that we have been paying exorbitant salaries, but a return has been laid upon the table in which the salaries of the Clerks of Parliament and of other officials are contrasted with the salaries of the Clerks of Parliament and other officials in Victoria and New South Wales. Our officials do not receive anything like the salaries that are paid in those States. It is the same right through, so far as concerns the heads of our Departments. It is found that in the majority of cases the Federal officers are absolutely receiving less than is paid to State officers performing similar functions in Victoria and New South Wales.

Senator STYLES.—The Clerk of the Parliaments in Victoria receives £1,200, whereas the Federal Clerk of the Parliaments receives £900.

Senator PLAYFORD.—Quite so; and, running all along the line, it will be found that we have been working our Departments as economically as could reasonably be expected. I know very little about the finances of Western Australia, but I am quite aware that in Tasmania and South Australia the salaries paid have been lower. The Civil Service of Tasmania was the worst paid Civil Service in Australia before federation commenced. In South Australia our officers have not been too liberally paid, but certainly we have not sunk to the lower depths that have been reached in Tasmania. Of course if a comparison is made between the Federal salaries and those paid in South Australia and Tasmania, the results are different. But it is quite evident that the salaries paid by the Commonwealth are not anything like as high as are those paid in Victoria and New South Wales. We may be said to have arrived at a medium between the parsimony of the two States I have mentioned, and that which is the reverse of parsimony in New South Wales and Victoria. Perhaps I may now be allowed to allude to the other financial Bills which are now before the Senate. I may as well deal with them in one speech, as they all have relation to the same subject.

The PRESIDENT.—I think that this procedure is not exactly in accordance with the Standing Orders, but as these Bills are undoubtedly connected with each other and would be contained in one Bill except for

the provisions of the Constitution, which require that they shall be divided, I think that perhaps it may be permitted to the honorable senator to deal with all of them in the one speech.

Senator PLAYFORD.—The Commonwealth Treasurer adopts a course that has not been followed in South Australia with regard to excesses on votes. In South Australia the Treasurer lays upon the table of the House of Assembly a statement showing the excesses on votes together with the votes themselves, and the statement is referred to the Committee of Supply. In Committee of Supply these excesses on votes are sometimes taken line by line and sometimes in a lump. They are voted on and agreed to, and are then included in the ordinary Appropriation Bill for the year. In South Australia we did not allow an excess on votes unless it was passed by both the Cabinet and the Executive Council. A Cabinet and an Executive Council warrant had to be issued before the Treasurer could get any excess over the amount voted by Parliament. When that warrant was granted the Treasurer took the money out of the ordinary consolidated revenue. But Sir George Turner adopts another plan. It is the plan that has been adopted in Victoria. He takes what he calls a Treasurer's advance. In this case it is a sum of £300,000. That is intended to cover all excesses on votes. The Treasurer draws on that sum, and has not to obtain any excess warrant at all. The Treasurer has been drawing on his advance since the Commonwealth started, and now he wants Parliament to vote the money so that he can close up his advance and get the consent of the two Houses to the sums he has been spending.

Senator REID.—The money has already been spent.

Senator PLAYFORD.—Of course it has been spent. There are excesses on votes of £6,968 to be voted for 1902, and there are excesses on votes of £107,997 to be voted for 1903. That is the reason why we have a special Bill for expenditure which in South Australia would be included in the ordinary Appropriation Bill. There is also another Bill, for new works and buildings, the amount being £422,283. The Treasurer has introduced the Bill in this form, because it is a measure which the Senate can amend. In South Australia we included the votes for all new

works and buildings in the ordinary Appropriation Bill. But a different course is adopted in the Commonwealth, because the Treasurer thinks that under section 53 of the Constitution—and I believe he is absolutely correct—the Senate may amend the measure, owing to the fact that it does not impose taxation or appropriate revenue for the ordinary annual services of the Government. It is a special appropriation for special work. It is not an annual appropriation, and the Bill is introduced in this form that honorable senators may, if they choose, propose decreases in the items by ordinary amendments, though, of course, they cannot carry increases in the items. Then there is another Bill dealing with excess votes for new works and buildings, covering an amount of £1,004 for 1902, and £2,635 for 1903. This is also a Bill which the Senate may amend. It deals with new works and buildings, and is, therefore, submitted in this form. We have here a Bill covering the ordinary annual appropriation in connexion with which the Senate may make requests, and two other Bills which the Senate may amend, one dealing entirely with new works, and the other dealing with sums taken out of the Treasurer's suspense account for new works for which the Treasurer has not received the authority of Parliament, and for which he seeks authority in this form. I do not know that I have anything more to say on the subject, and I ask honorable senators to assist me in passing these Bills as quickly as possible.

Senator PEARCE (Western Australia).—We have listened to a speech from the Vice-President of the Executive Council in which the honorable senator has shown his appreciation of the position which the Senate should take in the Federal Legislature. Hitherto the practice adopted has been to introduce measures of this kind without any attempt to explain any of their provisions, and to leave it to honorable senators to drag out any explanation they desired. The Vice-President of the Executive Council, in introducing this measure as he has done, has adopted a wise course of procedure. The Senate, possessing the powers which it does possess, should not be treated as a Legislative Council in these matters. Senator Playford has referred to some matters which are new and which were not touched upon in the Budget speech delivered in another place. He

has referred to one subject which is certainly interesting the minds of the public, and that is the relationship existing between the States Governments and the Federal Government in matters of finance. I was very pleased to listen to the emphatic terms in which the honorable senator dealt with the allegations of extravagance that are sometimes brought against the Federal Parliament. The people of Australia entered into the Federation with a view to economy, and if charges of extravagance can be successfully brought against the Federal Parliament, it must be evident that it is not carrying out one of the objects contemplated by the people in agreeing to the Federation. I do not think that this can be termed an extravagant Parliament. I have seen no indication of extravagance, and the Vice-President of the Executive Council has in my opinion successfully combatted the suggestion. There are some matters to which reference may be made on this Bill which I shall deal with when we get into Committee. The question raised by the Appropriation Bill which attracts most attention is certainly that of the expenditure upon the Defence Department. It is right that that should be so, because as regards the expenditure in the Post and Telegraph Department, it is very much of a routine character, there is no question of policy involved, and it may be summed up in one word—"administration." With good administration there will be economy, and with bad administration there will be extravagance in that Department. We have, therefore, in dealing with it, merely to criticize the administration of the Postmaster-General for the time being. When we come to deal with the Defence Department, we find that, in addition to the question of administration, certain big questions of policy require to be considered, and there can be no more fitting time in which to bring these forward than when we are dealing with the Appropriation Bill. The lines on which the money is asked for are those upon which the General Officer Commanding and the Minister believe it to be necessary to carry out their policy; and if the Senate desires to alter that policy it can do so effectively only by altering the amount of money proposed to be voted for defence purposes. On the subject of the administration of the Defence Department, it appears to me that there is still



an attempt to unduly shape a policy in the direction of hindering the development of the citizen forces, and assisting the development of the paid forces, and when I say paid forces, I refer to the militia as well as to the permanent force. Nearly every member of the Senate has at different times expressed his concurrence in the rifle club movement. We are agreed that it is a movement which should be encouraged. But when we look to the policy of the Government and the General Officer Commanding the forces, it would appear that, in one particular at all events, they are not disposed to treat the members of rifle clubs in the same way as the members of the militia forces. A man joining the militia force is given the use of a rifle free during the whole of the time which he remains a member of the force. But if he desires to join a rifle club he must buy his rifle and must pay cash for it. If we really desire to encourage rifle clubs we should either lend the rifles to members of those clubs while they continue to be members, or we should allow them to buy their rifles on extended terms of payment. It should not be forgotten that the men who will be the most efficient members of rifle clubs will probably be working men who usually have not the money to spare to buy rifles. I should like honorable senators to indicate their desire in this matter by increasing the vote for rifle clubs, with an intimation that we desire that the rifles should be lent to members of the clubs, or that they should be given to them on a system of extended payment. It is to some extent deplorable that when we have before us the first Appropriation Bill which we are in a position to criticise effectively—because in the case of the last Appropriation Bill the money had been spent and we could do nothing in the way of effective criticism—the leader of the Opposition and other prominent members of the Senate are absent. If there be an occasion when it is desirable that we should have a large attendance of honorable senators, it is certainly when we have to deal with the first Appropriation Bill, which we are in a position to alter.

Senator PULSFORD.—It was brought to us too late in the session.

Senator PEARCE.—It is not brought to us so late as to prevent our doing something with it. I propose to indicate by reference to figures in the Estimates submitted by the Government what appears to me to be a

serious wrong done to the citizen forces by the Defence Department. In order to do so I shall make a comparison between the figures for the years 1902-3 and 1903-4. My object is to show honorable senators that the Government is hindering the development of the citizen forces by its policy, and also to show that the saving in the Defence estimates is more apparent than real. As a matter of fact, taking into consideration the decrease in the military force there has been an increase in the military expenditure. From the figures supplied to us we find that in 1902-3 there were 1,793 permanent men provided for. On the present Estimates for 1903-4, 1,463 men are provided for, or a decrease of 330. Of militia we had in 1902 13,874, and the Estimates for 1903-4 provide for 14,138, an increase of 264. Of volunteers, and I desire particularly to direct the attention of honorable senators to these figures, there were provided for in the Estimates for 1902-3, 11,724; whilst in the Estimates for the present year only 7,297 are provided for, or a decrease of 4,427. The total decrease in the number of the military forces is 4,493, but there has also been a decrease in the number of the naval force. The total decrease in the naval force is 341, making the total decrease for the whole of the Defence Force 4,834, or nearly 5,000 men. One would naturally expect that such a large decrease in the number would involve a corresponding decrease in the expenditure. I give figures taken from the Estimates, though I do not put them in exactly the same way as they appear in the Estimates, because there they seem to show a decrease in expenditure, whilst when we come to analyze the figures we find that in some important respects an increase is shown instead of a decrease. The expenditure for 1902-3 on the permanent force amounted to £187,265. The estimate for the permanent force for 1903-4 is £194,657, an increase of £7,412 in the expenditure, although the force has been decreased by 330 men. I am not referring now to the amount voted for contingencies. If honorable senators will look into the Estimates they will find that whilst the amount to be voted for the pay and general up-keep show an increase, the total amount shows a decrease; and this is secured by cutting down various votes for contingencies. I shall indicate some of them when we get into Committee. But as it would involve a lengthy operation, showing an

increase of £10 here and of £50 there, it is not convenient to refer to the matter further at this stage. In the case of the militia, the expenditure in 1902 was £116 016. The estimate of expenditure for 1903-4 is £146,202, an increase of £30,186. In the case of the volunteers, in 1902 the expenditure was £25,670, and the estimate of expenditure for 1903-4 is £24,211, a decrease of £1,459. There has been a decrease of 4,427 in the number of volunteers, whilst the decrease in the expenditure upon volunteers amounts to only £1,459. Honorable senators will see that the savings claimed by the Department are more apparent than real. The estimates for the Defence Department indicate quite a different state of affairs. They show a grand total of expenditure in 1902-3 of £667,489, whilst the estimate of expenditure for 1903-4 is £657,804, an apparent decrease of £19,685. Seeing that the expenditure on the permanent force has increased by £7,000 odd, and on the militia by £30,000, where is the saving? It is manifestly a saving in book-keeping only. I now wish to refer to the Department of the Postmaster-General, in which there has been a large increase in the number of employes. When honorable senators are criticising the increase in the expenditure of the Post and Telegraph Department, and attributing the whole of that increase to the minimum wage, I hope they will not forget the fact that during the year the employes in the Department have been increased by 262.

Senator PLAYFORD.—My information is that the increase is 213.

Senator PEARCE.—I take my figures from the Estimates. Manifestly these new employes have to be paid, and the extra money required must amount to a large sum.

Senator PLAYFORD.—The increased expenditure consequent on the appointment of new employes is £15,000, less a saving of £25,000 by filling up vacancies at lower salaries, so that in this connexion there has really been a saving of £10,000.

Senator PEARCE.—At any rate, there is the fact of the increased number of employes, and the expenditure has been increased by £103,567.

Senator PLAYFORD.—There is an increase in the total expenditure, but that is due principally to new works and additions being paid for out of revenue instead of out of loan.

Senator PEARCE.—There have been some new works; but while under the States régime, the business people, who derive the greatest advantage from the post-office, had to pay from 1s. to 3s. for their telegrams, they now can send messages at prices varying from 6d. to 1s. The people who are denouncing the Federal Parliament so strongly — and they are largely the business people — might credit us with having reduced the charge for telegrams, from which reduction they receive practically the sole benefit. Those people who are anxious to form leagues, and pass rash resolutions denouncing the extravagance of the Federal Government, ought to remember that they are deriving benefit from the decreased revenue. If there was one Department which it was thought would be improved by the advent of Federation it was the Customs Department. We all remember the Customs-houses along the borders, and we all contemplated that on their abolition the officers would be employed on the coast, with the result that there would be a substantial saving. As a fact, however, the number of employes in the Customs Department has increased.

Senator FRASER.—Then there is gross mismanagement.

Senator PEARCE.—There is a "scree loose" somewhere, when, having abolished the Inter-State Customs-houses, we find that during the year there has been an increase in the number of employes of fifty-four.

Senator BEST.—The issue of Inter-State certificates has to be provided for.

Senator PEARCE.—But the issue of the Inter-State certificates does not need anything like the staff which was formerly employed. For instance, I remember that, prior to Federation, on the journey between Adelaide and Melbourne, there used to be Customs officers at Serviceton to check luggage, whereas no work of that kind is now required.

Senator PLAYFORD.—There is a decrease in the expenditure this year of £5,677. I do not think that all the Customs-houses can be abolished until some time this month.

Senator PEARCE.—If there has been a decrease in the expenditure to a slight degree, there has, at any rate, been an increase in the number of employes.

Senator PLAYFORD.—I cannot, of course, explain that fact.

Senator PEARCE.—I hope the Minister may be able to explain the fact in his reply. It would be a foolish policy to engage officers when the services of the Inter-State officers will shortly be available for duty on the coast. If in the meantime officers are necessary on the coast, temporary hands might be employed.

Senator PLAYFORD.—I suppose that the new hands engaged on the coast are temporary, and that the permanent officers from the border Customs-houses will take their places.

Senator PEARCE.—The one fact which will most strike the attention of the States Treasurers will be the enormous falling-off in the money which they will receive this year, as compared with the money they received last year. The Minister indicated the reason—namely, that the drought no longer operates, and the poor farmer no longer gets the benefit of the protective duty on wheat, which was going to make him flourish as the green bay tree. The farmer had to pay duty on his seed wheat, and the revenue benefited to the extent of £600,000. This year, however, the farmer has more wheat than Australia can consume, and consequently he will have to export. The duty, of course, is still in force, but it will be of no benefit to the farmer, and the Treasurer, as I say, will receive some £600,000 less in revenue. That money, of course, will remain with the people, and those who will be the better off for it, will be those who had to pay the duties on fodder and seed wheat last year. In the Bill which has been submitted, providing for the expenditure on works and buildings, there is a singular feature which I hope we shall not see again, namely, the large proportion of re-votes.

Senator PLAYFORD.—These are the votes not expended last year, and brought forward.

Senator PEARCE.—I think that it is a most iniquitous practice, which gives a splendid opportunity to those who wish to make out a case of extravagance against the Government. Last year we voted a large sum for buildings, and we got the credit of the expenditure, and abuse all over Australia for voting the money.

Senator DOBSON.—But we voted it out of revenue.

Senator PEARCE.—At the same time, it was one of the sins which went to the record of extravagance against the Government, because it helped to mount the total

of the money which we got the credit of expending, but which, as a matter of fact, we did not expend by more than one-half.

Senator STYLES.—It was spent by the States.

Senator PEARCE.—We got the credit of spending it, but the States Treasurers, who abused us for voting it, spent it themselves.

Senator PLAYFORD.—They did not spend it.

Senator PEARCE.—But they had the pleasure of adding it to their surpluses. Here it is proposed to vote the same money again, and we shall once more receive abuse for being extravagant. Out of £13,921 voted for post and telegraph offices in Western Australia, no less than £7,216 is a re-vote of money which was on last year's Estimates, and should have been spent last year. That is the result of delay, very largely on the part of the Department for Home Affairs.

Senator PLAYFORD.—The Department for Home Affairs was not properly organized so as to be prepared to go on with the work at the time.

Senator CHARLESTON.—And there were the requests of some of the States Treasurers that the money should not be spent.

Senator PEARCE.—In the case to which I am referring, Western Australia had a surplus, and did not want the money spent in other directions.

Senator DOBSON.—Western Australia is the only wealthy State.

Senator PEARCE.—I do not know; Tasmania reaped a rich harvest from fodder at the expense of the Commonwealth last year. The fact is that all the delay is owing to circumlocation. First of all, the Postmaster-General has to be induced to agree to the building of a post-office, and then the Department for Home Affairs has to set the wheels in motion in order to produce plans and estimates.

Senator PLAYFORD.—We cannot start until the money is voted.

Senator PEARCE.—After the money is voted, the Department for Home Affairs has to be moved in order that it may co-operate with the Public Works Department, say, in Western Australia, and the latter has then to co-operate with the Lands Department in order to get the title to the land on which to build a post-office. The title having been granted, the matter has to be referred once more to the Public Works

Department, and after the plans and specifications are got out a communication has to be sent to the Department for Home Affairs, and from thence the plans are submitted to the Postmaster-General, who approves. The Postmaster-General then sends the plans and specifications back to the Department for Home Affairs, from which they are transmitted to the Public Works Department. Upwards of eighteen months were thus occupied in the case of two post-offices, each of which had to cost £500, at Crown Hill and Trafalgar, in Western Australia. It is time that the practical common sense of a gentleman like the Vice-President of the Executive Council infused a little business method into the Government administration.

Senator PLAYFORD.—I do not administer all the Departments.

Senator PEARCE.—I hope the Minister will use his influence in order to have business done in a simpler manner. In the case to which I have referred, it must have cost almost as much in postage as would have been required to erect the buildings. When we get into Committee I shall draw attention to certain flagrant cases bearing out my general remarks on the Defence Department, and there are one or two other matters on which I shall ask the opinion of the Senate.

Senator PULSFORD (New South Wales).

—The Vice-President of the Executive Council is to be congratulated on introducing us to a regular Budget debate, because he has taken a new departure which is to be commended. Before referring to the accounts, there is one matter to which I desire to draw the attention of the Senate, and that is a matter relating to the Customs administration. In October last year, when I was discussing the Customs administration generally, I instanced a number of prosecutions in Sydney—I think some ten prosecutions had taken place in one day—and I referred specially to one prosecution in connexion with some goods valued at £37. In May last, the late Minister for Trade and Customs was in Sydney, and at a public meeting he made a very severe attack upon myself, and said that what I had stated to the Senate in that regard was untrue. The exact words which he used were—"There was not a word of truth in it."

The PRESIDENT.—Does the honorable senator think that his remarks are relevant

to the subject-matter of the Bill? If he will refer to standing order 182, he will see that on the first reading he could have made any remarks which he liked, but on the second reading he ought to confine himself to the subject-matter of the Bill.

Senator PULSFORD.—Surely, sir, my remarks come under the head of Customs administration?

The PRESIDENT.—The honorable senator will remember that the Senate has adopted a new procedure. On the first reading of a Bill which it may not amend the debate may extend to any matter, but on the second reading the ordinary rule of relevance applies. Of course, if the honorable senator can connect his remarks with the amount to be voted for the Customs Department I have nothing more to say.

Senator PULSFORD.—I am exceedingly averse to getting in any remarks by a side wind. I like to do things in a straightforward, honest way, and to-morrow afternoon I shall move the adjournment of the Senate in order to refer to this matter.

Senator FRASER.—Surely it is connected with the proposed vote for the Customs Department.

Senator PULSFORD.—I thought so, but it has been ruled otherwise.

The PRESIDENT.—I beg the honorable senator's pardon. What I said was that if he could connect his remarks with the amount to be voted for the Customs Department, I had nothing more to say.

Senator PULSFORD.—I did not rise with the intention of connecting my remarks with any special item in the Bill. I should take the course which I have indicated. I desire to say a few words with regard to the subject of the State debts, but I do not know whether it is in order to discuss the subject of finance generally.

The PRESIDENT.—I think the honorable senator has confused this motion for second reading with a motion to go into Committee of Supply. The Standing Orders have expressly provided a stage—the first reading of a Bill of this nature—at which any matter can be debated, and by inference to the motion for second reading the ordinary rule of relevance applies. It is my duty to carry out the Standing Orders, and I think that honorable senators ought to try to help me to do so. I do not think that the debts of the States have anything to do with the Appropriation Bill.

Senator PULSFORD.—Events are decidedly against me to-night. The Vice-President of the Executive Council certainly made what may be described as an all-round Budget speech.

Senator PLAYFORD.—But I confined myself to the items in the Bill. I did not go into the question of the State debts.

Senator PULSFORD.—The honorable gentleman did not refer to the question of the State debts, and he did not strictly confine himself to the Bill.

The PRESIDENT.—I think so.

Senator PULSFORD.—I shall reserve my remarks on that subject until another opportunity.

HONORABLE SENATORS.—Let us have them now.

The PRESIDENT.—I must ask honorable senators not to try to induce an honorable senator to break a standing order.

Senator PULSFORD.—I do not wish, sir, even by a side wind or by the help of any honorable senator, to break your ruling. If I am unable to bring before the House now what I think I ought to be able to do, I must take the consequences. One of the striking features of the accounts which have been presented is that the revenue for the year shows a very large decrease. I find that last year we had an increase of £627,000 over the estimated receipts from agricultural produce and food items generally. This immense amount was taken out of the pockets of the people and given to the States Treasurers, and, at the same time, a large expenditure which the Government had been authorized to incur on public works was not incurred. They propose to carry out those works this year, and they are not expecting to collect the revenue which was collected last year. The consequence is that there is a difference of about £1,000,000 in their figures. That is not a piece of very good financing. With all this unexpected revenue which was coming in last year, they were not humane enough to allow the bread of Australia to be free of taxation.

Senator PLAYFORD.—The Executive have to carry out the law. Let the States pay the duties.

Senator PULSFORD.—I know exactly what the Government have to do, and what they want to do. What they have done is what they wanted to do.

Senator PLAYFORD.—They suggested that the States should pay the duties.

Senator PULSFORD.—We know exactly how and why it was worked, and the result.

Senator PLAYFORD.—The States Treasurers would not do it.

Senator PULSFORD.—The States Treasurers received a large amount of extra money, and, at the same time, they were relieved of a payment which they were to have made in respect of public works. This year the extra money is not obtainable, but the works which were not executed last year or other works are to be executed, and the consequence is a difference in the returns to the States of about £1,000,000. That is bad financing. With the large amount of extra revenue that the Government collected last year they might have carried out the authorized public works. If they had expended £200,000 or £300,000 on public works last year, instead of spending the money this year, they would have paid less over to the States Treasurers, who, in this coming year, would have been in a less serious position than they are now placed in, because, as we all know, when they get money it is spent. I am almost ashamed to say that I belong to New South Wales when matters of finance are referred to, because, during the last two or three years its finances have been conducted in a manner which can make no representative proud of her in that connexion. I wish to refer to the figures relating to sugar. Senator Playford has told us the cost of Federation. I think he was justified in stating that the cost has not seriously exceeded the estimate. He could not have gone honestly into the whole business and claimed the same result, because I find that the estimated revenue from Excise duty on sugar is £330,000. The Excise rate on sugar is one-half the Customs rate, but, as everyone knows, the consumers are paying the full amount. There is a loss of £330,000, and out of that sum which is expected to be obtained, the Government estimate to return to the growers, under the name of rebate, the sum of £90,000, so that Federation, as carried out by the Government and sanctioned by Parliament, in the item of sugar alone, has cost Australia about £400,000. I have mentioned this matter before, but it is desirable to let the public mind get fully saturated with the fact. It is expected that the sugar production in Queensland will continue to grow. If it continues to grow the revenue will continue to decrease, and the amount

paid by the people, but not into the Treasury, will grow from £300,000 to £400,000, until perhaps the industry swamps the £1,000,000. I see that the Government expect to collect a revenue of £22,000 from the 1d. Excise duty on starch. That means that Australia will lose this year about £22,000 in order to keep a certain starch factory going. It would have been far more profitable if the Government had said—"Let us give the makers of Silver starch £10,000 a year to go out of the business, or pension all the men whom they employ." If that course had been taken Australia would have been thousands of pounds in pocket.

Senator STYLES.—We should have had no competition with the importers then.

Senator PULSFORD.—The importers are so numerous that the competition between them is ample. I repeat that £22,000 is lost through the relatively low rate of the Excise duty on starch. Of course, there are losses in other directions.

Senator PLAYFORD.—We cannot lose with an Excise duty.

Senator PULSFORD.—We can. The Excise duty is 1d. per lb., while the Customs duty is 2d. per lb. If the Excise duty were not imposed, £44,000 would be collected from the Customs duty. Everybody knows that the Excise duty enables a firm of starch-makers to get this extra money. I should like Senator Playford to state what is meant by the figures on page 5 of the accounts with regard to the duties on Government imports. The estimate for amounts paid by States on Government imports is given at £136,000. I was under the impression that it had been ruled by the Courts that this money could not be collected.

Senator PLAYFORD.—We are collecting every penny of it from every State.

Senator PULSFORD.—Perhaps the honorable senator will inform us what is being done with the money—whether it is paid month by month into an accumulated fund or not.

Senator PLAYFORD.—I am not quite sure.

Senator PULSFORD.—Perhaps the honorable senator may be able to obtain a little information before he replies. In connexion with the cost of buildings for post-offices, I should like to bring under the notice of the Senate some amounts contained in the Appropriation Bill numbered 27. There are contained in that measure a large number

of proposals for expenditure for addition to post-offices and new works and buildings. I think it would be well if there were some understanding that in future in small country towns no more than a certain limited amount—say £400 or £500—should be expended on buildings for post-offices. Taking New South Wales I find set down—Lismore post-office, £1,650; Milton post-office, to complete, £975; Moree post-office, to complete, £375; Orange post-office, to complete, £1,478; Orange is a fair-sized country town, and perhaps that amount may not be too large. Then to complete Wellington post-office we have £1,200. Under the heading of new works and buildings, I find Barmedman post-office £800; Bodangora post-office, £800; Bulahdelah post-office, £600; Canowindra post-office, £900.

Senator PLAYFORD.—Does the honorable senator object to this work being done?

Senator PULSFORD.—I object to costly post-offices being erected in small country towns. I think we ought to be able to build a post-office for a country town at an expenditure of, say, £500.

Senator FRASER.—Not if we have brick buildings.

Senator PULSFORD.—Iverell is not a large town, but there is a sum of £4,000 to complete the post-office there. That is absurd. I have no doubt at all that the words "to complete" indicate that the expenditure is entirely due to the New South Wales State Government, and that the Federal Government is merely completing what has been begun. We also have Temora post-office, to complete, £2,500. In the figures for Victoria I find the item Malvern post-office, to complete, £1,600. Under new works and buildings, I find Cobram post-office, £1,500; Korumburra, £2,500; Minyip, £1,500; Numurkah, £2,000; Richmond South post-office, to complete, £2,000; Terang post-office, to complete, £2,500; Woodend post-office, £1,500; Yarrawonga post-office, £2,000. It appears to me that these amounts might be very materially cut down without great difficulty. A number of the small country towns do not need large post-offices. Their business is very small, and buildings might be erected on an average for half the amounts placed upon these estimates.

Senator PLAYFORD.—But we have to provide quarters for the postmasters and their

wives and children. It costs £500 to build a decent dwelling-house.

Senator PULSFORD.—The whole matter should be reviewed. I do not think the people would submit to anything of the sort in an old country like England. In many respects the Government might take steps to lessen expenditure. They might ask the State Treasurers and the State Parliaments to send representatives to consider whether by joint action it would not be possible to reduce expenditure. The administration of various departments has been taken over by the Commonwealth, and yet the local, or State, expenditure has not been decreased—certainly it has not been correspondingly decreased. Let me refer to the civil service. We have an expensive Commonwealth Public Service Department, but I do not think that the Public Service expenditure in any one of the States has been reduced, at any rate not to any corresponding degree. Then there is the Department of Audit.

Senator PLAYFORD.—It is not our fault.

Senator PULSFORD.—I know it is not. But what I am pointing out is that the great central Government of the Commonwealth should do its utmost to bring together the States Premiers, and show them how expenditure could be reduced. If the Government were to show them they would show the people of Australia, and if the people of Australia were shown these facts they would put pressure upon the States Governments, and ultimately bring about some reduction in these large items of expenditure.

Senator STYLES.—The States Governments would resent our interference.

Senator PULSFORD.—I should not care whether they resented it or not. We have to do our duty to Australia, and if the States Governments do not of their own action take the right steps they ought to be forced to do it by the votes of the people.

Senator FRASER.—Oh, no; we must confine ourselves to the Constitution.

Senator PULSFORD.—I am not at all afraid of what I am saying. I should be glad to repeat it in New South Wales during the elections. I have no hesitation in saying that the Central Government of Australia ought to have taken some steps to try to bring about a reduction in expenditure. Another important matter is the electoral expenditure. The expenditure upon electoral affairs throughout Australia is really

very heavy. But I have not seen that any attempt has been made by the Federal Government to induce the States Governments to work in unison with them in trying to get the electoral lists dovetailed one into the other. There are separate lists in all the States. It only requires business arrangement to make the same lists available, so that there may be a saving in this line alone of tens of thousands of pounds.

Senator FRASER.—There is not the same franchise in the States.

Senator PULSFORD.—It is quite possible to raise objections to all reforms, but it is also possible for honorable senators, if their heart is in the work, to effect very considerable reductions in the expenditure that is now weighing so heavily upon Australia.

Senator STANIFORTH SMITH (Western Australia).—I do not intend to go into the Estimates generally, but I wish to say something in regard to that portion of them which deals with Defence. When the Defence Bill was before the Senate I did not speak upon its second reading, because it was merely a machinery Bill, laying down the broad lines on which the defence of Australia was to be conducted; and it did not afford us an opportunity of saying how the money should be apportioned between the various lines of defence. We have now for the first time an opportunity of discussing the defences of the Commonwealth in a proper manner, because we have laid down the line of policy that we intend to adopt. The Defence Department is probably one of the most important services transferred to the Commonwealth, and yet, even up to the present time, we have not got a Defence Act under which the Department is to work. Our treatment of the Defence Department from the very start has been injurious, spasmodic, and haphazard in its method. For over two and a half years—we took over the Defence Department in March 1901—we have been working under the States Acts, and we have brought about a system that is worse than the systems that were carried on by the various States. The General Officer Commanding, Major-General Hutton, arrived in Australia in January, 1902, and he immediately started to organize the forces. But he was placed in a very invidious position in being told to re-organize the forces without Parliament having laid down any broad lines of policy which we wished

to pursue. In his report, Major-General Hutton complains that the absence of any specific statement, or any definite defence policy on which to base a military system, has most seriously complicated the difficulties of the situation. I think that the Government are to blame that in this most important service we have not in operation a Defence Act under which the forces are organized. No definite instructions were given to Major-General Hutton as to how he should organize our forces.

The PRESIDENT.—Does the honorable senator think that his remarks are connected with the Bill before the Senate?

Senator STANIFORTH SMITH.—Yes, sir, because I am going to speak of the apportionment of the money among the various lines of defence. Major-General Hutton is a professional soldier. Professional soldiers do not as a rule entertain a very high opinion of volunteers, rifle clubs and cadets, whom they look upon as amateurs—as toy soldiers. Their desire is to have as many professional soldiers as possible; or, if they cannot have them, to have partially-paid men, who are more amenable to their desires. We have had no opportunity up to the present of stating on what lines we wish our defences to be carried out. We first had to adopt the provincial system in force in the States, and then we have had inaugurated Major-General Hutton's system, which I think is one which is not in accord with the desires of the people of Australia. The apportionment of the expenditure between the various lines of defence for a place like Australia—an island continent—seems to me to be most extraordinary. We have a defence expenditure of £771,000, divided up in the following manner:—Upon our first line of defence—that is our sea power—we are spending £200,000. Upon our second line of defence—our fortifications—we are spending about £70,000. Upon our third line of defence, the arm which will only be brought into effect if the first and second lines are broken down, we are proposing to spend £500,000 a year. If we had had an opportunity afforded to us before to consider how we should apportion our military vote between the various lines of defence, we should have insisted upon a larger sum being voted for our sea defence, which, being our first line of defence, is of most importance.

Senator FRASER.—We leave that to the mother country.

Senator STANIFORTH SMITH.—I am aware that the honorable senator is in favour of that course; but I am not. I say that we should have had a larger sum voted for our sea defence, and the nucleus of an Australian Navy should have been started.

Senator FRASER.—But we have passed the Naval Agreement Bill.

Senator STANIFORTH SMITH.—It is true that the Bill has been passed, and we cannot alter that; but we are paying for our defence, and getting other people to undertake the dangers of defending us. We must now consider how we should apportion the Defence vote between the second and third lines of defence—our fortifications and our internal forces. A very casual glance at these Estimates will show that most improper and dangerous reductions have been made in the votes for our fortifications. Our second line of defence consists of our fortifications and garrison troops. Our garrison artillery consisted in 1898–9 of 2,948 men, whilst at the present moment the number has been reduced to 2,411, of which 755 are permanent, 1,576 militia, and 80 volunteers. There has been a reduction in the number of men manning our forts and strategic bases of 537, and this reduction has been made against the strongest protest on the part of Major-General Hutton. In his report the General Officer Commanding has said, referring to this reduction—

A further reduction can only be viewed with the most serious apprehension, as the numbers now laid down are quite inadequate for the duties required of them.

Our forts are manned in such a way that we are 537 men short of the minimum number required to properly defend our harbors and strategic bases. At Thursday Island we had 101 men, and the number has been reduced to 53. At Albany we had 40 men, and the number there has been reduced to 30. At the central naval base in Sydney there were 278 permanent artillerymen, and the number has been reduced to 217. There has been a reduction of 119 men at these three strategic bases. The garrison at the capitals has been reduced from 312 to 239 men, or there has been a total reduction of 192 men in garrison artillery. It must not be forgotten that these men are trained experts; they may be called military mechanics. They require



to go through a long course of training to enable them to become expert sappers, engineers, gunners, and so forth. I am informed that it takes three years at least to train these men properly. The 537 men to whom I have referred have been discharged. Some of them have gone to South Africa and elsewhere, and though for our safety it is absolutely necessary that we should replace them, we can only do so by getting other trained men, or by getting men whom it will take three years of training to make efficient. This is a very absurd and dangerous system of economy. With respect to the permanent forces, I think there might be some reductions made in them. I find that there are 1,279 men in the permanent force.

Senator PEARCE.—What does the honorable senator call the permanent force?

Senator STANFORTH SMITH.—I refer to the professional soldiers, and I find that there are 1,279 of them.

Senator PLAYFORD.—They are the men who man our forts, and the honorable senator was grumbling just now because their numbers were reduced.

Senator STANFORTH SMITH.—I was referring to the garrison artillery, the majority of whom were militiamen, and eighty of whom were volunteers.

Senator CLEMENS.—The 80 are all in Tasmania.

Senator STANFORTH SMITH.—That may be so. We have 1279 men, and they cost us £127,286, or nearly one-fourth of the total military vote. Cannot the number of these troops be reduced in some way? Of these permanent troops we have in the garrison artillery 755 men. They cannot be reduced. There are 84 engineers, and they are absolutely necessary; but there is an instructional staff of 204 men. I think there could be a reduction made here. When it is remembered that we had no instructional staff for our internal forces before Federation it can scarcely be contended that we now require 204 permanent instructors, in addition to lieutenants, captains, majors and colonels for our citizen soldiers. The number comprising our Head-quarters Staff and district staffs amounts to no less than 71. I do not think there can be much reduction in the Head-quarters Staff if we are to have an effective Defence Force, but I do think that there might be considerable reduction made in

the district head-quarters staffs. Any money saved by reductions in the instructional staff and the district head-quarters staffs might be spent in supplementing the numbers of militiamen or permanent men manning our forts. When we come to deal with the volunteers, we find that the volunteer forces of Australia have been practically decimated since General Hutton arrived. There is nothing left of our volunteer forces but a few thousand men in the infantry. We had 12,109 volunteers in 1901, and in the present Estimates we provide for 6,669, and of that number 6,056 are infantry, so that practically the volunteers who were used as mounted troops, field artillery, garrison artillery, and so on, have been disbanded or merged into the militia. Dealing with the mounted troops, I suppose it will be agreed that the Victorian Mounted Rifles comprised a body of men of whom that State might be justly proud. They always acquitted themselves well, and they certainly had no desire to be changed into a militia force. Of these there were 1,360, and they have been converted into militia, against the wishes of the men, at a cost of £8,704.

Senator PLAYFORD.—I have no doubt they will accept the extra money.

Senator STANFORTH SMITH.—In Western Australia an expenditure of £5,689 has been incurred in converting volunteers into militia. This conversion of volunteers into militia represents an expenditure of not less than £14,393. There is absolutely no necessity for this expenditure, and no reason for it, except that a professional soldier desires to see paid or partially-paid men instead of volunteer regiments. Major-General Hutton says, in his report, that the Minister instructed him "that the militia and volunteer forces of Australia should not be reduced in numbers," and yet this is the result.

Senator PLAYFORD.—Parliament insisted upon a reduction in military expenditure.

Senator STANFORTH SMITH.—Parliament insisted upon a reduction of the Defence vote by a lump sum, and whilst Major-General Hutton has largely increased the militia forces, he has practically wiped out the volunteers, and has appointed a number of professional soldiers as an instructional staff, who are not necessary. The Colonial Defence Committee also adopts a hostile

attitude towards the volunteer movement. They say in their report—

With the exception of the nucleus of permanent troops the military forces should consist entirely of troops serving on the partially-paid system.

Honorable senators will see that professional soldiers are totally opposed to the volunteer system, and for many reasons they desire to have the paid men and the professional soldier. This is contrary to the wishes of the people of Australia. The Victorian Rangers have been exceedingly badly treated. Many of them volunteered for service in South Africa, and they have always given a very good account of themselves. They have been forcibly converted into Australian Light Horse. Many of them are workmen who cannot afford to keep a horse, and they have the choice offered to them of becoming Australian Light Horse or disbanding. There have been many serious complaints received from these men concerning the action taken by the military authorities. They were perfectly willing to continue as volunteers, and they have been forced to become militia at considerable expense to the country. When we speak of the necessity for saving, I ask why it should be necessary to make these conversions from volunteers to militia against the wishes of the men themselves, and at such great expense to the country? Although we cut down the vote to such an enormous extent, we find that whilst in 1899 the number of militia was 10,898, in the present Estimates we provide for 15,318. If we allow for sixteen drills at 8s. a day, this involves an increased cost of £28,000. The militia are divided in this way: mounted troops, 4,776; field artillery, 932; garrison artillery, 1,576; engineers, 553; infantry, 6,443; army service corps, 225; medical corps, 490; and veterinary department, 21. There are many reasons given by military authorities for believing that militiamen are better for certain work, such as the work of garrison artillery and engineers, than volunteers. It is said that they are more regular and reliable, and that when there is no military fever, volunteers do not turn up at drill. But there can be no necessity for converting mounted troops and infantry into militia, and if the mounted troops, numbering 4,776, and the infantry, numbering 6,443, were converted into volunteer forces, as they might be without any injury to the effectiveness of

our Defence Force, we could effect a saving of £71,801 a year. I hope that honorable senators will consider this question of the conversion of the large bodies of infantry into militia contrary to the wishes of the men, at a great expense to the country, and without adding in any way to the effectiveness of this arm of defence. When we come to deal with rifle clubs we shall find that they have been cut down with an unsparing hand. There are 31,441 men in the rifle clubs in Australia, and on these, according to the Estimates of 1902-3, there was spent £31,211, which sum this year is reduced to £27,435. All kinds of disabilities have been placed on rifle clubs since Federation came into operation, instead of their being encouraged in every way as a splendid arm of defence. I should like to see the largest part of the money devoted to internal defence spent on rifle clubs, because if we had such clubs throughout Australia, armed with good magazine rifles, we should be very safe with our third line of defence. But the policy adopted towards rifle clubs seems to be one of hostility. Before Federation, in all the States excepting Victoria and Western Australia, members of rifle clubs got their rifles free, but now members have to pay cost price. Why should a member of a rifle club, which is one arm of defence, be placed in a position different from that of a volunteer or a member of the militia? The militia are paid 8s. for every drill and are supplied free with accoutrements, rifles and ammunition, and the volunteers have a *per capita* grant with arms and ammunition free. Members of rifle clubs, however, who receive nothing for their services, have to pay cost price for their rifles, though it is true they are supplied with 200 rounds of ammunition free, and 200 rounds at half price. Are such conditions likely to encourage rifle clubs? I am informed that in the rifle clubs there are more than 7,000 members who have no rifles; and that is not a condition of affairs which should be allowed. In Western Australia rifle clubs were started at various centres, and it was found that the members had to pay for their ammunition three times the price that was demanded from members of similar clubs in Victoria, and, as I say, rifles had to be purchased at cost price. Many of the members of the clubs in Western Australia could not get rifles, even at cost price, owing to the Government

being out of stock. The volunteer vote has been reduced in Victoria alone from £27,550 to £19,002. There are in stock some 27,347 Martini-Enfield rifles, many of which are idle; and, surely, these might be devoted to arming members of rifle clubs. These rifles, though they are not magazine, are excellent for target practice, and for teaching shooting; they take the same cordite cartridge as the magazine rifles, and could be well lent for the purpose I have indicated, instead of being stored up in barracks. The travelling facilities of members of the volunteer forces and the rifle clubs have been reduced. They are allowed to travel free to the nearest butts, but have to pay for their travelling to competitions. The Colonial Defence Committee, which is a body in England supposed to advise on matters Australian, recommend in their report that rifle clubs are not required—that unless the members wear uniforms and attend a certain number of drills no money should be spent on such organizations. Major-General Hutton, although he has spoken in favour of encouraging rifle clubs and cadets, seems to have adopted the policy of the Colonial Defence Committee. The volunteers, who are an important line of defence, seem to have been treated in a shameful manner. Practically nothing has been done for the cadets. Major-General Hutton in his report says—

It is much to be regretted that no funds are available for the development of the cadet military system. I trust that at an early date a system as valuable to the future of the Australian nation may be seriously taken in hand.

Major-General Hutton recognises the importance of training cadets, and yet, at the same time, money is being spent in converting able and efficient volunteer forces into large bodies of militia. The total sum set aside for the cadets is £4,743, and it must be admitted that that is an increase on the sum voted last year, namely, £2,541. There are six paid instructors for the whole of the cadets, three of these instructors being in Victoria. The balance of the instruction to the junior branch of the defence forces is given by certificated school teachers, who impart rudimentary drill.

Senator DONSON.—We ought to have an Act passed putting the cadets on a proper footing.

Senator STANIFORTH SMITH.—I should like to see every State School with a cadet force, so long as the service is

voluntary. When we come to consider the matter of the warlike stores, we find that they are dangerously inadequate. Major-General Hutton in his report states:—

The military stores and equipment are in a most unsatisfactory condition throughout the Commonwealth, and the situation can only be viewed with the gravest concern. Modern equipment for cavalry, artillery, and infantry (a proportion of rifles for the troops on their peace establishment and a small proportion of field guns excepted), may be regarded as non-existent.

Senator PLAYFORD.—Senator Matheson gave us all that information a few weeks ago.

Senator STANIFORTH SMITH.—Then I shall have the pleasure of giving it to the Minister again, because apparently Senator Matheson's words have had no effect—on account of importunity we may be successful. Major-General Hutton states that the arms, ammunition, and equipment required to make the present force effective would necessitate an expenditure of £486,283. It is proposed that this expenditure shall be spread over four years at the rate of £125,000 a year. It therefore follows that not until 1908 will the members of the force, who are being provided for on these Estimates, be properly equipped with arms and ammunition. We may hope that an enemy will be courteous enough not to attack us until that time, because otherwise the result might be very serious. If the enemy is kind enough to wait until 1908 we may be in a position to have our Defence Force armed to "a minimum of safety," to use the words of Major-General Hutton. When the Government are asked to vote this £125,000 a year, they reply—"No; we think it is too soon to have these men armed to a minimum of safety by 1908, and therefore we will grant only £70,000."

Senator PLAYFORD.—There is so much proposed for arming the *Cerberus*, and other defence works.

Senator STANIFORTH SMITH.—The Minister is wrong; and the attitude of the Government shows criminal neglect when we consider that for the next ten years, perhaps, our forces will not be properly armed. The expenditure on medical stores is reduced by £1,000; on arms and ammunition, by £31,000; and on the field artillery, by £23,000—a total reduction of £55,000. If our first line of defence were broken down, and the people of Australia came to realize how ineffective our second line of defence was in not being properly manned and

armed, there would be some Australians looking for the Government with a noosed rope. Our total force, exclusive of the cadets, consists of 54,771 men, and we are possessed of 21,464 magazine rifles, including 1,700 which have been ordered, but have not arrived.

Senator PLAYFORD.—We have the old Lee-Metford rifles, which are very good and take the same cartridge.

Senator STANFORTH SMITH.—These are the rifles of which I am speaking, and even if we include all the Martini-Enfield rifles, which are not magazine rifles, we have not as many as would supply our troops.

Senator PLAYFORD.—We could get plenty of Winchester rifles.

Senator STANFORTH SMITH.—I suppose the Minister would go to the shooting galleries for the Winchesters, or as Sir John Forrest has said, pickaxes could be used. We are paying £5 10s. 11d. per 1,000 rounds for cordite ball-cartridge, or £1 per 1,000 more than the price at which the British War Office supplies similar ammunition. Why should we pay an increased price by 25 per cent. to a private firm manufacturing in Australia? Surely the Commonwealth, as has been suggested by Major-General Hutton, might start an ammunition factory, and reap the benefit of the profits made. The Colonial Ammunition Company is under no obligation to keep a large stock of raw material, and if war broke out and the first and second line of defence were broken down—and it is only in such a contingency that the internal troops come into operation—what would be the effect? There would probably not be enough ammunition to enable us to fight for a week. We find that in our fortifications we are 537 men short of the number requisite to secure the minimum of safety. The instructional and district headquarters staff could be reduced. The volunteers have been practically wiped off the face of the earth. We have allowed about 6,000 infantry to exist, and all the other branches have been either disbanded or merged into an expensive militia. If we converted the infantry and the mounted men of the militia into volunteers, we could effect a saving of over £70,000 a year to make up the deficiency in some of those branches of defence which are absolutely necessary to insure our safety. The volunteers are dissatisfied with their treatment. There are many men

who would be glad to act as volunteers, but if they have to be paid 8s. a day they will decline to serve. There are any number of farmers' sons and others who would be glad to serve their country as volunteers, but who will decline to do so as paid militia. The rifle clubs have been subjected to all kinds of disabilities; the cadets have been absolutely neglected; and the supply of arms and ammunition is greatly deficient. When we come to the item of rifle clubs, in Committee, I intend to move a request for an increased vote.

Senator STYLES.—No branch of the service is in a satisfactory state.

Senator STANFORTH SMITH.—No, but the branches on which the money has been spent are the militia and the permanent men. The expenditure on the professional soldiers has been largely increased, but the citizen soldiers—I allude to the volunteers, the riflemen, and the cadets—have been starved in order to increase the expenditure on the professional and partially-paid soldiers. Honorable senators should consider very carefully how they will apportion the expenditure between the garrison forces and the fortifications and the internal forces. Towards the end of the session we are inclined to look at these matters somewhat languidly, but this question is one of the most important which we have had to discuss during the session. We desire to put our defence establishment upon a proper basis; and this is the first opportunity which we have had of taking any definite step in that regard. We must also bear in mind that if the first line of defence were broken down, the internal forces on whom £500,000 is being spent could only travel over about two-thirds of Australia; that it would be absolutely impossible for these men to go to Western Australia, if it were attacked. The General Officer Commanding and Major-General Sir Bevan Edwards have pointed out that from the strategic point of view that trans-continental railway is absolutely necessary. We are spending £500,000 a year on our internal forces on the supposition that this third line of defence would be of great use if the other two lines were broken down, but it could not possibly be sent to Western Australia without a trans-continental railway. It must be admitted that, from a military point of view, it has very strong claims on our consideration.

The PRESIDENT.—May I ask if there is a line on the Estimates for the construction of a railway to Western Australia?

Senator PLAYFORD.—No, sir; not even for a survey.

Senator STANFORTH SMITH.—I am suggesting, sir, that we ought to ask for a sum to be placed upon the Estimates for that purpose, because it is of no use for us to spend £500,000 a year on our internal forces if they can only be sent to those portions of the Commonwealth where hostile troops are not likely to land. If we spend such a large sum on our internal forces, we ought, at any rate, to provide facilities for their getting to any part of Australia which might be attacked. A hostile force would be far more likely to attack Western Australia than the populous eastern States, because it contains an enormous amount of gold and a number of gold mines; and if it were attacked the people of the eastern States who would be desirous of helping us to repel the foe would be absolutely impotent. I do not intend to discuss these questions any further at this stage, but I hope that honorable senators will look carefully into the Estimates to see how injuriously many of the arms of defence have been affected by the alterations which have been made, and to endeavour to put our military forces on some coherent and sensible basis.

Senator WALKER (New South Wales).—At this hour I do not intend to say very much, as probably in Committee not a few of us will have some remarks to offer. Senator Playford referred to the estimate of the cost of the Federation which was laid before the Adelaide Convention. At that time, in 1897, the estimate, except perhaps as to the parliamentary allowances, was framed on the basis of five States coming into the Union. Six States came into the Union, and since then the Commonwealth has taken over the control of British New Guinea, involving an additional annual expenditure of £20,000. I think that if any one is open to the charge of extravagance it is not the Federal Government. In fact, so much do I admire the economy of the Treasurer, that I wish he would form a class and instruct the States Treasurers, particularly in New South Wales, how to manage their affairs. The States Parliaments are so extravagant that every now and again they attribute all the extra expense to the Federal Government, which, in

my opinion, is very outrageous. With regard to the Department of Defence, we have had so full a statement of the position from Senator Smith that I do not propose to make many remarks. I notice that the total vote for defence is £677,579. There is no allusion to the increased subsidy for naval defence; probably the agreement will not come into force until the beginning of next year, as the Parliament of New Zealand has not yet decided to contribute its share. But presuming that we had to pay £47,000 for the financial half-year, the total expenditure would be increased to £724,579. When we were discussing the Naval Agreement Bill I made some allusion to the necessity of spending a larger proportion of our money on naval defence than on the land forces. Our own naval forces number only 1,122, of whom none are to be found in Western Australia or Tasmania; while our land forces number 22,898. So that we have actually twenty military men for every naval man that we employ. I, therefore, think that a larger proportionate expenditure should be incurred in connexion with coastal defence. I listened with much pleasure to the remarks made by Senators Pearce and Smith respecting rifle clubs. It seems to me that so far as it can be legitimately done we ought to encourage riflemen to become efficient. I should not object to the provision of an inexpensive uniform, which would show that they did belong to rifle clubs. Certainly we ought to encourage the cadet forces. We have also a large number of retired drilled men, who, no doubt, would come to our assistance in case of an attack by an enemy. I am not at all afraid that we should not make a very good fight, but at the same time to be forewarned is to be forearmed. I hold in my hand a letter from Parramatta, in which it is stated that at a public meeting held there some months since, attention was drawn to the fact that the Lancers' Regiment—a very useful one hitherto—is somewhat handicapped by the withdrawal of the subsidy to their band. No doubt there is an attempt to be economical; but in this case it has had a very disastrous effect. It seems that the Lancers are very proud of their band, and hitherto the regiment has been a most prominent part of the cavalry force of New South Wales. I shall not detain the Senate any longer, but in Committee I hope, in common with others, to make some remarks

regarding matters arising under the Estimates.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I wish to say only a few words in reply. Senator Pulsford has asked me to say whether the amount paid by the States on Government imports would be collected and paid back to them. My answer to the question is that the amounts paid on Government imports are collected and repaid to the States. There is no necessity for us to wait for a decision by the High Court on the point which was decided by a Judge of the Supreme Court of New South Wales against the Commonwealth. We are appealing to the High Court, and if the appeal is not sustained, the States will have no claim on the Commonwealth, because the amounts have already been paid over to them. It is said that the cost of post-offices is too high. But that all depends upon the locality. Senator Pulsford's idea that we can build a decent post-office, which would accommodate a postmaster and his family, and provide sufficient accommodation for telegraph and postal purposes, for £500, including the purchase of the site, is simply absurd. It would not be possible to do it. Looking through the list, I came to the conclusion that, at all events, the Federal Government were not more extravagant in the expenditure of money upon post-offices than were the States Governments. Now I come to Senator Smith. He has given us a very intelligent, and to me an enlightening, address because I do not profess to know much about military matters. I have received a considerable amount of information from him on the subject. But he has indulged in, I will not call it abuse, but in adverse criticism of a friendly character, because the Government have not done something. We know that last year the Parliament was determined that the Defence estimates should be cut down. It was said that we were spending a great deal too much money, and it was urged upon the Government that it was absolutely necessary that we should reduce the expenditure. The other House was particularly persistent in that respect, and there was an echo of the same feeling in the Senate. The Government agreed to cut down the Defence estimates by over £100,000. But the usual result follows. It always does follow, wherever estimates are cut down.

Of course something had to be done in the way of dispensing with the services of various individuals. Whenever work of this kind has to be done, it is never possible to please everybody. The position reminds me of the old story of the man who was being flogged. If they whipped him high, or they whipped him low, he did not like it. And so it is with the members of this Parliament. The Government make reductions in accordance with their wishes, but there are still plenty of critics who say that the reductions should have been made in some other directions; and if they had been made in other directions, others would have been just as displeased. Senator Smith has spoken of the rifle clubs and the volunteers. So far as concerns the rifle clubs, we are going to give them a number of privileges which they do not at present possess. We are going to lend to them, without any expense, the reserve of Martini-Henry rifles that we have in stock—until at all events we obtain the better pattern magazine rifles. We are also going to give them a sum of money for their rifle ranges, and we intend to give them something in the way of a grant. In other ways we are going to help them—for instance by giving them something like 200 rounds of cartridges per man for use at their practices.

Senator STANFORTH SMITH.—They have that now.

Senator PLAYFORD.—We are going to give them a little more than they have now. Indeed we are going to do all we can to help these forces. I quite agree with Senator Smith that we ought as far as possible to depend upon our volunteer forces and upon our rifle clubs rather than upon the paid militia and permanent forces. I have not the slightest doubt that the new Minister for Defence will gradually but surely bring about a state of things very different to that which now prevails, and under which more attention will undoubtedly be paid to the volunteer forces. I have nothing further to add except that I am very pleased to find that the Budget speech which I made to-day has given considerable satisfaction to the majority of the Senate.

Question resolved in the affirmative.

Bill read a second time.

*In Committee :*

Clauses 1 to 3 agreed to.

Progress reported.

Senate adjourned at 9.40 p.m.

## House of Representatives.

Wednesday, 7 October, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### FEDERAL CAPITAL SITE.

Mr. O'MALLEY.—In view of the fact that the Government will have no power to acquire under section 19 of the Property for Public Purposes Acquisition Act any area of land for the Federal territory beyond that mentioned in the Bill, will the Prime Minister promise to insert a provision requiring the resumption of not less than 900 square miles?

Mr. DEAKIN.—I do not think there is any limitation in the Bill as to the area to which the section referred to will apply, but I have circulated a draft clause—the insertion of which I propose to move—to put it beyond question that the provisions of the Property for Public Purposes Acquisition Act shall apply to all land required.

### COMMONWEALTH PARLIAMENTARY LIBRARY.

Mr. WINTER COOKE.—I wish to ask the Prime Minister if he will request the Library Committee to furnish a report as to the progress made in regard to the commencement and continuation of a Federal Parliamentary Library?

Mr. DEAKIN.—I understand that the Library Committee is now preparing a report upon the subject.

### COLONEL LYSTER.

Mr. BATCHELOR.—Is the Minister for Defence yet in a position to say whether the transfer of Colonel Lyster is a promotion?

Mr. AUSTIN CHAPMAN.—These transfers are under consideration; but I hope to be able soon to give the honorable member full information on the subject.

### GENERAL ELECTIONS.

Mr. BATCHELOR.—Have the Government considered whether the general elections can be held upon a Saturday?

Mr. MACDONALD-PATERSON.—It goes without saying that they will be held upon a Saturday. The whole of Australia would like to see that day selected.

Mr. DEAKIN.—I have addressed a letter to the Premiers of the States, inquiring their intentions in regard to the Senate elections, and suggesting that it is highly desirable that the same day shall be chosen for each State. As the House is aware, the States must be consulted upon the question.

Mr. O'MALLEY.—But what objection is there to choosing a Saturday?

Mr. DEAKIN.—An informal objection has already been urged against Saturday on behalf of the Jewish community.

Mr. BATCHELOR.—In South Australia they never make an objection.

### PAPER.

Sir GEORGE TURNER laid upon the table the following paper:—

Audit Act—Transfer of amounts approved by the Governor-General, 1902-3.

### SECRETARY TO THE MINISTER FOR TRADE AND CUSTOMS.

Mr. HENRY WILLIS.—Has the Minister for Trade and Customs any objection to lay upon the table all the papers connected with the applications for the position of Secretary to the Minister, and the recommendation of the Public Service Commissioner?

Sir WILLIAM LYNE.—I think that the honorable member will get all the information he wants from the reply which I shall make to the question of which notice has been given by the honorable member for Kooyong.

Mr. KNOX asked the Minister for Trade and Customs, *upon notice*—

1. Is it true that Mr. Stephen Mills, of the New South Wales Public Works Department, is about to be appointed to the position of Secretary for Trade and Customs; if so, what are his qualifications, as far as the Customs Department is concerned, for the position, and do they comply with the advertisement in the *Commonwealth Gazette*?

2. Were applications called for the position of Secretary for Trade and Customs at a salary of £600 per annum?

3. Was Mr. Mills an applicant, and, if so, did he apply prior to the 8th of August?

4. Was he recommended by the Permanent Head of the Customs Department, and was the recommendation approved by the Public Service Commissioner?

5. Were no officers in the Commonwealth Service as suitable or as equally capable of filling the position as Mr. Mills?

6. Under what section of the Commonwealth Public Service Act is it proposed to transfer Mr. Mills from the State service to that of the Commonwealth, seeing that section 31 sets out

that officers may be appointed to the Administrative and Professional division from the State Service only when it is certified that no person is available in the Public Service of the Commonwealth who is as capable of filling the position to which it is proposed that the appointment shall be made?

7. If applications for the position were called for, will the Minister furnish a return giving names of applicants from each State, their qualifications, length of service, and salaries?

Sir WILLIAM LYNE.—In reply to the honorable member's questions, I have been supplied with the following answers:—

1. There is no such position as Secretary for Trade and Customs. The vacant position is that of Secretary in the Minister's office. The services of Mr. Stephen Mills have been borrowed temporarily only from the State. He is an officer of exceptional qualifications, and more completely than any other applicant complies with the terms of the advertisement in the *Commonwealth Gazette*. The Department will not be charged with Customs business alone, but will have many other branches of business to attend to, e.g., patents, navigation, light-houses, weights and measures, &c., and all matters relating to trade and commerce generally. The position is purely a secretarial one, and requires in the person filling it a large general and literary knowledge, coupled with executive ability. Mr. Mills' experience has been in the direction of specially fitting him for this position; he has acted as Secretary to several important Royal Commissions; was Engineer and Secretary to the City Improvement Board in Sydney; Professional Secretary to the Engineer-in-Chief for Public Works, New South Wales; is a good shorthand writer; possesses a thorough knowledge of the French and German languages; and is a barrister-at-law. He is also a civil engineer.

2. Applications were invited for position of Secretary at £600 per annum.

3. Yes. His application is dated 8th August.

4. Yes. He was recommended by both the Permanent head and the Public Service Commissioner as the best qualified of the twenty-two applicants for the position.

5. Not amongst the applicants.

6. The Act speaks of officer being "as" capable. It was considered by the Public Service Commissioner that no other applicant "as" capable applied.

7. There is no objection.

## ANNUAL LEAVE: CUSTOMS DEPARTMENT.

Mr. HENRY WILLIS asked the Minister for Trade and Customs, *upon notice*—

1. Have any Customs or Excise Officers in Sydney applied for and been refused their annual leave of absence, pursuant to Public Service Regulation No. 76?

2. If so, how many, and on what ground was leave refused?

3. Is it intended to abrogate the law in that regard, or to make the necessary provision in order to admit of the said officers getting their annual leave?

Sir WILLIAM LYNE.—In answer to the honorable member's questions I have to state—

1. Officers are only entitled to leave when the requirements of the Department will permit of their taking it. In such case, so long as leave during the course of the current year is granted, this is all that can be claimed.

2. No leave for the year 1903 has been definitely refused, nor is it intended to refuse any leave for this year to which any officer is fairly entitled.

3. The law and regulations are strictly complied with.

## FISHING SCHOONER DORIS.

*Ordered* (on motion by Mr. A. McLEAN)—

That there be laid on the table of this House a copy of all papers, correspondence, and minutes in the matter of the forcible seizure by the Tasmanian authorities of the registered Victorian-owned fishing schooner *Doris*.

## SEAT OF GOVERNMENT BILL.

Debate resumed from 6th October (*vide* page 5735), on motion by Sir WILLIAM LYNE:—

1. That, with a view of facilitating the performance of the obligation imposed on the Parliament by Section 125 of the Constitution, the House do on Thursday, 8th October, proceed to determine the opinion of Members as to the place in New South Wales at or near which the seat of government of the Commonwealth should be situated.

2. That the selection be made from among the places mentioned in the Schedule hereto.

3. That the following be the method of selection, and that so much of the Standing Orders be suspended as would prevent the House from adopting such method.

A Preferential Ballot shall be taken without debate in the following manner:—

(a) Ballot-papers shall be distributed to honorable members containing the names of the sites mentioned in the Schedule hereto.

(b) Members shall mark each name with a figure showing the order of their preference for the respective sites, and shall sign the paper.

(c) The ballot-papers shall then be examined by the Clerk.

(d) If on the first examination, any site proves to have received an absolute majority of first preferences, the Speaker shall report the name of such site to the House, and such site shall be deemed to be the one preferred by honorable members.

(e) If no site receives an absolute majority of first preferences, then the Clerk shall add together the figures opposite the name of each site respectively on all the ballot-papers, and the name of the site against which the largest total is placed shall be reported to the House and shall be struck out.



- (1) If any two or more of the sites shall receive an equal total, such total being the largest sum placed opposite the name of any of the sites, then the Speaker shall ascertain by a show of hands which of such sites should, in the opinion of honorable members, be further balloted for, and the name of the other, or others, shall be struck out.
- (2) Further ballots shall then be taken on the names of the remaining sites, and the name of the site receiving the largest total in each successive ballot shall be reported to the House and struck out in the manner aforesaid, until one of the sites receives an absolute majority of first preferences.
- (3) When one of the sites has received an absolute majority of the first preferences, the name of such site shall be reported to the House by the Speaker, and such site shall be deemed to be the site preferred by honorable members.
- (4) The House shall thereupon resolve itself into a Committee of the whole on the Bill

SCHEDULE.

Albury	Lake George
Armidale	Lyndhurst
Bathurst	Orange
Bombala	Tumut
Dalgely	

Mr. SPEAKER.—As the Minister for Trade and Customs did not obtain leave last night to continue his speech to-day, he must be taken to have spoken to the motion.

Sir WILLIAM LYNE.—I did not speak on the motion last night because honorable members desired an adjournment. I thought at the time that I should have an opportunity to speak to-day.

Mr. REID.—I suggest that, with the concurrence of the House, the honorable member might be allowed to speak to-day.

Mr. SPEAKER.—I was about to add that I would ask the leave of the House. Is it the pleasure of honorable members that the Minister shall speak upon the motion this afternoon?

HONORABLE MEMBERS.—Hear, hear.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—The object of the motion is to provide the best method obtainable for the selection of a site for insertion in the Bill of which we passed the second reading last night. Perhaps some honorable members did not hear my explanation yesterday, and I, therefore, repeat that it is intended to afford opportunity for a general debate in Committee on the merits of the various proposed sites. The

second reading of the Bill was passed on the voices last night, and a promise was then given that an opportunity would be afforded to honorable members who were not present, and who wish to speak, and also to those who did not speak because they desired the second reading to be carried, to deal generally with the question. The practical effect and outcome of the proposal which I submit will be a ballot of a preferential character. The various sites will be numbered by honorable members according to their idea of their relative merits.

Mr. McDONALD.—Will any plumping be allowed?

Sir WILLIAM LYNE.—No; I do not think plumping should or will be allowed. The site which has the largest number of ninth votes in the first ballot, when the votes are added together, will be struck out, and will not be considered on the second ballot. The second ballot will be taken in regard to the remaining eight sites, and the site which receives the largest number of eighth votes added together will be thrown out in the same way.

Mr. CAMERON.—Why not vote openly?

Sir WILLIAM LYNE.—It will be open voting, because each honorable member will be required to sign his ballot-paper, and at the close of the voting the ballot-papers will be open to inspection.

Mr. CAMERON.—Why not take open divisions?

Sir WILLIAM LYNE.—We cannot do that; if we have preferential voting it is impossible to take divisions. I have no doubt that the results of the voting can be published in *Hansard*.

Sir EDWARD BRADDON.—Cannot we settle the question by open voting without any preferential voting?

Sir WILLIAM LYNE.—I must differ from the right honorable member.

Sir EDWARD BRADDON.—That may be, but still I think I am right.

Sir WILLIAM LYNE.—The right honorable member and myself usually differ, because he is a conservative, while I am a democrat. The object of the motion is to arrive at the best means of reaching the conclusion which is in the minds of honorable members, and of all the systems submitted to me I know none better than that which I now propose. Two or three other ways of voting have been suggested. One was to vote openly, taking the places in

that officers may be appointed to the Administrative and Professional division from the State Service only when it is certified that no person is available in the Public Service of the Commonwealth who is as capable of filling the position to which it is proposed that the appointment shall be made?

7. If applications for the position were called for, will the Minister furnish a return giving names of applicants from each State, their qualifications, length of service, and salaries?

Sir WILLIAM LYNE.—In reply to the honorable member's questions, I have been supplied with the following answers:—

1. There is no such position as Secretary for Trade and Customs. The vacant position is that of Secretary in the Minister's office. The services of Mr. Stephen Mills have been borrowed temporarily only from the State. He is an officer of exceptional qualifications, and more completely than any other applicant complies with the terms of the advertisement in the *Commonwealth Gazette*. The Department will not be charged with Customs business alone, but will have many other branches of business to attend to, e.g., patents, navigation, light-houses, weights and measures, &c., and all matters relating to trade and commerce generally. The position is purely a secretarial one, and requires in the person filling it a large general and literary knowledge, coupled with executive ability. Mr. Mills' experience has been in the direction of specially fitting him for this position; he has acted as Secretary to several important Royal Commissions; was Engineer and Secretary to the City Improvement Board in Sydney; Professional Secretary to the Engineer-in-Chief for Public Works, New South Wales; is a good shorthand writer; possesses a thorough knowledge of the French and German languages; and is a barrister-at-law. He is also a civil engineer.

2. Applications were invited for position of Secretary at £600 per annum.

3. Yes. His application is dated 8th August.

4. Yes. He was recommended by both the Permanent head and the Public Service Commissioner as the best qualified of the twenty-two applicants for the position.

5. Not amongst the applicants.

6. The Act speaks of officer being "as" capable. It was considered by the Public Service Commissioner that no other applicant "as" capable applied.

7. There is no objection.

## ANNUAL LEAVE: CUSTOMS DEPARTMENT.

Mr. HENRY WILLIS asked the Minister for Trade and Customs, upon notice—

1. Have any Customs or Excise Officers in Sydney applied for and been refused their annual leave of absence, pursuant to Public Service Regulation No. 7?

2. If so, how many, and on what ground was leave refused?

3. Is it intended to abrogate the law in that regard, or to make the necessary provision in order to admit of the said officers getting their annual leave?

Sir WILLIAM LYNE.—In answer to the honorable member's questions I have to state—

1. Officers are only entitled to leave when the requirements of the Department will permit of their taking it. In such case, so long as leave during the course of the current year is granted, this is all that can be claimed.

2. No leave for the year 1903 has been definitely refused, nor is it intended to refuse any leave for this year to which any officer is fairly entitled.

3. The law and regulations are strictly complied with.

## FISHING SCHOONER DORIS.

Ordered (on motion by Mr. A. McLEAN)—

That there be laid on the table of this House a copy of all papers, correspondence, and minutes in the matter of the forcible seizure by the Tasmanian authorities of the registered Victorian-owned fishing schooner *Doris*.

## SEAT OF GOVERNMENT BILL.

Debate resumed from 6th October (*vide* page 5735), on motion by Sir WILLIAM LYNE:—

1. That, with a view of facilitating the performance of the obligation imposed on the Parliament by Section 125 of the Constitution, the House do on Thursday, 8th October, proceed to determine the opinion of Members as to the place in New South Wales at or near which the seat of government of the Commonwealth should be situated.

2. That the selection be made from among the places mentioned in the Schedule hereto.

3. That the following be the method of selection, and that so much of the Standing Orders be suspended as would prevent the House from adopting such method.

A Preferential Ballot shall be taken without debate in the following manner:—

(a) Ballot-papers shall be distributed to honorable members containing the names of the sites mentioned in the Schedule hereto.

(b) Members shall mark each name with a figure showing the order of their preference for the respective sites, and shall sign the paper.

(c) The ballot-papers shall then be examined by the Clerk.

(d) If on the first examination, any site proves to have received an absolute majority of first preferences, the Speaker shall report the name of such site to the House, and such site shall be deemed to be the one preferred by honorable members.

(e) If no site receives an absolute majority of first preferences, then the Clerk shall add together the figures opposite the name of each site respectively on all the ballot-papers, and the name of the site against which the largest total is placed shall be reported to the House and shall be struck out.

- (r) If any two or more of the sites shall receive an equal total, such total being the largest sum placed opposite the name of any of the sites, then the Speaker shall ascertain by a show of hands which of such sites should, in the opinion of honorable members, be further balloted for, and the name of the other, or others, shall be struck out.
- (g) Further ballots shall then be taken on the names of the remaining sites, and the name of the site receiving the largest total in each successive ballot shall be reported to the House and struck out in the manner aforesaid, until one of the sites receives an absolute majority of first preferences.
- (h) When one of the sites has received an absolute majority of the first preferences, the name of such site shall be reported to the House by the Speaker, and such site shall be deemed to be the site preferred by honorable members.
- (i) The House shall thereupon resolve itself into a Committee of the whole on the Bill.

SCHEDULE.

Albury	Lake George
Armidale	Lyndhurst
Bathurst	Orange
Bombala	Tumut
Dalgely	

Mr. SPEAKER.—As the Minister for Trade and Customs did not obtain leave last night to continue his speech to-day, he must be taken to have spoken to the motion.

Sir WILLIAM LYNE.—I did not speak on the motion last night because honorable members desired an adjournment. I thought at the time that I should have an opportunity to speak to-day.

Mr. REID.—I suggest that, with the concurrence of the House, the honorable member might be allowed to speak to-day.

Mr. SPEAKER.—I was about to add that I would ask the leave of the House. Is it the pleasure of honorable members that the Minister shall speak upon the motion this afternoon?

HONORABLE MEMBERS.—Hear, hear.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—The object of the motion is to provide the best method obtainable for the selection of a site for insertion in the Bill of which we passed the second reading last night. Perhaps some honorable members did not hear my explanation yesterday, and I, therefore, repeat that it is intended to afford opportunity for a general debate in Committee on the merits of the various proposed sites. The

second reading of the Bill was passed on the voices last night, and a promise was then given that an opportunity would be afforded to honorable members who were not present, and who wish to speak, and also to those who did not speak because they desired the second reading to be carried, to deal generally with the question. The practical effect and outcome of the proposal which I submit will be a ballot of a preferential character. The various sites will be numbered by honorable members according to their idea of their relative merits.

Mr. McDONALD.—Will any plumping be allowed?

Sir WILLIAM LYNE.—No; I do not think plumping should or will be allowed. The site which has the largest number of ninth votes in the first ballot, when the votes are added together, will be struck out, and will not be considered on the second ballot. The second ballot will be taken in regard to the remaining eight sites, and the site which receives the largest number of eighth votes added together will be thrown out in the same way.

Mr. CAMERON.—Why not vote openly?

Sir WILLIAM LYNE.—It will be open voting, because each honorable member will be required to sign his ballot-paper, and at the close of the voting the ballot-papers will be open to inspection.

Mr. CAMERON.—Why not take open divisions?

Sir WILLIAM LYNE.—We cannot do that; if we have preferential voting it is impossible to take divisions. I have no doubt that the results of the voting can be published in *Hansard*.

Sir EDWARD BRADDON.—Cannot we settle the question by open voting without any preferential voting?

Sir WILLIAM LYNE.—I must differ from the right honorable member.

Sir EDWARD BRADDON.—That may be, but still I think I am right.

Sir WILLIAM LYNE.—The right honorable member and myself usually differ, because he is a conservative, while I am a democrat. The object of the motion is to arrive at the best means of reaching the conclusion which is in the minds of honorable members, and of all the systems submitted to me I know none better than that which I now propose. Two or three other ways of voting have been suggested. One was to vote openly, taking the places in

alphabetical order, and though some honorable members object to that system, I do not. At the same time, I am not quite sure whether such a plan would be fair to all the sites. If the voting were carried out in that way, Tumut would have the best chance, and Albury would have the worst, seeing that Albury would come first. The leader of the Opposition may remember that the best Chairman of Committees was on one occasion not selected in the Parliament of New South Wales for the reason that three gentlemen were nominated, and that the supporters of the other two combined in order to reject the first man. That scheme was possible because the most suitable candidate happened to have been nominated first; and the result was a lesson to me so far as open voting is concerned. Another method suggested to me is that of exhaustive voting, each honorable member voting for only one site. But, supposing that there were two sites, one in the north and one in the south, which could command a large block vote of, say, thirty votes each, if the parties voted solidly, there would be left only fifteen votes to be distributed amongst the other seven sites. It is quite impossible to judge beforehand whether, under such haphazard conditions, some of the best sites might not be thrown out on the first count. I have not laboured the matter, but simply ask honorable members to take the view I have submitted.

Mr. WILKS.—Why not run it in heats?

Sir WILLIAM LYNE.—That was the suggestion of the honorable member for North Sydney which was rejected by the House. A third method has been suggested by the honorable member for Corinella, and to my mind this method, if it could be thoroughly understood and carried out, would be the best. I should like to know more of this proposal before I can give a definite opinion, but it seems on the face of it to be fair. It was to submit the sites to a preferential vote, numbering the places according to their positions in the estimation of honorable members, and holding those who voted to their first decision. If, for example, an honorable member voted for site No. 2, until his first selection were thrown out, he would not be allowed to vary his votes backwards and forwards as he chose.

Mr. CAMERON. — That is the Hare system.

Sir WILLIAM LYNE. — That seemed to me a very fair way in which to prevent

an honorable member throwing away a vote in order to destroy or reduce the prospects of some other competing site.

Mr. WATSON.—Why not have a simple exhaustive ballot such as we provided last week?

Sir WILLIAM LYNE.—If I did not make myself clear just now, I will again explain that that was a simple exhaustive ballot, in which every honorable member gave one vote only. I venture to say some of the best sites would be thrown out on the first ballot, by the blocking of a northern site or a southern site.

Mr. WATSON.—It would be a more honest vote than that proposed.

Sir WILLIAM LYNE.—I do not think so; and I am afraid the honorable member does not quite see what the effect of such a vote would be. Say there were thirty votes for a northern site and thirty votes for a southern site; that would leave only fifteen votes to be distributed amongst the other seven sites, and, perhaps the best site would be thrown out first. That would not be a fair vote, and, therefore, the Government submits this motion with a view to ascertain as nearly as possible the ideas of honorable members. The voting will ultimately be made public, so that all may know how each honorable member has voted on each site. I do not intend at present to deal further with the question. The only desire of the Government is to arrive at the most equitable system of voting, in order to prevent any mishap, and in order that the best site may be selected. It is very difficult to arrive at a satisfactory solution of this difficult problem. I ask honorable members to consider the matter fairly, as I am sure they will; and I can promise that, if any suggestion is made which appears to be an improvement on the present proposals, the Government will adopt it without hesitation.

Mr. FISHER.—In what manner do our Standing Orders fall short of getting at the right result?

Sir WILLIAM LYNE.—If the vote were taken under the Standing Orders, it would have to be by ordinary division, and each site would have to be taken separately. If a vote were taken early with regard to any particular site, and there were a combination of the advocates of other sites against it, the site in question would have

its chances destroyed. That is the greatest objection I have to the direct voting system.

Mr. FISHER.—All the sites would be rejected on the first vote, and then there would be a recommittal in each case.

Sir WILLIAM LYNE.—No, there would not. Honorable members would be likely to vote in the second place for sites which they would not favour in the first instance.

Mr. FISHER.—But the first vote in all cases would result in the site being rejected.

Sir WILLIAM LYNE.—No. I might explain to the honorable member what happened in the New South Wales Assembly. Three gentlemen offered themselves as candidates for the position of Chairman of Committees. The name of the candidate who seemed to have the best chance of election, and who was regarded as the most suitable for the position, happened to be submitted first. The supporters of the other two candidates combined against him, and the consequence was that his name was rejected.

Mr. A. McLEAN.—That is generally the case.

Sir WILLIAM LYNE.—But it should not be the case, and I hope that honorable members will assist the Government in arriving at some method under which it will not be possible to deal similarly with any of the sites.

Mr. A. McLEAN. — Minorities always combine against a stronger party.

Sir WILLIAM LYNE.—Yes, that is what happened in the case referred to. One of the other two candidates was elected, against the better man, who should have been appointed to the position.

Mr. HUGHES.—I do not think he was the better man.

Sir WILLIAM LYNE.—Perhaps not; but I thought so. I now leave the whole matter in the hands of honorable members.

Mr. REID (East Sydney).—Of course, the simplest plan would be to submit each name upon the list and take a vote upon it. But, unless that direct voting system were accompanied by certain safeguards, it would, as the Minister has pointed out, be absolutely unfair in its results. For instance, upon the list as it stands, Albury appears first; and, if it were submitted to the Chamber, the supporters of the other eight sites would vote in the negative, and thus Albury, would have to fight against eight sites at once. I intend to suggest a

plan for the consideration of the House. So far as I have gone I have simply stated that it would be absolutely unfair to submit the names of the sites in the ordinary way by asking honorable members who are in favour of the Albury site to say "Aye," and those against it "No." That would be absolutely unfair to the sites first submitted, because, naturally, those honorable members in favour of the other sites would vote "No," and we should have the supporters of eight sites fighting against the advocates of one. That would not express the true mind of the House.

Sir EDWARD BRADDON.—It would not be necessary to take a negative vote at all.

Mr. REID.—I am coming to that, if the right honorable gentleman will permit me. I am simply suggesting those things which we cannot do first, and I shall then explain the plan which we can adopt. I have mentioned first the obvious ordinary plan that we adopt in Committee in dealing with propositions, such as whether a word shall stand or be omitted, but, in this particular case, we cannot adopt that method. Now, I propose to deal with the plan proposed by the Government. The only justification for submitting such a plan must be based on the theory that it was invented by some person of unsophisticated innocence or by a deep designing man. He must be one or the other. If the plan proposed could be worked out with a guarantee that honorable members would loyally carry out its spirit it might be a good thing. The motion on the business paper provides that there shall be an order of preference, and that the site which has the largest arithmetical total—which means that which is last in the order of preference shall be rejected. For instance, let us take the names of the sites as they stand in the schedule. Suppose that honorable members numbered them in the order in which they appear in the schedule, Albury would be first, Bombala second, and so on down to Tumut, which would appear ninth on the list. Then, suppose there were only one vote—and this affords as good an illustration as if there were a thousand—Tumut would count nine, and therefore would be struck out, because it would have the largest arithmetical total. If there were an absolute majority of first preferences in favour of any one site the whole matter would be closed, and very properly so, because an

absolute majority always carries everything. But the probability is that there would not be an absolute majority upon the first vote, and the Government proposal provides for that. Paragraph *e* of the motion reads:—

If no site receives an absolute majority of first preferences, then the Clerk shall add together the figures opposite the name of each site respectively on all the ballot-papers, and the name of the site against which the largest total is placed, shall be reported to the House and shall be struck out.

Now, on the surface, that seems a fair plan, because the largest arithmetical total would represent the lowest amount of preference. Therefore, it would seem right to adopt it. Now, we may suppose that the unsophisticated supporters of Tumut, headed by the Minister for Trade and Customs—

Sir WILLIAM LYNE.—The right honorable gentleman need not say that, because I have Albury also.

Mr. REID.—Yes; but the Minister cannot run double on this occasion. Suppose that an unsophisticated honorable member like the Minister for Trade and Customs came along with twenty-nine other honorable members in favour of Tumut. They would naturally place the figure 1 opposite the name of the site, and, perhaps, honestly thinking that Bombala was the next best site, they would innocently and honorably place the figure 2 opposite that name.

Sir WILLIAM LYNE.—No.

Mr. REID.—I am not suggesting that the Minister would actually do so, but I am supposing everything in favour of the Minister and his twenty-nine supporters. I am assuming that they would innocently and honorably place the figure 2 opposite the name of Bombala. I am not suggesting that that is the Minister's real intention, because it would be difficult for any one to know what his intentions are. Suppose that the Minister and those who thought with him in favour of Tumut honestly indicated Bombala as the site which occupied the second place in their estimation. The supporters of Bombala, headed by my equally unsophisticated friend, the Minister for Defence, would then come along with his twenty-nine supporters and place No. 1 opposite the name of Bombala. But having a strong fear that Tumut was the site of which they had to beware as the probable runner-up, they would each place the figure 9 against the name of that site. As a

result, the advocates of Tumut would give Bombala only thirty twos, or a total of sixty, whereas the Bombala advocates would give Tumut thirty nines, or a total of 270, and out would go Tumut. I only give that one illustration to show what might be done. I am not for a moment asserting that any honorable member would do as I suggest. I am only saying that there is a possibility of its being done, and I am sure that none of us wish that these proceedings should be clouded by any possibilities of that kind. Whatever our decision may be, we hope that it will represent the honest and direct opinion of the House. We have a common interest in securing that result, and we must not put temptations in the way of people of strong convictions. Both my honorable friends in the Ministry have extremely strong convictions—divided by two in the case of the Minister for Trade and Customs. I think that a statement of the dangers attendant upon the system of voting proposed by the Government ought to be sufficient to condemn it.

Sir WILLIAM LYNE.—Will the right honorable gentleman suggest something better?

Mr. REID.—I intend to do so. There is no tinge of party element in this matter. We are absolutely free from any party feeling. As the Minister says, when we object to any proposal it is our duty to suggest another in its stead. I shall suggest an alternative scheme; but I do so with very great diffidence, because I recognize that this problem is not an easy one to solve. I suggest that the most satisfactory and direct way in which to determine this matter is for us to take the nine eligible sites, and to indicate upon our first ballot-papers our respective preferences absolutely. That is say, each honorable member should place a cross opposite the site which he considers positively the best—the site in which he believes. No advocate of any site—whether inside or outside of this House—can object to that site being struck off the list if, amongst the nine sites, it receives absolutely the smallest number of supporters—in other words, if it is the lowest upon the poll.

Sir WILLIAM LYNE.—That is where the danger comes in.

Mr. REID.—Let us suppose, for instance, that each site commands a varying number of votes, ranging perhaps from thirty in the case of the most popular site down to

three or four in the case of the least attractive. Surely if the lowest site upon the poll can command only three or four votes, no human being can complain of its being eliminated from the list. My proposal is practically an open ballot, with the advantage that each honorable member can register his vote as he pleases instead of by means of the clumsy method of division. Should it be adopted, each member will be free to select what he considers to be the best site—the site that he wishes to see chosen. If amongst a House containing sixty votes the site which commands the least number of supporters can secure only three or four votes, what human being can urge that it ought not to be eliminated from consideration? It is a long process, but I suggest it in order that honorable members may be given absolute freedom of judgment in dealing with the awkward situation which is presented.

Sir WILLIAM LYNE.—Suppose that Bombala and Lyndhurst were strongly supported. There would then be only about five votes available for distribution amongst the remaining seven sites.

Mr. REID.—But there must be some point at which we begin to eliminate the sites. We cannot continue voting upon the nine sites through all eternity. That proposition, I suppose, will commend itself to the good sense of the House. A weeding-out process must be commenced somewhere, otherwise we shall still be confronted with these nine sites next year.

Sir WILLIAM LYNE.—Under the right honorable member's proposal, Tumut would be weeded out upon the first ballot.

Mr. REID.—Does the Minister seriously suggest that Tumut will not command more than three votes?

Sir WILLIAM LYNE.—There would be only five votes available for distribution amongst seven sites, because about sixty votes would be recorded in favour of two sites.

Mr. REID.—If before a ballot is taken the House has arrived so near a decision that, out of sixty members, thirty are favorable to one particular site and thirty to another, surely the site which can command only three votes can never win? Of course, I am merely suggesting my own view. The next stage would be to supply honorable members with another ballot-paper containing the names of the eight sites which then remained, so that honorable members would

again have the full area of choice. Each honorable member would again indicate by means of a cross the particular site out of the eight which he favoured. That process would be continued until the number of sites had been reduced to two. As the Minister has very properly pointed out, if we reduce the number to three we cannot secure a vote which will be fair. Consequently we must reduce the number of sites to two. We could then take a straight-out vote upon those sites, because there would be no danger of complications arising. The seven would have been eliminated by means of the lowest site having been struck out after each ballot, and when only two sites remained I should prefer that an open vote should be recorded upon them. Indeed, there would then be no object to be gained by voting in any other way. Of course, it has been pointed out that the process which has been recommended by the Minister will leave the House absolutely free to insert in the Bill the name of any site that it may choose. I do not wish to criticize the action of the Government in refusing to insert in the Bill the name of any particular site, because it would have been a grossly improper thing for them to do, and I should have been the first to denounce them for it. I understand, however, that this is a genuine open question in the Cabinet. If there is a Cabinet agreement upon it, it is grossly improper that the Government has not suggested a site.

Sir WILLIAM LYNE.—There is no agreement.

Mr. DEAKIN.—Hear, hear.

Mr. REID.—I accept the assurance of Ministers that it is an absolutely open question in the Cabinet, and, consequently, it is impossible for the Government to recommend any particular site. Had they nominated one, they would have been chargeable with an attempt to distort the judgment of the House. I do not at all object to the form in which the Bill has been introduced, although I confess that I do not like the present form of the resolutions.

Mr. McCAY (Corinella).—I have listened with great interest to the remarks of the leader of the Opposition concerning the proposal which he has submitted as an alternative to the scheme which has been offered by the Government. Personally, I think that as the debate progresses—and I hold it is desirable that upon this matter we

should have the fullest discussion—honorable members will discover that it is much easier to find fault with schemes which are propounded than to defend from attack the particular scheme which they may propound themselves. The attention which I have been able to bestow upon voting schemes—and with me the consideration of this question is not a matter of yesterday—has convinced me that there is absolutely no scheme which is not open to attack upon the ground that it can be abused if people are willing to abuse it. I use the term “abuse” in no offensive sense. I merely desire to convey that any scheme of voting can be used to achieve results which would not be produced if honorable members expressed their absolutely independent opinion instead of making use of a certain form of procedure to put dangerous opponents out of the way.

Mr. THOMSON.—But some schemes are less liable to abuse than are others.

Mr. McCAY.—I object to the Ministerial proposal, upon the ground that the method of adding totals is infinitely more liable to lead to wrong results—viewing the matter purely from a mathematical stand-point—than is the alternative method of transferring single votes. Of course I realize that the object of the total addition is to prevent a recurrence of the ancient illustration of Themistocles, who was second upon every general's paper, but first upon none. That is the object of the Government scheme as proposed. There is no doubt that it is open to the serious objections which have been urged against it by the leader of the Opposition, and to other objections also. At the same time I should like to point out what can be done under the proposal suggested by the right honorable member for East Sydney. He says—“Let us take a ballot, and let each honorable member place a mark opposite his own first preference.” I think we may take it that upon the first ballot every honorable member would truly indicate what was his real preference. Then the right honorable member adds—“Strike out the site which receives the smallest number of votes and take a fresh ballot.” His proposal might work very well for three or four ballots. But let us suppose that the number of sites had been reduced to five. I have prepared an illustration of the effect of this very proposal, but unfortunately I have used the names of particular sites.

Mr. AUSTIN CHAPMAN.—Refer to them as “A,” “B,” and “C.”

Mr. McCAY.—I prepared this illustration on the assumption that the two Houses would sit together, but, although it allows for 100 votes, the principle is exactly the same as if only seventy-five were accounted for. Let us suppose that at a ballot the names of five sites—A, B, C, D, and E—still remained in the running; that A got twelve votes, B forty votes, C twenty-five votes, D eight votes, and E fifteen votes. That would account for 100 votes. D, having the lowest number of votes, would drop out, and there would be eight votes to transfer to the others. At the next ballot A receives twelve votes and its share of the eight, B forty votes and its share of the eight, C twenty-five and its share of the eight, and E fifteen and its share of the eight. But let us suppose that the supporters of B, which has the lead, think that E is its dangerous opponent. B could beat C, which received only twenty-five votes at the previous ballot, but its supporters fear that if E remained in the ballot in the long run they would be beaten. In that event what would happen would be that at the next ballot A would receive twenty-one votes and B thirty-four—

Mr. WATSON.—That would be a dangerous game for the supporters of B to play.

Mr. McCAY.—I can show why it would not be dangerous. At the next ballot A would receive twenty-one votes, B thirty-four, C twenty-five, and E twenty. The supporters of B would run no danger in adopting these tactics, because the thirty-four votes which it would receive would be more than a third of 100. There would be four in the running, and any site receiving over twenty-five votes would safely remain in the ballot.

Mr. THOMSON.—E would go out?

Mr. McCAY.—Quite so. At the next ballot B jumps up to its original number of forty with a few additional votes added.

Mr. THOMSON.—How many would it receive in the next?

Mr. McCAY.—E being out, B would be rid of its most dangerous opponent. It could beat either A or C, E being the only one which the supporters of B really feared.

Mr. WILKS.—Much discipline would be necessary in order to carry out those tactics.

Mr. DEAKIN.—And we know where to look for it.



Mr. CONROY.—It would give a very fair result.

Mr. McCAY.—It could not be a fair result if at the fifth ballot B had forty votes and at the sixth had only thirty-four. The system of voting which the leader of the Opposition proposes is invariably adopted by party conventions in the United States in selecting party candidates, and it has invariably proved there to be the most potent in the working of organizations and tactics in connexion with electioneering that the world has ever seen.

Mr. WATSON.—That is the fault of the machines, and not of the method employed.

Mr. McCAY.—It is the fault of the method employed.

Mr. JOSEPH COOK.—What would be the voting at the next ballot?

Mr. McCAY.—My arbitrary figures for the next ballot are A fifteen votes—

Mr. WATSON.—A loss of six.

Mr. McCAY.—Quite so; the six that were temporarily transferred from B. B would receive forty-four and C forty-one votes. In the final ballot B would receive fifty-one votes and C forty-nine. I propose to point out how the danger associated with this system could be obviated. I thought, and I still think, that the best plan for honorable members to adopt would be to vote once and for all by putting the figures 1, 2, 3, and so on, opposite the names of the several sites in the order of their preference; and I am perfectly satisfied that, on further consideration, honorable members will arrive at a conclusion that my contention is probably correct.

Mr. WATSON.—The suggestion which the honorable and learned member makes is open to a serious danger, which I could point out.

Mr. McCAY.—I shall come to that point. I think that honorable members should vote 1, 2, and 3 on a single ballot-paper, and that the rest should be left with the scrutineers. As an honorable member's first preference dropped out, his second would automatically come into its place, and that is what should occur.

Mr. WATSON.—It would come automatically into place if the honorable member gave it.

Mr. McCAY.—Whether we voted on a single ballot-paper or by successive ballots, any honorable member who was determined to put No. 9 against X, because he was

afraid of it and desired to keep it out of the running, would never vote for X from start to finish. To put No. 9 against X on the ballot-paper would be just as if no number were placed opposite to it.

Mr. WATSON.—But supposing there were a second preference?

Mr. McCAY.—That is an objection to the scheme suggested by the leader of the Opposition, which does not apply to that put forward by the Government. If a certain site were every member's second preference, it would receive no votes on the first ballot, and it therefore would be the first to drop out. The objection is equally fatal to the site which is second in the order of preference under the scheme suggested by the leader of the Opposition as it would be under any other scheme. If such a site would not get a No. 1 vote on a preference vote it would not get a No. 1 vote on a single ballot-paper. I now propose to detail my scheme and allow honorable members to point out its defects. I take it that no honorable member should alter his first preference as long as it is in the running.

Mr. THOMSON.—As long as he thinks that it has a chance?

Mr. McCAY.—No; as long as it remains in the running. While it remains in the running it has a chance. The honorable member says that no one should alter his first preference as long as he sees that it has a chance. But how should he determine its chances of success? From the voting, or from the speeches of honorable members?

Mr. THOMSON.—From the voting.

Mr. McCAY.—As long as it was not last on the list it would have a chance. No member should be able to vote for any but his first choice until it had been beaten by being placed lowest upon the list. I suggest that when site M has been beaten on the first ballot, only those members who voted for it should vote on the second ballot, and the votes given for unbeaten sites still counted for those sites. A man should pin his faith to a certain site, and stick to it until it has been discarded. It may be objected that when the sites are becoming reduced in number, and there are twelve or fifteen honorable members still free to vote, the others looking on, they may be assailed with good advice.

Mr. JOSEPH COOK.—Will they not be given an advantage over the others?

Mr. McCAY.—No.

Mr. JOSEPH COOK.—It might be that after the result of a ballot had been seen a member might desire to change his preference.

Mr. McCAY.—Why should he?

Mr. THOMSON.—Because he would like to vote for his second preference if he thought that his first would be beaten.

Mr. McCAY.—When a site had been discarded, the members who voted for it would, under my proposal, be allowed to vote again, but other honorable members would not vote again on the second ballot, though their votes on the first ballot would be counted in the second count.

Mr. DEAKIN.—Would the honorable and learned member allow them to know how the votes were cast on the first ballot?

Mr. McCAY.—I shall come to that in a moment. When a second site had been discarded as the result of the second ballot, the members who voted for it and no others would have the right to vote again. It may be objected that this would give opportunities for pressing upon them good advice—for remarks being made as to the chances of the other sites. To avoid that, I suggest that the only announcement to be made after the first ballot should be that site M, having received the lowest number of votes—three or whatever the number might be—those honorable members who had voted for it were entitled to vote again. Nothing more should be made known until the final determination.

Mr. HUGHES.—Would not the honorable and learned member allow it to be announced that the highest number of votes cast for any site was so many?

Mr. McCAY.—No. I think no announcement should be made as to the number of votes cast for any but the rejected sites until the whole of the balloting was finished. I think that some provision of that kind will be necessary if the suggestion of the leader of the Opposition is adopted. With such a modification I would prefer it to the Government method. The honorable member for North Sydney has interjected that a member might want to vote for his second preference if he saw that his first preference had no chance. The suggestion I made the other day would meet that objection. I then proposed that each member should place the figure 1 opposite his first preference, the figure 2 opposite his second preference, and so on, in order that when his first preference was

defeated his vote would count for his second preference, and that when his second preference was defeated his vote would count for his third preference.

Mr. THOMSON.—But what about those who had placed the figure 9 against what they considered the most dangerous rival to the site they favoured most?

Mr. McCAY.—If an honorable member placed the figure 9 against a site, I take it that it would be a site for which he would not vote in any case. Let me take a specific instance by way of illustration. There may be some honorable members who desire that Lyndhurst shall be chosen, and who would not vote for Bombala under any conceivable circumstances, while, *vice versa*, others would desire that Bombala should be chosen, and would not vote for Lyndhurst.

Mr. JOSEPH COOK.—But an honorable member who favoured Bombala might give a second preference to Lyndhurst in order to knock out Tumut.

Mr. THOMSON.—Yes; although he considered Tumut the next best site to Bombala.

Mr. McCAY.—That is the very condition of affairs which would arise if the method of having a series of ballots is adopted, and it is what I fear. No doubt honorable members will say, "I know how many votes have been cast for site A, and, therefore, I shall vote so as to knock out site B, because once that site is beaten site A will have the best chance."

Mr. THOMSON.—But under the honorable and learned member's system a member would give, not his second preference, but his last preference to the site which he thought the strongest rival of that which he favoured.

Mr. McCAY.—A member would place the figure 1 opposite the name of the site which he liked best, and the figure 2 against the name of the site which he liked next best.

Mr. THOMSON.—Not necessarily.

Mr. JOSEPH COOK.—He would put the figure 9 against the site which he wished to beat.

Mr. McCAY.—Yes, because that would be the site for which he would have the least liking.

Mr. WATSON.—It might not be. It might be the site for which he would vote if his favoured site were beaten, but which he regarded as its most dangerous rival.

Mr. McCAY.—Under my system a member would have to pin himself to one site, and would be unable to change his vote to meet the varying contingencies which might arise. I admit that a member who wished to see site A chosen, and regarded site B as its most dangerous rival, would put the figure 9 against the latter, and I am not prepared to say it would be immoral to do so. But if the method of having a series of ballots is adopted, such a member would never vote for site B, although he might vote for any other.

Mr. THOMSON.—If his favorite site were beaten, he might wish to vote for site B.

Mr. McCAY.—Under my proposal, as soon as his favorite site was beaten, he could vote for site B, but he would not be at liberty to do so until site A had been beaten.

Sir WILLIAM LYNE.—The honorable and learned member's method would leave the selection of the site in the hands of half-a-dozen members.

Mr. KINGSTON.—No.

Mr. McCAY.—How could it be said to be left in the hands of half-a-dozen members when every honorable member would have expressed his preference? If the half-dozen did not know how the votes had been cast for the remaining sites, they would have every inducement to vote for the sites they thought best, because they would not know the effect of transferring their votes to other sites. The method of taking a series of ballots gives more opportunities for wrong-doing than any other, and unless it is modified, as I suggest, by allowing only those whose choice has been beaten to exercise a second preference, is a dangerous one. I am not particular as to whether the second preference is shown by marking a second ballot-paper, or by marking the order of preference upon the first ballot-paper, because the two methods are practically the same. Possibly it may be said that what I suggest as an amendment on the proposal of the leader of the Opposition is in some respects the more desirable of the two methods. I do not agree with the system of giving every member a fresh vote on each ballot, because that opens the way to possible wrong-doing; and I have given an illustration of how the wrong can be done. I am sure honorable members know as well as I that this very system has invariably been used in all the party Conventions in the United States, and it requires very little inquiry into American

politics to learn how extraordinarily this system may be worked by those skilful in its use to the detriment of the true feeling of the Convention, and in favour of the interests of a particular candidate.

Mr. FISHER.—What is the honorable and learned member's objection to proceeding under our Standing Orders?

Mr. McCAY.—The honorable member asks why we should not vote on each of the sites "Aye" or "No."

Mr. FISHER.—And then recommit.

Mr. McCAY.—All the sites might be beaten on the first vote; and then, I suppose, we should have to proceed to beat them all over again, and keep on beating them.

Mr. FISHER.—But we may shift our votes to the site we consider the next best.

Mr. McCAY.—According to the honorable member for Wide Bay, those who voted for places which had received few votes earlier would transfer their votes to other places which seemed to have a chance. But that is exactly what honorable members would do, under the proposal of the leader of the Opposition, with my amendment.

Sir GEORGE TURNER.—Except that honorable members would not know which were the places with the best chance.

Mr. McCAY.—That is so, and, therefore, honorable members would have to vote for what they thought the best place, irrespective of its chances, as, I contend, we ought all to do. The only difference between the suggestion of the honorable member for Wide Bay and my suggestion is, that under the former honorable members may be induced to vote, not for what they think is the best place, but for the place which they think has the best chance. I am sorry to have detained the House so long, but I feel strongly on the matter; and I am sure honorable members will see, on consideration, that my proposal is desirable, not because we distrust one another, but because we do not wish it to be said by the nation, which will be watching our doings during the next day or two, that there was a possibility of wrong-doing. Therefore, I recommend the proposal of the leader of the Opposition, with the proviso that only those whose sites are beaten shall vote again, because that plan will meet the exigencies of the case more fully than will any other. I do not wish to go into arithmetic, but I could show that the Government scheme lends itself to the very danger which I have described as attaching to successive ballots where every member may

vote again. If there were three places, A, B, and C, and the supporters of A thought that if B were out of the way they would be quite sure to beat C, they would put B third, although they believed it to be second best place. That would be doing exactly the same as could be done by transferring votes under full successive ballots. I venture to suggest to the Government the advisability of reconsidering this particular proposal. I have now exhausted my right to submit any amendment, but I hope I have made it clear to the House what I think should be done.

Sir WILLIAM LYNE.—If there were two sites, one northern and one southern, which had an equal number of votes, say fifteen or thirty in the first ballot, does the honorable and learned member say that he would not allow honorable members to move their votes, but would leave the decision to the balance of the voters?

Mr. McCAY.—Undoubtedly I say that is the proper thing.

Sir WILLIAM LYNE.—I will not have that plan so far as I am concerned.

Mr. McCAY.—There may be twenty-five honorable members who desire site A, and twenty-five who desire site B, and these honorable members ought to be kept to their preferences until they are beaten—they have no moral right to change their preferences.

Sir WILLIAM LYNE.—The honorable and learned member gives no opportunity for compromise in any way.

Mr. McCAY.—This is a matter of selecting what we think on the whole to be the best site, and it is not a matter for compromise. If we were to look behind the Minister's interjection as to compromise, we could surmise why he is in such a compromising mood to-day. I may be wrong in what I suggest, but it is my duty to express my opinion; and, therefore, I hope that in some of the earlier sub-sections of the resolution an amendment will be made in the direction I have indicated. I do not propose myself to submit an amendment at present, for the reason that when I moved in a similar direction a week or two ago, I did not receive any great measure of support from honorable members; but I have done my duty in drawing attention to the facts. We should have some system of voting which is open to as little objection as possible. There is no system to which some objection could not be taken; but I venture to say that

my suggestion will on consideration be found open to less objection and less unkind comment than is any other likely to be submitted.

Mr. THOMSON (North Sydney).—Like the honorable and learned member for Corinella, I think we ought to strive to arrive at a method which is as absolutely fair as any can be. We should especially strive to adopt some system which will stop any improper tampering with the votes of honorable members. The honorable and learned member for Corinella, in speaking in favour of his suggestion, took what to my mind is the extraordinary position that a site may be selected, although the majority of honorable members are not in favour of that site as compared with some other. The honorable and learned member arrives at that conclusion by absolutely excluding or proposing to exclude the exercise of a second preference.

Mr. McCAY.—No.

Mr. THOMSON.—The honorable and learned member will excuse me; but he does propose to exclude a large number of voters from a second preference. His contention is that those whose favoured site is not thrown out in the first ballot, for instance, shall have no opportunity to alter their votes, but that the second preference shall be given only to those whose sites have been thrown out.

Sir EDWARD BRADDON.—But if there is an absolute majority in favour of one site, that settles the matter.

Mr. THOMSON.—That is quite correct.

Mr. McCAY.—Is the honorable member for North Sydney going to show why there should be a second preference, although an honorable member's first preference is still an available site?

Mr. THOMSON.—A man may properly say—"I prefer a given site, but if that site is thrown out, or I see that I cannot get sufficient support to carry it, then I shall vote for the site which I prefer next, and I desire to have an opportunity to do so." That is what is done constantly in this House in the case of divisions.

Mr. McCAY.—He would get an opportunity as soon as his fears were proved to be true.

Mr. THOMSON.—When the site which an honorable member favoured was entirely thrown out, he might have an opportunity to transfer his vote, but his second preference might have been thrown out beforehand.

Mr. McCAY.—But the site which he preferred most would not have been rejected.

Mr. THOMSON.—Perhaps not; but he would know that its chances were hopeless. In the same way we often recognise that it is impossible to secure that which we most desire, and therefore give our support to the proposition which we think next best. I had a great deal of admiration for the scheme which the honorable and learned member proposed on a former occasion, and if we could insure that honorable members would exercise their second preference honestly, the system would work out with good results. I recognise, however, that the second preference of an honorable member as shown by his voting would not always be in accordance with his real opinion, and, therefore, the effect desired would not be accomplished. I quite agree with the leader of the Opposition in the objections which he has urged against the proposal of the Government. I think that it offers greater opportunities for manipulation than any other plan submitted to us. The site which was regarded as the most formidable rival to that which an honorable member preferred might be placed at the bottom of the list, and in the long run we might select a site which a majority of honorable members would not regard as the best. Of all the ballot proposals which have been made, that submitted by the leader of the Opposition appears to me to offer the least opportunity for improper manipulation of votes. According to the plan suggested, an honorable member could only do one of two things with his vote. He would have only one vote, and he must support the site which he preferred at each stage of the ballot. Therefore he must either vote for that site, or, at very great risk, especially as the sites became reduced in number, give his vote to another site which he did not desire to see chosen.

Sir GEORGE TURNER.—There would be no risk if he knew the number of votes which would be recorded in favour of each site.

Mr. THOMSON.—No honorable member could possibly know the number of votes in favour of any particular site, because at every fresh ballot there would be a redistribution of votes.

Mr. McCAY.—If there were only four sites left, that site which obtained 25 votes out of 100 would be perfectly secure at the next ballot, and could very well spare any surplus votes.

Mr. THOMSON.—It would be very dangerous if two or three sites were running each other closely—and these are the sites regarding which honorable members would have to be most careful; the sites which in consequence of their superiority would obtain a large support—to try the method to which I have referred. We had an illustration from the honorable member for Corinella of what would occur under the method proposed by the leader of the Opposition. It was shown that B and C sites at the first ballot secured forty and twenty-five votes respectively, but they remained in till the last ballot, notwithstanding all the manipulation.

Mr. McCAY.—The figures could be worked out to show the opposite result quite as easily.

Mr. THOMSON.—It would be difficult to make the figures work out in any other way, and, at the same time, to reasonably distribute the votes given in favour of the smaller sites.

Mr. McCAY.—I could compile results which would be just as reasonable and work out in quite the opposite direction.

Mr. THOMSON.—The balloting system proposed by the leader of the Opposition appears to me to be the best.

Mr. WATSON.—It is practically the same that we agreed to a fortnight ago.

Mr. THOMSON.—Yes. Another system has been suggested—namely, that of submitting the sites in their order, and voting for and against each. There is a grave objection to that system, because the site which was last submitted would have the best chance.

Mr. FISHER.—Not if an opportunity were given for recommitment.

Mr. THOMSON.—Up to the stage I have indicated, the site last on the list would have the best chance. To avoid that it might be arranged that, if the sites were submitted in alphabetical order, it might be understood that the site which obtained an absolute majority, or the site which secured the largest number of votes, should be placed in the Bill. After that every other site could be proposed against the site named in the Bill in order to show that the first selection had the support of an absolute majority of honorable members, and to insure that the best site should not be rejected by accident. That would remove some of the objections raised against the system of voting by rotation, but of the

ballot systems I prefer that proposed by the leader of the Opposition, which I regard as the best of those submitted.

Mr. WILKS (Dalley).—I desire to submit a scheme by which, I think, honorable members could make a fair choice. I suggest that in the first place nine sites should be submitted, and that honorable members should be entitled to have eight votes. They would thus be called upon to leave out one site.

Mr. HUGHES.—Eight equal votes?

Mr. WILKS.—Yes. The site which is omitted most frequently would be rejected as a result of the ballot.

Sir GEORGE TURNER.—Under such circumstances, should not I leave out the name of the site which I feared most?

Mr. WILKS.—Under any scheme which may be adopted that will be done.

Mr. MCCAY.—Speaking roughly, that system has a tendency to knock out the "strong" sites, and to retain the "weak" ones.

Mr. WILKS.—I thought I was dealing with this matter in a straightforward manner, but, according to the honorable and learned member for Corinella, my proposal would result in knocking out the strongest sites. Under the circumstances it seems to me that the only way in which the matter can be settled is by locking honorable members up and postponing the elections until a decision has been arrived at.

Mr. SPEAKER.—I must ask honorable members to refrain from conversing in such a loud tone. I can quite understand that some comparison of views is necessary to facilitate a decision being arrived at, but any such comparison must be conducted in such a way as not to disturb the honorable member who is addressing the House.

Mr. HUGHES (West Sydney).—The propositions which have been submitted by the Government and by the leader of the Opposition are sufficiently familiar in theory to most honorable members, and are certainly open to considerable criticism. The same remark, however, is applicable to any method of voting that we may adopt. We cannot possibly avoid combinations being made. They will occur anywhere short of heaven itself, and certainly in a place like this. The honorable and learned member for Corinella has put forward a scheme which I venture to think is worthy of

careful consideration. There are, however, one or two obvious objections to it, one of which was touched upon by the honorable member for North Sydney. I understand that the honorable and learned member proposes to make public only the names of those sites which are eliminated as the result of each ballot.

Mr. MCCAY.—I think that practice is desirable, but it is not essential. The essential feature is that each honorable member must vote again only when the site which he has favoured has been eliminated.

Mr. HUGHES.—Under such circumstances, suppose that I supported E site, which received the least number of votes. The Clerk would read out the total number of votes polled by E, but not the total number polled by A, B, C, and D. I should then have to record a second vote, and it is just possible that I might record it in favour of a site which had no chance of being selected.

Mr. MCCAY.—Then when that site has been eliminated from the list the honorable and learned member could vote again.

Mr. HUGHES.—Of course the alternative is always left to us of testing the choice which has been made by the Committee when the Bill is under consideration. But I fancy that the effect of the proposition of the honorable and learned member will be only to postpone the evil day. At the same time I admit that to give honorable members who voted in favour of the rejected sites an opportunity to support some other site is an eminently proper thing to do. My experience of an exhaustive ballot, however, does not coincide with that of my honorable and learned friend. In this connexion I will give the House a practical and very painful experience, from which I was the chief sufferer, some years ago. A, B, C, D, and E we will assume were persons or sites for whom other persons were asked to cast a vote. This is the way the votes were cast:—Upon the first ballot A received 68 votes, B 32, C 24, D 22, and E 6, making a total of 152 votes. E was thus defeated. The second ballot resulted in A securing 69 votes, B 36, D 25, and C 22. Upon the third ballot A received 72 votes—he had gained four votes in two ballots; B 46—he had gained fourteen in two ballots and ten in the last, and D secured 34. In the final ballot the voting was—A 73 and D 79. What I particularly wish to point out to the honorable

and learned member for Corinella is that throughout the whole of these ballots there was no diminution in the support accorded to A. His friends remained constant, and in every ballot he gained support, but the minorities at each succeeding ballot piled up their votes in favour of D, and thus the minorities won.

Mr. McCAY.—No. The majority preferred D to A, and therefore elected him.

Mr. HUGHES.—That is so, but the fact remains that until the last ballot there was always a majority of votes recorded in favour of A.

Mr. McCAY.—The truth was never disclosed until the final ballot.

Mr. HUGHES.—But does not the honorable and learned member realize that combinations on the part of minorities cannot be prevented under any circumstances?

Mr. FISHER.—Because they constitute a majority.

Mr. HUGHES.—The honorable and learned member for Corinella put forward a number of illustrations with a view to show that votes could be detached, and as a matter of fact were detached, from the individual who stood highest upon the poll, but my experience is that it is not so. Upon the whole I am inclined to support a scheme of preference voting rather than an exhaustive ballot. A preference scheme affords a very fair method of arriving at a decision. I know of no better one. Whilst admitting that there was a good deal in the remarks of the honorable and learned member for Corinella, it seems to me that his proposal is open to the objection which has been urged against it by the Minister, because it leaves to the determination of a floating vote of four or five members the question of whether A or B—say Albury or Tumut, or Bombala or Tumut—shall be selected. Personally I do not care for that system at all. I do not deny, however, that we have a fairly certain method of vetoing the selection made to which we can ultimately resort when the name of the site chosen is inserted in the Bill. It will then be within our power to alter the selection which has been made if a majority of honorable members think that the site which has been chosen is not the best one. I commend to the House the amendment suggested by my honorable friend, but I am entirely with the honorable and learned

member for Corinella as to the obvious objection which he has pointed out.

Mr. FISHER (Wide Bay).—I doubt whether the procedure which is now being resorted to in this House will add to the dignity of the first Federal Parliament. The duty of selecting the site of the Federal Capital has been imposed upon us by the Constitution, and it is a duty which, I take this opportunity to say, should be discharged before the session closes. The proposition which we are now discussing is that the temporary Standing Orders under which we have so long been conducting our business shall be suspended; but no reasonable argument has been advanced to prove that they have ever failed to enable the decision of the House to be obtained in relation to any particular question. That being so, I cannot see why they should fail on this occasion. I submit that, at the most, it would have been sufficient to slightly amend the Standing Orders, in order to enable a proper majority decision to be arrived at. I shall resist anything in the shape of a preferential ballot, or what I feel inclined to describe as fancy schemes, under which honorable members are to be gripped like children lest they should depart from what they believe the proper course. Was there anything to hinder the Government from proposing to slightly amend the Standing Orders so as to enable the nine proposed sites to be separately voted upon, and to allow the Bill to be recommitted, if, on the first divisions, the whole of the sites were negatived? In all probability the site which I favour will be rejected on the first vote; but if honorable members voted openly I should be able to judge at once of the view taken by them, and if I saw that the site in question was hopelessly beaten, I should, on the second division, give my vote for the site which I placed second in the order of preference. No one would suggest that there is anything but an honest desire on the part of honorable members to select the best site.

Sir GEORGE TURNER.—If the site which the honorable member favours were a long way down the list, he would vote against all other sites which were previously submitted to the decision of the Committee.

Mr. FISHER.—That would be a perfectly legitimate action to take. Only those who were prepared to support the selection of that site would vote for it. I believe that

if my proposal were adopted every site would be rejected on the first vote. The Bill would then be recommitted, and we should begin the work anew. Those who desired to see finality reached would in that event allow a number of the sites to drop out of the running and distribute their votes amongst those which they particularly favoured. When the number had been reduced to three—and that is the stage at which a block that would prevent any decision from being arrived at is likely to occur—we could adopt the suggestion made by the honorable member for North Sydney, and insert in the Bill the name of the site which received the highest number of votes. The Government would surely not hesitate to accept that responsibility. As a matter of fact I do not think that the Ministry have recognised their proper responsibility in relation to this matter. It is the duty of an Executive to lead the House on every question, and while this is not a party matter, I hold that the Government should have submitted to the House a site recommended by the experts, leaving honorable members, if they so desired, to propose the amendment of the Bill by the substitution of the name of another site. I deeply regret the suggestion that combinations are likely to take place. I trust that nothing of the kind will occur. Nothing is more humiliating to this Parliament than the suggestion that, perhaps for the sake of defeating what honorable members are agreed is the second best site, certain members are prepared to place it last in the order of preference. I hope that there are not many honorable members who will adopt such tactics. I could understand paid advocates of particular interests or companies indulging in such a practice, but to say that representatives of the Commonwealth of Australia, when called upon to arrive at a decision which must stand for all time, and be for the weal or for the woe of the Commonwealth, would tinker with their principles in this way, is a very serious charge to make. I trust that in any event we shall have nothing but open voting, that every act of every honorable member will be open to the scrutiny of the public, and that every step taken towards arriving at a decision will be known as it is taken. I shall resist the motion, and also the suggested amendment, for the very substantial reason that every attempt to depart from the

*Mr. Fisher.*

Standing Orders has led to more serious objections than have been made to the Standing Orders themselves. Why should we forsake the Standing Orders for something which is considered to be much worse? Surely we should not carry on the business of the country in that way? We should give this matter very careful consideration. We must not fail to consider the position that may be taken up by another place, for there is good reason to believe that, if we complicate the issue, a state of affairs will be created which may prevent the consummation of this great work by the first Federal Parliament.

Mr. CAMERON (Tasmania).—I must candidly confess that I agree with the honorable member who has just resumed his seat, that it would be far more satisfactory to decide this important question by open voting. When we remember how repeatedly honorable members have been called upon to vote openly, and for conscientious reasons have cast their votes in a way that may have given offence to their constituents, it is difficult to understand why we should not on this occasion adopt the same system. If, however, the majority of the House decides that this question shall be settled by ballot it will be a matter for regret that the Minister in charge of the motion failed to submit a proposal that, after the number of sites had been reduced to three, a final selection should not be made until an opportunity had been given to the House to ascertain how the owners of land in the immediate vicinity of those sites were prepared to treat with the Government which desired to possess it. I cannot see how it is possible for the Federal Government if, for example, Tumut or Bombala be selected—

Mr. SPEAKER.—Order! The only question under discussion is the method of ballot which may take place later on. The cost of the site to be acquired, and the question of resumption or otherwise, must be discussed at a later stage.

Mr. CAMERON.—In view of your ruling, Mr. Speaker, I shall say no more on this point. But if we really desire to obtain a fair and honest vote, it seems to me that the suggestion made by the honorable and learned member for Corinella should be adopted. His proposal, as I understand it, is that each honorable member shall cast one vote for the nine sites mentioned in the schedule, and that the site which receives the least



number of votes shall be declared by the scrutineers to be out of the running. Then those who voted for that site will have the right to vote again. That system seems to me to be a perfectly fair one, and would prevent any combination amongst the advocates of certain sites, in order to throw out some particular site, of whose chances they were afraid. The honorable member for North Sydney has complained that those who vote for sites other than that which receives the least number of votes will not have another opportunity to vote. But if the honorable member voted for a site which was thrown out after the third ballot, he would have an opportunity to vote on the fourth ballot. If an honorable member votes for a site which is not thrown out, he has no reason for voting again. I shall support the proposal of the honorable and learned member for Corinella.

Sir JOHN QUICK (Bendigo).—At the first blush the proposal of the Government seems to be a fair one, but it has occurred to me that there may be danger lurking beneath the apparently fair exterior, and that danger has, I think, been exposed by a number of honorable members. The honorable and learned member for Corinella has submitted, and explained very lucidly, a scientific method of voting; but, in my opinion, we should not, upon such a great and critical occasion as this, indulge in an experiment. We should follow the beaten track. I think that the best and safest course will be to have open voting at every stage.

Mr. McCAY.—If my proposal is adopted, the voting will be open, because every ballot-paper will be signed.

Sir JOHN QUICK.—I object to the limitations contained in the honorable and learned member's system. The honorable and learned member wishes to prevent a member from changing his vote. He thinks that a member should be committed to his first preference until it has been beaten. In my opinion, a member should have an opportunity to reconsider the matter at every stage of the proceedings. There should be either a series of open ballots, the papers being handed to the Clerk, or individual propositions should be submitted one after another. If we indulge in any experiment it may land us in unexpected results. A proposal may theoretically appear fair, but in practice it may work out in such a manner as to disappoint even its most ardent supporters.

Mr. McCAY.—The honorable and learned member would not say that of the principles of law. Why should he say it of the principles of mathematics?

Sir JOHN QUICK.—We are not now dealing with legal questions, but with methods of voting. I think that the best course is to have a series of exhaustive ballots. Let us play with the cards on the table, not with concealed ballot-papers. Let us have open voting at every stage. I agree with the honorable member for Wide Bay that we should stand by the Standing Orders, and adhere to the method with which we are acquainted. As I may not have another opportunity to speak upon the motion, I wish to suggest another amendment. I think that the House should be asked to choose, not the seat of Government, because that is too restricted a term, but the Federal territory within which the seat of Government is afterwards to be selected.

Mr. SPEAKER.—All that we are discussing now is the method by which it should be determined what name shall be inserted in the blank which exists in the Bill, and therefore, any reference to such matters as the honorable and learned member is now discussing, would find its proper place during the discussion of the measure in Committee.

Sir JOHN QUICK.—The motion provides for the choosing of a place in New South Wales—

At or near which the seat of Government of the Commonwealth should be situated.

My proposal is that the word "territory" be substituted for the word "place," and that the word "within" be substituted for the words "at or near."

Mr. SPEAKER.—I cannot accept such amendments at this stage. We are now endeavouring to determine the method by which a name shall be chosen. The matters to which the honorable and learned member wishes to refer may fittingly be discussed in Committee.

Sir JOHN QUICK.—If you, sir, rule against such an amendment, I shall not persevere with it. I hope that the Government will adopt some more simple method. That proposed seems to me to be surrounded with difficulties, and with a certain amount of obscurity as to the result of adopting it. In my opinion, it would be better to have open voting at every stage in the determination of the question.

Mr. KINGSTON (South Australia).—I note with interest the various suggestions which have been made for the purpose of securing a proper vote upon this question. What we want is simply a decision by each honorable member as to what he considers the best site. Having listened to the various arguments which have been put forward, I am disposed to consider that the plan suggested by the honorable and learned member for Corinella is most likely to secure what we wish. Under the Government proposal each member will vote first for the site which he really believes to be the best, and secondly against the site whose competition he most fears. That is, he will give his ninth preference, or virtually a blackballing vote, to the most powerful rival of the site which he favours. If we provide for voting of that character, we shall make a mistake, because it is highly probable that combinations will take place in the interests of favoured sites, and that the sites will be voted upon, not according to their importance and value, but in such a way as is most likely, by getting rid of formidable rivals, to procure the selection of that which an honorable member desires shall be chosen. Whether the method proposed by the Government of allowing honorable members to indicate their order of preference by the figures one to nine, and under which an honorable member will give his first preference for the site which he wishes to have chosen and his ninth preference for that which he fears most, or whether the scheme suggested by the honorable member for Dalley of omitting the least favoured site, be adopted, the result is likely to be the same; the second best site is liable to be struck out by a combination designed to secure the ultimate selection of some other site of which it is the most formidable opponent. I venture to think that it is a mistake to allow honorable members to cast what is virtually a blackballing vote. We do not desire to know which site an honorable member fears most; we wish to know his honest opinion as to the best site. It seems to me that we can only get such an expression of opinion by limiting the voting to that subject alone. That I understand is the object of the method suggested by the honorable and learned member for Corinella, and I shall be delighted to support it if the Government can see their way to adopt

it. I think that we shall make a mistake if we provide for a form of voting which will not be exercised so as to honestly place the sites in the order in which each honorable member thinks they should stand. If the Government proposal is adopted, an honorable member will, in great many cases, give his ninth preference for the site which he considers the next best after that which he favours, and fears as his most dangerous rival.

Sir WILLIAM LYNE.—If it is apparent from the ballot-papers that an honorable member has done that, will not the fact afford a justification for moving, when we get the Bill into Committee, the insertion of another site?

Mr. MCCAY.—How could it be proved that an honorable member considered a site to which he had given his ninth preference the next best site to that which he had given his first preference?

Mr. KINGSTON.—It would be impossible to enter into such an investigation. Besides, we desire finality. Let every honorable member vote for the site which he considers best, and let us take from him the power to blackball the site which he fears most because of its claims to popular support.

Mr. HUME COOK.—What would the right honorable member do if an equal number of votes were cast for two or more sites?

Mr. KINGSTON.—I do not know if the Speaker will be entitled to vote in the ballot, but if he is not, I would allow the decision to remain with him, as in the ordinary cases in which there is an equality of votes. No doubt, the Government will propose a scheme to meet the case. I hope that whatever scheme is adopted, care will be taken that the fullest attendance of honorable members is obtained. There is a fairly full House to-day, but upon inquiry I found that only fifty-eight of the seventy-five members are present.

Mr. WATSON.—How often do we get more here?

Mr. KINGSTON.—I do not know that we often have a larger attendance, but I suggest that after the method of voting has been determined, a day should be set apart for the taking of the vote, and that notice of the intention to take a vote then should be given to honorable members.

Mr. WATSON.—When—next year?

Mr. KINGSTON.—No; I am thoroughly in earnest in this suggestion. Perhaps we should have come to a decision upon the

subject before, but, at any rate, the sooner we settle it the better. Some day next week might be chosen.

Mr. WATSON.—That will postpone the elections another week in December.

Mr. KINGSTON.—What is a week in connexion with the settlement of such an important matter?

Mr. WATSON.—Honorable members knew that this question was to be dealt with, and they should have been here.

Mr. KINGSTON.—I came over for the special purpose of recording my vote, but, of course, there are some honorable members who are unable to be present.

Mr. WATSON.—The same thing would apply next week.

Mr. KINGSTON.—I am only pleading the cause of the absent. It is desirable that we should secure a decision which shall fully reflect the opinions of both branches of the Legislature, and I therefore suggest that a time should be appointed at which we should have nothing to do but to consider the question of the exhaustive vote and its exercise. I venture to think that it would be strange indeed if a full House did not answer a summons in order to secure the decision of this the most interesting question in the history of Australia. We all have our own views in matters of this kind. I have mine, and I shall be glad to see effect given to them. If, however, the majority of honorable members are against me, I shall bow as pleasantly as possible to the decision of the House. All I ask is that every means should be taken to secure an honest expression of the wishes of honorable members, and the selection of the best site in the interests of the Commonwealth. I trust that we shall adopt a system of voting which will afford honorable members an opportunity of arriving at a decision to which effect will be given at the earliest possible moment.

Mr. WATSON (Bland).—I hope that honorable members will not agree to the suggestion made by the right honorable and learned member for South Australia, that we should fix a day next week for the voting upon the selection of the capital site. It is quite true that a number of members are absent, but I can assure the right honorable and learned member that next week the number of absentees will be considerably larger, because every representative from the more distant States is practically bound to go away almost at once. In view of the fact

that the elections will come on in the course of a few weeks from now, it is not fair that they should have been kept even so long. Every honorable member knew well enough that the capital site question was to be decided this week, and, although I do not wish to rush matters before to-morrow, I think that we should insist upon disposing of the question this week.

Mr. THOMSON.—Three representatives of New South Wales are away.

Mr. WATSON.—Perhaps so; but they knew that this matter would come on for decision this week, and they should have been here.

Mr. MCCAY.—A number of honorable members attended here specially this week for the purpose of voting upon the Capital question.

Mr. PAGE.—I have waited for a fortnight already.

Mr. WATSON.—Other members are also remaining here at great disadvantage to themselves. With regard to the question at issue, it seems that the more we discuss novel methods of accomplishing our object, the more likely we are to become confused. Personally, I do not know why we should rediscuss the question in view of the decision arrived at nearly a fortnight ago. We then decided that there should be an open exhaustive ballot for the purpose of arriving at a decision at a joint sitting of the two Houses of Parliament. There is no need to discuss a number of other proposals, which, however entertaining they may be, will not afford us any assistance. I trust that the open exhaustive ballot, which the leader of the Opposition has advocated, and to which we agreed a fortnight ago, will be again approved of. With that end in view, I am prepared, if necessary, to move an amendment.

Sir WILLIAM LYNE.—The honorable member does not propose a preferential ballot?

Mr. WATSON.—No, I object most distinctly to preferential voting. I do not propose to argue the matter, because we have had a long discussion this afternoon, and the House on a former occasion, by a large majority, approved—against my vote upon some details—of an open exhaustive ballot. I think we are wasting time in casting around among a number of expedients, the defects of which have been amply demonstrated by their proposers as well as by others.

Mr. DEAKIN.—The honorable member cannot propose an amendment until we reach the Committee stage.

Mr. WATSON.—I am prepared to wait until then, if necessary. Might I ask, Mr. Speaker, if I should be in order in moving an amendment at this stage?

Mr. SPEAKER.—I know nothing of any proposal to go into Committee. It would be quite competent for the honorable member to move an amendment now; but at the same time I am bound to tell the House that if it desires to go into Committee there are ways in which it can accomplish its object.

Mr. WATSON.—If the Government are willing to go into Committee, I should prefer to move my amendment then.

Mr. SPEAKER.—If it be the general desire of the House that the motion should be discussed in Committee, I would suggest that perhaps it would be better for me to submit the first two paragraphs together, and that paragraph 3 should then be amended to provide that the House resolve itself into a Committee to consider the paragraphs which follow.

Mr. CROUCH (Corio).—Do I understand that if we agree to the first two paragraphs of the motion we shall be bound to come to a decision at a particular hour to-morrow? I do not desire to come to any decision just now.

Mr. SPEAKER.—If the first two paragraphs of the motion are passed, they will not bind the House to go into Committee at any particular hour to-morrow.

#### *Resolved—*

1. That, with a view of facilitating the performance of the obligation imposed on the Parliament by section 125 of the Constitution, this House do on Thursday, 8th October, proceed to determine the opinion of members as to the place in New South Wales at or near which the seat of government of the Commonwealth should be situated.

2. That the selection be made from among the places mentioned in the schedule hereto.

#### *Question proposed—*

3. That the following be the method of selection . . . . .

Amendment (by Sir WILLIAM LYNE) agreed to—

That paragraph 3 be amended by the omission of all the words after "That," with a view to insert in lieu thereof the words "the House do now resolve itself into a Committee of the whole to consider the resolutions, and to determine the method of selection, and that so much of the Standing Orders be suspended as would prevent the House from adopting such method."

Question, as amended, resolved in the affirmative.

#### *In Committee :*

A preferential ballot shall be taken without debate in the following manner :—

- (a) Ballot-papers shall be distributed to honorable members containing the names of the sites mentioned in the schedule hereto.
- (b) Members shall mark each name with a figure showing the order of their preference for the respective sites, and shall sign the paper.
- (c) The ballot-papers shall then be examined by the Clerk.
- (d) If, on the first examination, any site prove to have received an absolute majority of first preferences, the Speaker shall report the name of such site to the House and such site shall be deemed to be the one preferred by honorable members.
- (e) If no site receives an absolute majority of first preferences, then the Clerk shall add together the figures opposite the name of each site respectively on all the ballot-papers, and the name of the site against which the largest total is placed shall be reported to the House and shall be struck out.
- (f) If any two or more of the sites should receive an equal total, such total being the largest sum placed opposite the name of any of the sites, then the Speaker shall ascertain by a show of hands which of such sites should, in the opinion of honorable members, be further balloted for, and the name of the other, or others, shall be struck out.
- (g) Further ballots shall then be taken on the names of the remaining sites, and the name of the site receiving the largest total in each successive ballot shall be reported to the House and struck out in the manner aforesaid, until one of the sites receives an absolute majority of first preferences.
- (h) When one of the sites has received an absolute majority of the first preferences, the name of such site shall be reported to the House by the Speaker, and such site shall be deemed to be the site preferred by honorable members.
- (i) The House shall thereupon resolve itself into a Committee of the Whole on the Bill.

#### *SCHEDULE.*

Albury	Lake George
Armidale	Lyndhurst
Bathurst	Orange
Bombala	Tumut
Dalgety	

Mr. WATSON (Bland).—I move—

That the words "An open exhaustive" be inserted before the word "A," line 1.

In view of the extent to which the question has already been debated, I do not consider it necessary to say anything further in favour of the proposition.

Sir WILLIAM LYNE.—I can only repeat what was stated on a previous occasion, namely—that I fear that the adoption of the system proposed will sound the death knell of some of the best sites. There will probably be a block vote in favour of a site on the Victorian border, say Bombala, and also a block vote for a northern site, and these two groups will absorb all but five or six, or perhaps ten, of the votes in the House. This small balance will have to be distributed over seven sites. How is it possible, under these circumstances, to provide against the rejection of some of the best intermediate sites?

Mr. THOMSON.—We must eliminate some of them.

Sir WILLIAM LYNE.—Yes, no doubt; but I venture to think that the honorable member for Bland does not realize the effect of his proposal. It will result in the rejection of some of the best sites at the very outset, and will not give honorable members a fair opportunity to express their preference. I do not see how fair play can be meted out to each site under the system proposed, and, if I find that any injustice is done, I shall go further afterwards.

Mr. PAGE.—We all want fair play.

Sir WILLIAM LYNE.—No doubt; but honorable members do not realize the serious results which may follow from the adoption of the plan proposed. The block votes in favour of one site in the north and one site in the south will absorb all but about ten votes, and the seven sites would receive one or two votes each, or perhaps some of them would receive no votes whatever.

Mr. WATSON.—If a site cannot secure more support than two or three votes, it should be dropped.

Sir WILLIAM LYNE.—I think that the proposal of the Government would insure fair treatment for all the sites, because it would give honorable members an opportunity, upon the rejection of their first choice, to vote for any other site which might stand second in their estimation. I do not see how the proposal of the honorable and learned member for Corinella could be worked out in order to secure fair treatment, because it would leave the whole decision in the hands of half-a-dozen members. I cannot do more than point out the evil results which may be brought about by the proposal of the honorable member for Bland. I hope that after discussion he will

see fit to withdraw it. The preferential method of voting is not without its faults, but I do not see how any perfect system could be devised. I have devoted a great deal of time to this question, with a view to arriving at some system which would prevent combinations from operating to the disadvantage of a site which might upon a preferential ballot secure the greatest share of support. I do not know of any method by which combinations can be prevented. I trust that honorable members will not agree to this proposal without thoroughly inquiring into its probable effect.

Mr. McCAY (Corinella).—I move—

That the amendment be amended by adding the following words:—"In which no member shall vote a second time until the site for which he first voted has been struck out."

Mr. REID.—Let each honorable member vote so long as he votes the same way. The proposal of the honorable and learned member will shut us out altogether.

Mr. McCAY.—If an honorable member votes the same way upon each ballot his vote will represent so much useless repetition.

Mr. REID.—If there are separate ballots his vote will not count.

Mr. McCAY.—Yes, it will, and the votes recorded by honorable members in favour of sites which are eliminated from the list will be added to those for the sites which still remain. The original vote of each honorable member will be counted at every ballot until it becomes necessary for him to cast a fresh vote, owing to the site which he favoured having been defeated.

Mr. L. E. GROOM.—Would the honorable and learned member allow him a second preference?

Mr. McCAY.—Under my suggestion each honorable member would vote for a particular site, and that vote would stand good until the site in question stood lowest upon the poll. He would then be called upon to vote for any one site amongst those which still remained. Personally I should prefer that the number of votes cast in favour of the respective sites should not be known to him.

Mr. KINGSTON.—We should thus get the strength of the Committee on the point.

Sir EDWARD BRADDON (Tasmania).—I think that the adoption of the proposal of the honorable and learned member for Corinella will insure the greatest majority in favour of any particular site. I trust

that the Committee will accept that proposal, and thus secure what we all desire, namely, a selection by a substantial and absolute majority.

Mr. A. McLEAN (Gippsland).—I was disposed to regard the suggestion of the Minister with considerable favour. That, however, was only on the assumption that every honorable member would vote in accordance with his convictions, and would place the different sites in what he judged to be their proper order of merit. But I think the objection which has been urged by the leader of the Opposition is fatal to it. I fear that honorable members who favour a particular site will place the most dangerous rival to that site the lowest upon the list, and thus assist in its defeat. Of all the proposals which have been suggested, that which has been recommended by the leader of the Opposition, in the form in which the honorable and learned member for Corinella proposes to amend it, is the safest and most likely to secure an expression of the real feeling of the House. Each honorable member will vote for the site which he believes to be best, and his vote will not be interfered with until that site has been defeated. I certainly favour the proposal that those honorable members who vote for sites which are eliminated should not be allowed to know the number of votes which have been cast in favour of the other sites until the whole question has been settled. They will sign their ballot-papers, and the manner in which they have voted will be known at the proper time. Thus they cannot be influenced by any desire to checkmate a particular site in favour of another. If they are unaware of the votes recorded in favour of different sites, when the site which they have supported has been eliminated, they will naturally support the site which they regard as the next best. To my mind that is a course which is open to least objection, and which is calculated to secure an expression of the real choice of honorable members.

Mr. CAMERON.—If we do that we cannot have open voting.

Mr. A. McLEAN.—Yes we can, because the way in which we cast our votes will be known at the proper time. I think it is very wise that as we proceed the least possible opportunities should be afforded for combinations. That, it appears to me, will be best secured by keeping each honorable member whose site has been defeated in ignorance of how many supporters each of

the other sites command. I trust that the proposal will be carried.

Sir WILLIAM McMILLAN (Wentworth).—I really cannot see any argument in favour of the amendment of the honorable and learned member for Corinella. To my mind it is really a proposal to stultify our own action. Why should we not be perfectly free in this matter? In voting at a general election I can understand the proportional vote coming in, because nobody can possibly foretell what the result will be. But here we are in a position to know every ballot how the matter stands as a whole. Why should not every honorable member be in a position to reverse his vote? The proposal, to my mind, is absolutely ridiculous.

Mr. McCAY.—That is a favorite argument which the honorable member uses against every proposal with which he does not agree.

Sir WILLIAM McMILLAN.—I do not mean to be offensive. The honorable and learned member desires to define a hard-and-fast principle which shall guide us in the morality of our votes. There may be conditions after the first ballot which nobody can possibly foresee. Surely it is a fair thing that every honorable member shall be able to take any new position which may arise under consideration, and to reverse his vote if he so chooses?

Mr. KINGSTON.—Has that anything to do with the question of which is the best site?

Sir WILLIAM McMILLAN.—No, it has a right to say that because an honorable member gives a certain vote under certain conditions he shall be prevented from reversing that vote subsequently. I hold that he should have that right. If the Committee wishes to stultify itself it will agree to the proposal of the honorable and learned member. Of course I could understand his position if his object were to save time. But on this occasion there is no necessity to save time. It would be far better to lose time than to stultify our action.

Mr. McCAY.—I did not advocate it on the ground that it would effect a saving of time.

Sir WILLIAM McMILLAN.—That is the only argument that I can see in favour of it. There is no method of voting that we can adopt which will not be open to

objection. Under any proposal certain action may be taken by honorable members which, judged by the principles of strict morality, may not be approved. At the same time the House has a right to give every honorable member at each ballot an opportunity to reconsider the entire position and to vote accordingly.

Mr. KENNEDY (Moir).—When the resolutions dealing with the method of voting which should be adopted in connexion with the selection of the Capital site were previously under consideration, considerable attention was devoted to the matter, and the same objections were urged then which are advanced to-day. On that occasion, however, we practically agreed that the future seat of government should be chosen by means of an exhaustive ballot. I see no reason to depart from that decision, especially as in connexion with the resolutions under discussion we have provided a safety valve by means of which, after the Committee have inserted in the Bill the name of the site chosen, it will be competent for any honorable member who does not regard it as reflecting the opinion of an absolute majority, to move that it be struck out.

Mr. KINGSTON.—And thus have the fight over again?

Mr. KENNEDY.—No. But it will be open to any honorable member to test the matter. The original proposal of the Government I think contains more objectionable features than does any other scheme which has been submitted. There may be objections urged to the proposal of the leader of the Opposition also, but underlying all of them there seems to be a suspicion that combinations will be arranged. That is the whole source of the trouble. Concerning the addendum which is now proposed by the honorable and learned member for Corinella, I merely desire to say that I object to restricting in any shape or form the action of honorable members, in view of varying circumstances which may arise. If I had the option I should certainly prefer that the field of selection should be reduced to three territories, and that before coming to a decision some further information should be obtained in respect of those territories. I certainly shall not vote to restrict the rights of honorable members in the slightest degree. I should not at any time support any proposal that would restrict the rights of honorable members with regard to the varying conditions under which

they might be called upon to exercise their judgment.

Mr. FOWLER.—Does the honorable member think that members are likely to have temporary preferences?

Mr. KENNEDY.—All preferences are temporary. The honorable member might exercise his discretion in one direction to-day, whereas to-morrow, under different circumstances, he would probably exercise it in an entirely opposite way. He would be less than human and be lacking in progressive ideas if he did not do so. For these reasons I shall not support the amendment. The Government proposition is more objectionable than is the open exhaustive ballot suggested by the leader of the Opposition, and the scheme actually adopted by this House some days ago, when it was proposed that the two Houses should meet in conference.

Mr. JOSEPH COOK (Parramatta).—I am opposed to the amendment, for the reason that it provides for a secret ballot. Whatever else we do, all our actions, to the ultimate point of final settlement, ought to be open to the scrutiny of the public.

Mr. McCAY.—The amendment does not suggest a secret ballot.

Mr. JOSEPH COOK.—The honorable and learned member's proposal is that when the votes have to be transferred, the work should be done without a knowledge of the number of votes recorded for each site.

Mr. McCAY.—I have not yet moved that amendment.

Mr. JOSEPH COOK.—But the honorable and learned member intends to do so.

Mr. McCAY.—What I have moved will, perhaps, be carried without the addition that I intend to propose later on.

Mr. JOSEPH COOK.—The more I hear of these ballot schemes the more I consider them to be unnecessary. I prefer the ordinary method of parliamentary procedure, and I agree with the honorable member for Wide Bay that it is the least open to objection. I fail to see why we should not be able to submit each site to a straight-out vote until one has received an absolute majority. Under that system the name of the site which received an absolute majority of votes would be inserted in the Bill, and it should then be open to honorable members to move amendments pitting every other site against it. If the site named in the Bill could not stand against any other which might be pitted against it by way of amendment, it



that the Committee will accept that proposal, and thus secure what we all desire, namely, a selection by a substantial and absolute majority.

Mr. A. McLEAN (Gippsland).—I was disposed to regard the suggestion of the Minister with considerable favour. That, however, was only on the assumption that every honorable member would vote in accordance with his convictions, and would place the different sites in what he judged to be their proper order of merit. But I think the objection which has been urged by the leader of the Opposition is fatal to it. I fear that honorable members who favour a particular site will place the most dangerous rival to that site the lowest upon the list, and thus assist in its defeat. Of all the proposals which have been suggested, that which has been recommended by the leader of the Opposition, in the form in which the honorable and learned member for Corinella proposes to amend it, is the safest and most likely to secure an expression of the real feeling of the House. Each honorable member will vote for the site which he believes to be best, and his vote will not be interfered with until that site has been defeated. I certainly favour the proposal that those honorable members who vote for sites which are eliminated should not be allowed to know the number of votes which have been cast in favour of the other sites until the whole question has been settled. They will sign their ballot-papers, and the manner in which they have voted will be known at the proper time. Thus they cannot be influenced by any desire to checkmate a particular site in favour of another. If they are unaware of the votes recorded in favour of different sites, when the site which they have supported has been eliminated, they will naturally support the site which they regard as the next best. To my mind that is a course which is open to least objection, and which is calculated to secure an expression of the real choice of honorable members.

Mr. CAMERON.—If we do that we cannot have open voting.

Mr. A. McLEAN.—Yes we can, because the way in which we cast our votes will be known at the proper time. I think it is very wise that as we proceed the least possible opportunities should be afforded for combinations. That, it appears to me, will be best secured by keeping each honorable member whose site has been defeated in ignorance of how many supporters each of

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Sir WILLIAM McMILLAN (Wentworth).—I really cannot see any argument in favour of the amendment of the honorable and learned member for Corinella. In my mind it is really a proposal to stultify our own action. Why should we not be perfectly free in this matter? In voting a general election I can understand the proportional vote coming in, because nobody can possibly foretell what the result will be. But here we are in a position to know every ballot how the matter stands as a whole. Why should not every honorable member be in a position to reverse his vote? The proposal, to my mind, is absolutely ridiculous.

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Sir WILLIAM McMILLAN.—I do not mean to be offensive. The honorable and learned member desires to define a hard-and-fast principle which shall guide us in the morality of our votes. There may be conditions after the first ballot which nobody can possibly foresee. Surely it is a fair thing that every honorable member shall be able to take any new position which may arise in consideration, and to reverse his vote if he so chooses?

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Sir WILLIAM McMILLAN.—No, it has a right to say that because if an honorable member gives a certain vote under certain conditions he shall be prevented from reversing that vote subsequently. I hold that he shall have that right. If the Committee were to stultify itself it will agree to the proposal of the honorable and learned member. Of course I could understand his position if the object were to save time. On that occasion there is no objection.

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Sir—The of w



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am not in favor of restricting in any way the  
freedom of honorable members to propose  
any amendment.

Mr. McCAY.—I have no objection to the  
amendment.

Mr. JOSEPH COOKE.—I am not in favor of the  
amendment.

Mr. McCAY.—Why not?

Mr. JOSEPH COOKE.—Because I intend to prop-

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Mr. McCAY.—What is it?

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would have no right to be there. If the adoption of the ordinary parliamentary rule caused some temporary inconvenience—if, for example, every site were negatived—it would then be time enough to resort to an open ballot. I cannot understand why the Government did not wait until the ordinary system had been exhausted before putting forward this scheme. The more I consider it, the more the ordinary rule of procedure seems to be less open to objection than any of the schemes which have been proposed. That is my attitude at the present moment; but if I am compelled to make a choice of these ballot schemes, I shall vote for that which more closely approximates the usual parliamentary procedure, namely, the suggestion made by the leader of the Opposition. I submit, however, that the ordinary parliamentary procedure is preferable to even that proposition. I hope that the House will yet decide to resort to it, and sweep away all these ballot schemes. We should have a fair straight-out vote on every site by the best of all methods.

Mr. REID (East Sydney).—The time has arrived when the Minister for Defence should give us the benefit of his views on these proposals. I am not particularly partial to Bombala; but it is time that those who have pinned their faith to it should see some evidence of an open advocacy on the part of the Minister for Defence of the particular merits of that site. We see the Minister for Trade and Customs, who has two suggested sites in his electorate, going round the Chamber and arranging matters.

Sir WILLIAM LYNE.—No.

Mr. REID. — But the Minister for Defence, who represents Bombala, is doing nothing. This is not a party question, and Ministers on this occasion should have no feelings of delicacy in revealing the fact that they do not agree upon it. If the Minister for Defence has given up the claims of Bombala and is co-operating with the Minister for Trade and Customs, the sooner the Committee is acquainted with that fact, the better it will be.

The CHAIRMAN.—I am afraid that the right honorable member is not discussing the question before the Committee.

Mr. REID.—I shall not at present press this phase of the question. I would suggest to the honorable and learned member for Corinella that there is a practical

inconvenience associated with his amendment. The ballots would be separate operations, and, as I apprehend his proposal, as long as a site for which an original vote had been given remained on the list, it would be necessary for the clerks to turn to the original ballot-papers after each ballot.

Mr. McCAY.—They would keep them in separate heaps, and add fresh ones from time to time.

Mr. REID.—Quite so. But does the honorable and learned member mean that if a member who at the first ballot had exercised his right in favour of a site found on the second ballot that—

Mr. McCAY.—But his vote would be kept and still counted.

Mr. REID.—Exactly. But we might have half-a-dozen ballots, during which a vote given on the first ballot but not on the sixth would still be reckoned.

Mr. McCAY.—It is done on a very large scale in Tasmania.

Mr. REID.—No doubt when one becomes accustomed to systems of this kind, they are all right; but some of us would find this a very novel procedure. We have never been impressed with these novelties.

Mr. McCAY.—It simply means that the scrutineer does not allow the papers to be away.

Mr. REID.—I think the amendment is doomed, and therefore I need say no more.

Mr. G. B. EDWARDS (South Sydney).—In my opinion the honorable member for Corinella has justice on his side. Every other proposition which has been made would lead to a system under which an effort would be made not only to select the best site, but simultaneously to blackball a dangerous rival site. That would be an evil, and it exists even in connexion with a straight-out system of voting. If a straight-out vote were taken as to the merits of a site which an honorable member considered to be a rival to the site that he favoured, he would vote against it, although he would be inclined to support its selection if the site which he favoured were out of the running. On these grounds we ought to get rid of the pernicious principle of blackballing a rival site, and I have heard of no system which would so well obviate that evil as would the proposal submitted by the honorable and learned member for Corinella. To my mind it is like the principle of the law regulating marriage: one has nothing to do with the second choice until the first is dead and gone.

Mr. REID.—That does not follow.

Mr. G. B. EDWARDS.—If it does not it should do so. My plain duty is to bring my best judgment to bear upon the selection of a site, and when I vote for one I certainly should not have the right to vote for another, so long as my original vote is counted. The moment the site for which I have voted is rejected, I should have the right to exercise another choice. The only objection which I have heard to that principle is that possibly the site which I would place second in the order of preference would in those circumstances be already out of the list; but if that took place under this system the site would be one that from the first had had so remote a chance of success that I might well make another selection. If my first choice happened to be rejected, I could only do my best with the remaining material at my disposal, and cast my vote for the site which I considered to be next in the order of merit. I shall support the amendment as one which suggests the fairest way out of the difficulty.

Mr. HENRY WILLIS (Robertson).—I disagree with the view put forward by the honorable member for South Sydney, or the reason that, in my opinion, we could not do better than adopt the ordinary exhaustive ballot, under which the site receiving the lowest number of votes at each ballot would be thrown out until a final selection had been made. The honorable and learned member for Corinella has spoken at length upon a system which he calls his own, but which is really a very old one.

Mr. McCAY.—I never claimed that it was an original scheme.

Mr. HENRY WILLIS.—It is one which was submitted to the consideration of the House some time ago, but which was rejected. About that time it was reported that, at a meeting held by a section of this House, it was decided that the members of that section should adopt the block-vote system in dealing with this question. If that report be correct, the honorable and learned member's amendment has certainly something to recommend it to that provincial section.

Mr. McCAY.—If the meeting was held I did not receive any notice of it. I was not present at it.

Mr. HENRY WILLIS.—Let me tell the honorable and learned member that it has been reported that a block vote is to be cast

by a section of the House in a certain direction. If that be so, it is perfectly certain that, voting in the dark, as we from New South Wales should be doing under the system suggested by the honorable and learned member, the block vote would be safe as we should be defeated in detail. Honorable members would not be able to transfer their vote with any knowledge of what had been done, and hence the block-vote system which the honorable and learned member's proposal favours would undoubtedly carry the day.

Mr. G. B. EDWARDS.—What system would get rid of the block-vote difficulty?

Mr. HENRY WILLIS.—There is an objection to every system, but that which is least objectionable is the simple system which I have just advocated. I trust that it will be adopted.

Question.—That the words proposed to be added to the amendment be so added—put. The Committee divided.

Ayes	...	...	22
Noes	...	...	32

Majority	...	...	10
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AYES.

Bonython, Sir J. L.  
Braddon, Sir E.  
Cameron, N.  
Cook, J. H.  
Cooke, S. W.  
Crouch, R. A.  
Deakin, A.  
Edwards, G. B.  
Edwards, R.  
Fowler, J. M.  
Kingston, C. C.  
Kirwan, J. W.

Knox, W.  
McLean, A.  
O'Malley, K.  
Ronald, J. B.  
Skene, T.  
Solomon, E.  
Thomas, J.  
Tudor, F.

Tellers.

Batchelor, E. L.  
McCay, J. W.

NOES.

Brown, T.  
Chapman, A.  
Clarke, F.  
Conroy, A. H.  
Cook, J.  
Fuller, G. W.  
Groom, L. E.  
Hartnoll, W.  
Higgins, H. B.  
Hughes, W. M.  
Isaacs, I. A.  
Kennedy, T.  
Lyne, Sir W. J.  
Mahon, H.  
Mauger, S.  
McDonald, C.  
McMillan, Sir W.

Page, J.  
Paterson, A.  
Quick, Sir J.  
Reid, G. H.  
Sawers, W. B. S. C.  
Smith, B.  
Smith, S.  
Spence, W. G.  
Thomson, D.  
Turner, Sir G.  
Watson, J. C.  
Wilkinson, J.  
Willis, H.

Tellers.

Ewing, T. T.  
Wilks, W. H.

PAIR.

McEacharn, Sir M. D. | McLean, F. E.

Question so resolved in the negative.

Amendment of the amendment negatived.

Sir WILLIAM LYNE.—I wish to again endeavour to impress upon honorable members the danger that I see in the proposal of the honorable member for Bland of unfair dealing with sites of which honorable members may think highly, but upon which they will not have a second opportunity to vote. Personally, I would rather see the method suggested by the honorable member for Wide Bay, and supported by the honorable member for Parramatta, adopted.

Mr. JOSEPH COOK.—That was the original procedure. Why did not the honorable member stick to it?

Sir WILLIAM LYNE.—I have now gained from the discussion much information as to the effect of the various methods. It is difficult to obtain an absolutely satisfactory method, but it seems to me that if we vote in the ordinary way upon each site, and pit that which obtains an absolute majority against all the others, we shall obtain the true feeling of the Committee.

Mr. HUGHES.—Which site would the Minister submit first?

Sir WILLIAM LYNE.—I had not given as much thought to that method as has been given to it by the honorable members who have referred to it, and it seemed to me that the sites voted upon first would be in a worse position than those voted upon last, because there would probably be a combination against them. But, if the site chosen had to run the gauntlet again, by being pitted against each of the other sites, I think the result would be satisfactory.

Mr. WILKS.—There might still be a combination against it.

Sir WILLIAM LYNE.—Yes; but I do not think there would be such a combination. To my mind, such a method would be fairer than that of the honorable member for Bland. My wish is to give fair play to all the sites, no matter where situated.

Mr. HUGHES.—Are we to understand that the honorable member wishes to go back upon the scheme which he has submitted?

Sir WILLIAM LYNE.—It has already been stated that the Government are ready to adopt any suggestions for improving it.

Mr. HUGHES.—Does the honorable member definitely accept the method suggested by the honorable member for Wide Bay?

Sir WILLIAM LYNE.—I would accept it if it were proposed. After hearing this exhaustive discussion, I consider it the better method.

Mr. HUGHES.—I do not see that the result would be different from that which would be obtained from the adoption of the scheme proposed by the Government.

Sir WILLIAM LYNE.—I do not wish to cause delay, but I feel called upon to place on record my objection to the proposal now submitted. If it does not have the effect which I fear it will have, I shall be only too glad to acknowledge my error of judgment in regard to it. In my opinion, it is dangerous to sites which may stand well with honorable members, but for which there will be no second opportunity to vote.

Mr. REID (East Sydney).—If the method proposed by the honorable member for Bland is found to act unjustly to any site which had a genuine chance of being selected, we shall have another opportunity of pitting that site against the selected site. We shall not be bound by the decision we come to now.

Amendment agreed to.

Amendment (by Mr. WATSON) agreed to.

That the words "A preferential," line 1, be omitted.

Mr. REID (East Sydney).—Now that the Committee has somewhat altered the procedure laid down by the Government, I suggest to the Minister that some modification of the provision to meet the case in which there may happen to be two last sites may be necessary. I do not know what method we could adopt. I should like to protect the Chair from the very invidious task which it is proposed to cast upon it. Of course the Chairman often gives a vote which leads to further consideration, but that is an entirely different matter. In this case his vote would have the effect of extinguishing the chance of a site, and would afford no opportunity for further consideration. We shall have to make up our minds how we shall act if two or three sites received an equal number of votes.

Mr. WATSON (Bland).—Paragraph *b* requires to be amended to bring it into consonance with the amendment agreed to in the previous paragraph.

Paragraph *b* amended to read as follows:—

Members shall place a cross opposite the name of the site for which they desire to vote, and sign the paper.

Amendment (by Mr. MCCAY) agreed to.

That the words "first preferences," paragraph *d*, be omitted, with a view to insert in lieu thereof the word "votes."

Paragraph *e* amended to read as follows:—

If no site receives an absolute majority of votes, then the name of the site receiving the smallest number of votes shall be reported to the House and shall be struck out.

Sir WILLIAM LYNE.—The leader of the Opposition referred to the course to be adopted in regard to two or more sites which might receive an equal number of votes. Paragraph *f* provides that in such an event the Speaker shall ascertain by a show of hands which of such sites should, in the opinion of honorable members, be struck out. That clause was inserted in order to decide the order of preference.

Mr. McCAY.—Why not strike both out?

Sir WILLIAM LYNE.—Certainly not. I do not believe in such rough and ready methods. I see that I shall have to keep a very careful watch over some honorable members. If the method now proposed is not acceptable to honorable members the only alternative I can suggest is that an open vote should be taken as to which site should be struck out.

Mr. REID.—I was informed that the Speaker had to decide; but this is quite different. I have no objection to this provision.

Sir WILLIAM LYNE.—Then I shall allow the paragraph to stand.

Mr. McCAY.—It will not do to allow the paragraph to stand in its present form.

Sir WILLIAM LYNE.—Some consequential alterations will be necessary, and I therefore move—

That in paragraph *f* the word "total," twice occurring, be omitted with a view to insert in lieu thereof the words "number of votes"; that the words "largest sum placed opposite the name of any of the sites," be omitted with a view to insert in lieu thereof the word "smallest."

Amendment agreed to.

Mr. FISHER (Wide Bay).—I move—

That after the word "shall," first occurring, in paragraph *f*, the words "determine by his casting vote," be inserted.

Mr. REID.—I hope that Mr. Speaker will exercise his rights as a representative of the people upon a matter of this sort. It is not a party matter but a national one.

Mr. FISHER.—The leader of the Opposition is undoubtedly critical in these matters. But what will the right honorable member say if, upon a show of hands being taken there is an equal number of votes in favour of two sites which occupy a position

at the bottom of the list? I hold that it is a sound principle that Mr. Speaker should not in the first instance exercise his vote, in case of two sites commanding an equal number of supporters.

Mr. REID (East Sydney).—I entertain a very strong objection to putting Mr. Speaker in the position in which the adoption of this amendment would place him. When a tie occurs in the House, Mr. Speaker invariably votes upon a fixed principle which affords honorable members another opportunity to reconsider the matter at issue. Except on very rare occasions, no Speaker has acted upon any principle other than that. But we are now discussing a matter upon which, if we follow the ordinary practice, the action of Mr. Speaker would extinguish a site from the consideration of the House. I do not think that we should place Mr. Speaker in that position. We should settle the matter for ourselves.

Mr. McCAY.—Is Mr. Speaker going to vote?

Mr. REID.—If we are sitting in the House and a tie occurs, of course Mr. Speaker will be unable to vote. Personally, I should be very glad if it were otherwise. Later on we shall be able to understand whether there is nothing to prevent him from doing so. I do not see why Mr. Speaker should not have a vote, even when he is sitting in the chair, and I trust that he will be able to take part in the ballots as a private member of the House.

Mr. SAWERS.—How would he act in case of a tie occurring?

Mr. REID.—Under ordinary circumstances Mr. Speaker gives a vote which affords the House a further opportunity to consider its position. But in this case he could not give a vote of that sort. In the event of two sites receiving an equal measure of support, one site would have to be excluded from consideration, and by adopting the amendment we should be throwing upon Mr. Speaker the duty of excluding it by means of his casting vote. That is an invidious position in which he ought not to be placed. Why should we call upon him to solve our difficulties by asking him to exclude from consideration one of two sites for which there was a minority, at the bottom of the list? No vote from the Chair ought to eliminate anything from the consideration of the House. It should be directed rather towards giving honorable

members a further opportunity to reconsider any matter.

Mr. THOMAS.—But what is to be done if a tie occurs?

Mr. REID.—I trust that the common sense of the House will be quite equal to an emergency of that sort. Should a tie occur upon a first division, the House itself will probably be able to remove the trouble. If there are two sites at the bottom of the list, Mr. Speaker might put them in alphabetical order. He might first put for the consideration of honorable members whether or not the site which stands higher in the alphabet should be excluded.

Mr. HIGGINS.—After all, the tie is only an off chance. Let us leave it to Mr. Speaker's discretion.

Mr. REID.—I am not averse to the adoption of that course; but the effect of the amendment proposed by the honorable member for Wide Bay is to compel Mr. Speaker to do something which is rather foreign to a vote which is given from the Chair.

Mr. WILKINSON.—But suppose that the House is equally divided upon the merits of two sites?

Mr. REID.—Then some one or other will remove the difficulty. I object to forcing Mr. Speaker to extinguish a site.

Mr. KINGSTON.—That duty is thrown upon Mr. Speaker by the Constitution.

Mr. REID.—In that case we do not need to provide against it, and the amendment is unnecessary. It may be as my right honorable friend suggests. My sole desire is to protect the Speaker from being called upon to give a casting vote which, instead of affording the House an opportunity for further consideration, would have the effect of preventing that. Section 40 of the Constitution says—

Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote.

Mr. McCAY.—That refers to the ordinary voting methods.

Mr. REID.—It seems to be so. The vote which is contemplated by that section of the Constitution is very different from a vote such as would be cast upon the question which we are now discussing.

Mr. EWING.—That is the only procedure which is laid down for the guidance of the House.

Mr. REID.—I would suggest to the honorable member for Wide Bay that he should withdraw his amendment. The chances are that the contingency which he contemplates will never arise. If it does, it is questionable whether section 40 of the Constitution will cover the dilemma in which Mr. Speaker will find himself.

Mr. EWING.—It is the procedure of the House.

Mr. REID.—I think that the honorable member for Wide Bay has invited our attention to a difficulty which may arise and from that stand-point it is well that he has done so. When I interjected whilst he was speaking, I did not contemplate the position of a tie occurring whilst Mr. Speaker was sitting in the chair of this House. I had a Committee vote in my mind, but I see that this will take place in the House. I am glad that the honorable member has moved this amendment, because it will provide a way of avoiding the difficulty.

Mr. KNOX (Kooyong).—The leader of the Opposition has raised a point which I had intended to bring before the Committee. If the question is to be dealt with in the House, why should we depart from the ordinary procedure by taking a show of hands? Why should we not have a properly recorded division? Even if the matter were to be dealt with in Committee, there would be no valid reason for taking a show of hands. I prefer the ordinary process of dividing the Committee. I ask the Minister to consider the matter, and to place before the Committee the procedure to be ultimately adopted. If the vote is to be taken in the House, Mr. Speaker will be guided by the section in the Constitution which determines that in certain cases he shall have a casting vote and there is no reason why our decision should not be recorded by a division in the ordinary way.

Mr. FISHER (Wide Bay).—The amendment undoubtedly proposes a vital departure from the Government proposition. I dislike, as much as does the honorable member for Kooyong, the suggestion that there should be a show of hands; but the main principle involved is whether Mr. Speaker should carry out the duties which are constitutionally assigned to him, and in the exercise of the high office which he adorns, give his casting vote when the voting is equal. If, to take an extreme case, the voting on all the sites were equal,



should we continue to refer the matter back to the Committee for further consideration? That would be an impossible position to take up. There is a constitutional way of settling such difficulties, and we have elected as Speaker an honorable member whom we consider to be best fitted to give a decision in the way proposed by me. I have waited patiently to hear the leader of the Opposition suggest a way out of the difficulty. The right honorable gentleman is fairly astute, and he admits that there is a difficulty. I do not wish to embarrass Mr. Speaker, and if he can vote I shall not object.

Mr. WATSON.—It is not very important. This relates only to the site lowest on the list.

Mr. FISHER.—But they might all be equal.

Mr. WATSON.—We do not wish to occupy the whole day in dealing with this matter.

Mr. FISHER.—The honorable member must exercise some patience. The late Prime Minister said that this was the most important matter that had ever come before the Parliament, and before we enter upon the work of selecting a site, we should know exactly the method of procedure to be adopted. If it were open to the next Parliament to alter our decision in regard to the site of the capital I should not be so anxious in regard to this question; but our decision will be final, and we should, therefore, be careful to provide the most complete machinery to secure a proper decision.

Sir WILLIAM LYNE.—If the honorable member will temporarily withdraw his amendment I shall move to omit the word "Speaker" and insert in lieu thereof the word "House." I shall subsequently move to strike out other words in the paragraph.

Amendment, by leave, withdrawn.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the word "Speaker," paragraph (f), be omitted with a view to insert in lieu thereof the word "House."

Mr. FISHER (Wide Bay).—In view of the fact that some of our standing orders have been abrogated by the passing of this resolution, and that in these circumstances, Mr. Speaker may not have a casting vote, I should like to have the opinion of the leader of the Opposition on the question whether the ordinary rules will apply.

Mr. KINGSTON.—The Constitution gives Mr. Speaker a casting vote.

Mr. FISHER.—That being so, Mr. Speaker, if the voting in the House be equal, will have a casting vote, and I therefore shall not again submit my amendment.

Amendment (by Sir WILLIAM LYNE) proposed—

That the words "by a show of hands," paragraph (f) be omitted with a view to insert in lieu thereof the words "in the customary manner."

Mr. REID (East Sydney).—Let us consider what the customary method would be. If A, B and C were at the bottom of the list, the first question to be put would be "That A be omitted." That procedure would be somewhat unfair to that site, because the supporters of B and C would vote for the motion in order to keep their sites in the running. Nevertheless, as they would all be at the bottom of the list, it is not a matter of so much importance as it would otherwise be.

Amendment agreed to.

Amendment (by Sir WILLIAM LYNE) proposed—

That the word "largest," paragraph (g), be omitted with a view to insert in lieu thereof the word "smallest."

Mr. REID (East Sydney).—This is somewhat vague, but I suppose it will be quite understood that the proposal involves a ballot in which each site will be removed one by one from the list.

Sir WILLIAM LYNE.—Yes.

Amendment agreed to.

Amendments (by Sir WILLIAM LYNE) agreed to—

That the word "total," paragraph (g), be omitted with a view to insert in lieu thereof the words "number of votes."

That the words "first preferences," paragraph (g), be omitted with a view to insert in lieu thereof the word "votes."

That the words "the first preferences," paragraph (h), be omitted with a view to insert in lieu thereof the word "votes."

Mr. WATSON (Bland).—I wish to suggest to the Minister that it would be wise to provide that the number of votes recorded for each site be reported after each ballot, so that honorable members may know how the voting has gone.

Sir WILLIAM LYNE.—The motion has been drafted so as to provide that they shall not be so reported.

Mr. WATSON.—Is the Minister prepared to insert a provision making it clear that they shall be reported? I think that that should be done.

Mr. KINGSTON (South Australia).—I note with interest the various suggestions which have been made for the purpose of securing a proper vote upon this question. What we want is simply a decision by each honorable member as to what he considers the best site. Having listened to the various arguments which have been put forward, I am disposed to consider that the plan suggested by the honorable and learned member for Corinella is most likely to secure what we wish. Under the Government proposal each member will vote first for the site which he really believes to be the best, and secondly against the site whose competition he most fears. That is, he will give his ninth preference, or virtually a blackballing vote, to the most powerful rival of the site which he favours. If we provide for voting of that character, we shall make a mistake, because it is highly probable that combinations will take place in the interests of favoured sites, and that the sites will be voted upon, not according to their importance and value, but in such a way as is most likely, by getting rid of formidable rivals, to procure the selection of that which an honorable member desires shall be chosen. Whether the method proposed by the Government of allowing honorable members to indicate their order of preference by the figures one to nine, and under which an honorable member will give his first preference for the site which he wishes to have chosen and his ninth preference for that which he fears most, or whether the scheme suggested by the honorable member for Dalley of omitting the least favoured site, be adopted, the result is likely to be the same; the second best site is liable to be struck out by a combination designed to secure the ultimate selection of some other site of which it is the most formidable opponent. I venture to think that it is a mistake to allow honorable members to cast what is virtually a blackballing vote. We do not desire to know which site an honorable member fears most; we wish to know his honest opinion as to the best site. It seems to me that we can only get such an expression of opinion by limiting the voting to that subject alone. That I understand is the object of the method suggested by the honorable and learned member for Corinella, and I shall be delighted to support it if the Government can see their way to adopt

it. I think that we shall make a mistake if we provide for a form of voting which will not be exercised so as to honestly place the sites in the order in which each honorable member thinks they should stand. If the Government proposal is adopted, an honorable member will, in great many cases, give his ninth preference for the site which he considers the next best after that which he favours, and fears as his most dangerous rival.

Sir WILLIAM LYNE.—If it is apparent from the ballot-papers that an honorable member has done that, will not the fact afford a justification for moving, when we get the Bill into Committee, the insertion of another site?

Mr. MCCAY.—How could it be proved that an honorable member considered a site to which he had given his ninth preference the next best site to that which he had given his first preference?

Mr. KINGSTON.—It would be impossible to enter into such an investigation. Besides, we desire finality. Let every honorable member vote for the site which he considers best, and let us take from him the power to blackball the site which he fears most because of its claims to popular support.

Mr. HUME COOK.—What would the right honorable member do if an equal number of votes were cast for two or more sites?

Mr. KINGSTON.—I do not know if the Speaker will be entitled to vote in the ballot, but if he is not, I would allow the decision to remain with him, as in the ordinary case in which there is an equality of votes. No doubt, the Government will propound a scheme to meet the case. I hope that whatever scheme is adopted, care will be taken that the fullest attendance of honorable members is obtained. There is a fairly full House to-day, but upon inquiry I found that only fifty-eight of the seventy-five members are present.

Mr. WATSON.—How often do we get meetings here?

Mr. KINGSTON.—I do not know that we often have a larger attendance, but I suggest that after the method of voting has been determined, a day should be set apart for the taking of the vote, and that notice of the intention to take a vote then should be given to honorable members.

Mr. WATSON.—When—next year?

Mr. KINGSTON.—No; I am thoroughly in earnest in this suggestion. Perhaps we should have come to a decision upon the



subject before, but, at any rate, the sooner we settle it the better. Some day next week might be chosen.

Mr. WATSON.—That will postpone the elections another week in December.

Mr. KINGSTON.—What is a week in connexion with the settlement of such an important matter?

Mr. WATSON.—Honorable members knew that this question was to be dealt with, and they should have been here.

Mr. KINGSTON.—I came over for the special purpose of recording my vote, but, of course, there are some honorable members who are unable to be present.

Mr. WATSON.—The same thing would apply next week.

Mr. KINGSTON.—I am only pleading the cause of the absent. It is desirable that we should secure a decision which shall fully reflect the opinions of both branches of the Legislature, and I therefore suggest that a time should be appointed at which we should have nothing to do but to consider the question of the exhaustive vote and its exercise. I venture to think that it would be strange indeed if a full House did not answer a summons in order to secure the decision of this the most interesting question in the history of Australia. We all have our own views in matters of this kind. I have mine, and I shall be glad to see effect given to them. If, however, the majority of honorable members are against me, I shall bow as pleasantly as possible to the decision of the House. All I ask is that every means should be taken to secure an honest expression of the wishes of honorable members, and the selection of the best site in the interests of the Commonwealth. I trust that we shall adopt a system of voting which will afford honorable members an opportunity of arriving at a decision to which effect will be given at the earliest possible moment.

Mr. WATSON (Bland).—I hope that honorable members will not agree to the suggestion made by the right honorable and learned member for South Australia, that we should fix a day next week for the voting upon the selection of the capital site. It is quite true that a number of members are absent, but I can assure the right honorable and learned member that next week the number of absentees will be considerably larger, because every representative from the more distant States is practically bound to go away almost at once. In view of the fact

that the elections will come on in the course of a few weeks from now, it is not fair that they should have been kept even so long. Every honorable member knew well enough that the capital site question was to be decided this week, and, although I do not wish to rush matters before to-morrow, I think that we should insist upon disposing of the question this week.

Mr. THOMSON.—Three representatives of New South Wales are away.

Mr. WATSON.—Perhaps so; but they knew that this matter would come on for decision this week, and they should have been here.

Mr. McCAY.—A number of honorable members attended here specially this week for the purpose of voting upon the Capital question.

Mr. PAGE.—I have waited for a fortnight already.

Mr. WATSON.—Other members are also remaining here at great disadvantage to themselves. With regard to the question at issue, it seems that the more we discuss novel methods of accomplishing our object, the more likely we are to become confused. Personally, I do not know why we should rediscuss the question in view of the decision arrived at nearly a fortnight ago. We then decided that there should be an open exhaustive ballot for the purpose of arriving at a decision at a joint sitting of the two Houses of Parliament. There is no need to discuss a number of other proposals, which, however entertaining they may be, will not afford us any assistance. I trust that the open exhaustive ballot, which the leader of the Opposition has advocated, and to which we agreed a fortnight ago, will be again approved of. With that end in view, I am prepared, if necessary, to move an amendment.

Sir WILLIAM LYNE.—The honorable member does not propose a preferential ballot?

Mr. WATSON.—No, I object most distinctly to preferential voting. I do not propose to argue the matter, because we have had a long discussion this afternoon, and the House on a former occasion, by a large majority, approved—against my vote upon some details—of an open exhaustive ballot. I think we are wasting time in casting around among a number of expedients, the defects of which have been amply demonstrated by their proposers as well as by others.

Mr. DEAKIN.—The honorable member cannot propose an amendment until we reach the Committee stage.

Mr. WATSON.—I am prepared to wait until then, if necessary. Might I ask, Mr. Speaker, if I should be in order in moving an amendment at this stage?

Mr. SPEAKER.—I know nothing of any proposal to go into Committee. It would be quite competent for the honorable member to move an amendment now; but at the same time I am bound to tell the House that if it desires to go into Committee there are ways in which it can accomplish its object.

Mr. WATSON.—If the Government are willing to go into Committee, I should prefer to move my amendment then.

Mr. SPEAKER.—If it be the general desire of the House that the motion should be discussed in Committee, I would suggest that perhaps it would be better for me to submit the first two paragraphs together, and that paragraph 3 should then be amended to provide that the House resolve itself into a Committee to consider the paragraphs which follow.

Mr. CROUCH (Corio).—Do I understand that if we agree to the first two paragraphs of the motion we shall be bound to come to a decision at a particular hour to-morrow? I do not desire to come to any decision just now.

Mr. SPEAKER.—If the first two paragraphs of the motion are passed, they will not bind the House to go into Committee at any particular hour to-morrow.

#### *Resolved—*

1. That, with a view of facilitating the performance of the obligation imposed on the Parliament by section 125 of the Constitution, this House do on Thursday, 8th October, proceed to determine the opinion of members as to the place in New South Wales at or near which the seat of government of the Commonwealth should be situated.

2. That the selection be made from among the places mentioned in the schedule hereto.

#### *Question proposed—*

3. That the following be the method of selection . . . . .

Amendment (by Sir WILLIAM LYNE) agreed to—

That paragraph 3 be amended by the omission of all the words after "That," with a view to insert in lieu thereof the words "the House do now resolve itself into a Committee of the whole to consider the resolutions, and to determine the method of selection, and that so much of the Standing Orders be suspended as would prevent the House from adopting such method."

Question, as amended, resolved in the affirmative.

#### *In Committee :*

A preferential ballot shall be taken without debate in the following manner :—

- (a) Ballot-papers shall be distributed to honorable members containing the names of the sites mentioned in the schedule hereto.
- (b) Members shall mark each name with a figure showing the order of their preference for the respective sites, and shall sign the paper.
- (c) The ballot-papers shall then be examined by the Clerk.
- (d) If, on the first examination, any site prove to have received an absolute majority of first preferences, the Speaker shall report the name of such site to the House, and such site shall be deemed to be the one preferred by honorable members.
- (e) If no site receives an absolute majority of first preferences, then the Clerk shall add together the figures opposite the name of each site respectively on all the ballot-papers, and the name of the site against which the largest total is placed shall be reported to the House and shall be struck out.
- (f) If any two or more of the sites should receive an equal total, such total being the largest sum placed opposite the name of any of the sites, then the Speaker shall ascertain by a show of hands which of such sites should, in the opinion of honorable members, be further balloted for, and the name of the other, or others, shall be struck out.
- (g) Further ballots shall then be taken on the names of the remaining sites, and the name of the site receiving the largest total in each successive ballot shall be reported to the House and struck out in the manner aforesaid, until one of the sites receives an absolute majority of first preferences.
- (h) When one of the sites has received an absolute majority of the first preferences, the name of such site shall be reported to the House by the Speaker, and such site shall be deemed to be the site preferred by honorable members.
- (i) The House shall thereupon resolve itself into a Committee of the Whole on the Bill.

#### *SCHEDULE.*

Albury	Lake George
Armidale	Lyndhurst
Bathurst	Orange
Bombala	Tumut
Dalgety	

Mr. WATSON (Bland).—I move—

That the words "An open exhaustive" be inserted before the word "A," line 1.

In view of the extent to which the question has already been debated, I do not consider it necessary to say anything further in favour of the proposition.

Sir WILLIAM LYNE.—I can only repeat what was stated on a previous occasion, namely—that I fear that the adoption of the system proposed will sound the death knell of some of the best sites. There will probably be a block vote in favour of a site on the Victorian border, say Bombala, and also a block vote for a northern site, and these two groups will absorb all but five or six, or perhaps ten, of the votes in the House. This small balance will have to be distributed over seven sites. How is it possible, under these circumstances, to provide against the rejection of some of the best intermediate sites?

Mr. THOMSON.—We must eliminate some of them.

Sir WILLIAM LYNE.—Yes, no doubt; but I venture to think that the honorable member for Bland does not realize the effect of his proposal. It will result in the rejection of some of the best sites at the very outset, and will not give honorable members a fair opportunity to express their preference. I do not see how fair play can be meted out to each site under the system proposed, and, if I find that any injustice is done, I shall go further afterwards.

Mr. PAGE.—We all want fair play.

Sir WILLIAM LYNE.—No doubt; but honorable members do not realize the serious results which may follow from the adoption of the plan proposed. The block votes in favour of one site in the north and one site in the south will absorb all but about ten votes, and the seven sites would receive one or two votes each, or perhaps some of them would receive no votes whatever.

Mr. WATSON.—If a site cannot secure more support than two or three votes, it should be dropped.

Sir WILLIAM LYNE.—I think that the proposal of the Government would insure fair treatment for all the sites, because it would give honorable members an opportunity, upon the rejection of their first choice, to vote for any other site which might stand second in their estimation. I do not see how the proposal of the honorable and learned member for Corinella could be worked out in order to secure fair treatment, because it would leave the whole decision in the hands of half-a-dozen members. I cannot do more than point out the evil results which may be brought about by the proposal of the honorable member for Bland. I hope that after discussion he will

see fit to withdraw it. The preferential method of voting is not without its faults, but I do not see how any perfect system could be devised. I have devoted a great deal of time to this question, with a view to arriving at some system which would prevent combinations from operating to the disadvantage of a site which might upon a preferential ballot secure the greatest share of support. I do not know of any method by which combinations can be prevented. I trust that honorable members will not agree to this proposal without thoroughly inquiring into its probable effect.

Mr. McCAY (Corinella).—I move—

That the amendment be amended by adding the following words:—"In which no member shall vote a second time until the site for which he first voted has been struck out."

Mr. REID.—Let each honorable member vote so long as he votes the same way. The proposal of the honorable and learned member will shut us out altogether.

Mr. McCAY.—If an honorable member votes the same way upon each ballot his vote will represent so much useless repetition.

Mr. REID.—If there are separate ballots his vote will not count.

Mr. McCAY.—Yes, it will, and the votes recorded by honorable members in favour of sites which are eliminated from the list will be added to those for the sites which still remain. The original vote of each honorable member will be counted at every ballot until it becomes necessary for him to cast a fresh vote, owing to the site which he favoured having been defeated.

Mr. L. E. GROOM.—Would the honorable and learned member allow him a second preference?

Mr. McCAY.—Under my suggestion each honorable member would vote for a particular site, and that vote would stand good until the site in question stood lowest upon the poll. He would then be called upon to vote for any one site amongst those which still remained. Personally I should prefer that the number of votes cast in favour of the respective sites should not be known to him.

Mr. KINGSTON.—We should thus get the strength of the Committee on the point.

Sir EDWARD BRADDON (Tasmania).—I think that the adoption of the proposal of the honorable and learned member for Corinella will insure the greatest majority in favour of any particular site. I trust

that the Committee will accept that proposal, and thus secure what we all desire, namely, a selection by a substantial and absolute majority.

Mr. A. McLEAN (Gippsland).—I was disposed to regard the suggestion of the Minister with considerable favour. That, however, was only on the assumption that every honorable member would vote in accordance with his convictions, and would place the different sites in what he judged to be their proper order of merit. But I think the objection which has been urged by the leader of the Opposition is fatal to it. I fear that honorable members who favour a particular site will place the most dangerous rival to that site the lowest upon the list, and thus assist in its defeat. Of all the proposals which have been suggested, that which has been recommended by the leader of the Opposition, in the form in which the honorable and learned member for Corinella proposes to amend it, is the safest and most likely to secure an expression of the real feeling of the House. Each honorable member will vote for the site which he believes to be best, and his vote will not be interfered with until that site has been defeated. I certainly favour the proposal that those honorable members who vote for sites which are eliminated should not be allowed to know the number of votes which have been cast in favour of the other sites until the whole question has been settled. They will sign their ballot-papers, and the manner in which they have voted will be known at the proper time. Thus they cannot be influenced by any desire to checkmate a particular site in favour of another. If they are unaware of the votes recorded in favour of different sites, when the site which they have supported has been eliminated, they will naturally support the site which they regard as the next best. To my mind that is a course which is open to least objection, and which is calculated to secure an expression of the real choice of honorable members.

Mr. CAMERON.—If we do that we cannot have open voting.

Mr. A. McLEAN.—Yes we can, because the way in which we cast our votes will be known at the proper time. I think it is very wise that as we proceed the least possible opportunities should be afforded for combinations. That, it appears to me, will be best secured by keeping each honorable member whose site has been defeated in ignorance of how many supporters each of

the other sites command. I trust that that proposal will be carried.

Sir WILLIAM McMILLAN (Wentworth).—I really cannot see any argument in favour of the amendment of the honorable and learned member for Corinella. In my mind it is really a proposal to stultify our own action. Why should we not be perfectly free in this matter? In voting at a general election I can understand the proportional vote coming in, because nobody can possibly foretell what the result will be. But here we are in a position to know every ballot how the matter stands as a whole. Why should not every honorable member be in a position to reverse his vote? The proposal, to my mind, is absolutely ridiculous.

Mr. McCAY.—That is a favorite argument which the honorable member uses against every proposal with which he does not agree.

Sir WILLIAM McMILLAN.—I do not mean to be offensive. The honorable and learned member desires to define a hard-and-fast principle which shall guide us in the morality of our votes. There may be conditions after the first ballot which nobody can possibly foresee. Surely it is a fair thing that every honorable member shall be able to take any new position which may arise into consideration, and to reverse his vote if he so chooses?

Mr. KINGSTON.—Has that anything to do with the question of which is the best site?

Sir WILLIAM McMILLAN.—No one has a right to say that because an honorable member gives a certain vote under certain conditions he shall be prevented from reversing that vote subsequently. I hold that he should have that right. If the Committee wishes to stultify itself it will agree to the proposal of the honorable and learned member. Of course I could understand his position if his object were to save time. But on this occasion there is no necessity to save time. It would be far better to lose time than to stultify our action.

Mr. McCAY.—I did not advocate it on the ground that it would effect a saving of time.

Sir WILLIAM McMILLAN.—That is the only argument that I can see in favour of it. There is no method of voting that we can adopt which will not be open to

objection. Under any proposal certain action may be taken by honorable members which, judged by the principles of strict morality, may not be approved. At the same time the House has a right to give every honorable member at each ballot an opportunity to reconsider the entire position and to vote accordingly.

Mr. KENNEDY (Moir).—When the resolutions dealing with the method of voting which should be adopted in connexion with the selection of the Capital site were previously under consideration, considerable attention was devoted to the matter, and the same objections were urged then which are advanced to-day. On that occasion, however, we practically agreed that the future seat of government should be chosen by means of an exhaustive ballot. I see no reason to depart from that decision, especially as in connexion with the resolutions under discussion we have provided a safety valve by means of which, after the Committee have inserted in the Bill the name of the site chosen, it will be competent for any honorable member who does not regard it as reflecting the opinion of an absolute majority, to move that it be struck out.

Mr. KINGSTON.—And thus have the fight over again?

Mr. KENNEDY.—No. But it will be open to any honorable member to test the matter. The original proposal of the Government I think contains more objectionable features than does any other scheme which has been submitted. There may be objections urged to the proposal of the leader of the Opposition also, but underlying all of them there seems to be a suspicion that combinations will be arranged. That is the whole source of the trouble. Concerning the addendum which is now proposed by the honorable and learned member for Corinella, I merely desire to say that I object to restricting in any shape or form the action of honorable members, in view of varying circumstances which may arise. If I had the option I should certainly prefer that the field of selection should be reduced to three territories, and that before coming to a decision some further information should be obtained in respect of those territories. I certainly shall not vote to restrict the rights of honorable members in the slightest degree. I should not at any time support any proposal that would restrict the rights of honorable members with regard to the varying conditions under which

they might be called upon to exercise their judgment.

Mr. FOWLER.—Does the honorable member think that members are likely to have temporary preferences?

Mr. KENNEDY.—All preferences are temporary. The honorable member might exercise his discretion in one direction to-day, whereas to-morrow, under different circumstances, he would probably exercise it in an entirely opposite way. He would be less than human and be lacking in progressive ideas if he did not do so. For these reasons I shall not support the amendment. The Government proposition is more objectionable than is the open exhaustive ballot suggested by the leader of the Opposition, and the scheme actually adopted by this House some days ago, when it was proposed that the two Houses should meet in conference.

Mr. JOSEPH COOK (Parramatta).—I am opposed to the amendment, for the reason that it provides for a secret ballot. Whatever else we do, all our actions, to the ultimate point of final settlement, ought to be open to the scrutiny of the public.

Mr. McCAY.—The amendment does not suggest a secret ballot.

Mr. JOSEPH COOK.—The honorable and learned member's proposal is that when the votes have to be transferred, the work should be done without a knowledge of the number of votes recorded for each site.

Mr. McCAY.—I have not yet moved that amendment.

Mr. JOSEPH COOK.—But the honorable and learned member intends to do so.

Mr. McCAY.—What I have moved will, perhaps, be carried without the addition that I intend to propose later on.

Mr. JOSEPH COOK.—The more I hear of these ballot schemes the more I consider them to be unnecessary. I prefer the ordinary method of parliamentary procedure, and I agree with the honorable member for Wide Bay that it is the least open to objection. I fail to see why we should not be able to submit each site to a straight-out vote until one has received an absolute majority. Under that system the name of the site which received an absolute majority of votes would be inserted in the Bill, and it should then be open to honorable members to move amendments pitting every other site against it. If the site named in the Bill could not stand against any other which might be pitted against it by way of amendment, it

would have no right to be there. If the adoption of the ordinary parliamentary rule caused some temporary inconvenience—if, for example, every site were negatived—it would then be time enough to resort to an open ballot. I cannot understand why the Government did not wait until the ordinary system had been exhausted before putting forward this scheme. The more I consider it, the more the ordinary rule of procedure seems to be less open to objection than any of the schemes which have been proposed. That is my attitude at the present moment; but if I am compelled to make a choice of these ballot schemes, I shall vote for that which more closely approximates the usual parliamentary procedure, namely, the suggestion made by the leader of the Opposition. I submit, however, that the ordinary parliamentary procedure is preferable to even that proposition. I hope that the House will yet decide to resort to it, and sweep away all these ballot schemes. We should have a fair straight-out vote on every site by the best of all methods.

Mr. REID (East Sydney).—The time has arrived when the Minister for Defence should give us the benefit of his views on these proposals. I am not particularly partial to Bombala; but it is time that those who have pinned their faith to it should see some evidence of an open advocacy on the part of the Minister for Defence of the particular merits of that site. We see the Minister for Trade and Customs, who has two suggested sites in his electorate, going round the Chamber and arranging matters.

Sir WILLIAM LYNE.—No.

Mr. REID. — But the Minister for Defence, who represents Bombala, is doing nothing. This is not a party question, and Ministers on this occasion should have no feelings of delicacy in revealing the fact that they do not agree upon it. If the Minister for Defence has given up the claims of Bombala and is co-operating with the Minister for Trade and Customs, the sooner the Committee is acquainted with that fact, the better it will be.

The CHAIRMAN.—I am afraid that the right honorable member is not discussing the question before the Committee.

Mr. REID.—I shall not at present press this phase of the question. I would suggest to the honorable and learned member for Corinella that there is a practical

inconvenience associated with his amendment. The ballots would be separate operations, and, as I apprehend his proposal, as long as a site for which an original vote has been given remained on the list, it would be necessary for the clerks to turn to the original ballot-papers after each ballot.

Mr. McCAY.—They would keep them in separate heaps, and add fresh ones from time to time.

Mr. REID.—Quite so. But does the honorable and learned member mean that a member who at the first ballot had exercised his right in favour of a site found on the second ballot that—

Mr. McCAY.—But his vote would be kept and still counted.

Mr. REID.—Exactly. But we might have half-a-dozen ballots, during which a vote given on the first ballot but not on the sixth would still be reckoned.

Mr. McCAY.—It is done on a very large scale in Tasmania.

Mr. REID.—No doubt when one becomes accustomed to systems of this kind, they are all right; but some of us would find this a very novel procedure. We have never been impressed with these novelties.

Mr. McCAY.—It simply means that the scrutineer does not allow the papers to blow away.

Mr. REID.—I think the amendment is doomed, and therefore I need say no more.

Mr. G. B. EDWARDS (South Sydney).—In my opinion the honorable member for Corinella has justice on his side. Every other proposition which has been made would lead to a system under which an effort would be made not only to select the best site, but simultaneously to blackball a dangerous rival site. That would be an evil, and it exists even in connexion with a straight-out system of voting. If a straight-out vote were taken as to the merits of a site which an honorable member considered to be a rival to the site that he favoured, he would vote against it, although he would be inclined to support its selection if the site which he favoured were out of the running. On these grounds we ought to get rid of the pernicious principle of blackballing a rival site, and I have heard of no system which would so well obviate that evil as would the proposal submitted by the honorable and learned member for Corinella. To my mind it is like the principle of the law regulating marriage: one has nothing to do with the second choice until the first is dead and gone.

Mr. REID.—That does not follow.

Mr. G. B. EDWARDS.—If it does not it should do so. My plain duty is to bring my best judgment to bear upon the selection of a site, and when I vote for one I certainly should not have the right to vote for another, so long as my original vote is counted. The moment the site for which I have voted is rejected, I should have the right to exercise another choice. The only objection which I have heard to that principle is that possibly the site which I would place second in the order of preference would in those circumstances be already out of the list; but if that took place under this system the site would be one that from the first had had so remote a chance of success that I might well make another selection. If my first choice happened to be rejected, I could only do my best with the remaining material at my disposal, and cast my vote for the site which I considered to be next in the order of merit. I shall support the amendment as one which suggests the fairest way out of the difficulty.

Mr. HENRY WILLIS (Robertson).—I disagree with the view put forward by the honorable member for South Sydney, for the reason that, in my opinion, we could not do better than adopt the ordinary exhaustive ballot, under which the site receiving the lowest number of votes at each ballot would be thrown out until a final selection had been made. The honorable and learned member for Corinella has spoken at length upon a system which he calls his own, but which is really a very old one.

Mr. McCAY.—I never claimed that it was an original scheme.

Mr. HENRY WILLIS.—It is one which he submitted to the consideration of the House some time ago, but which was rejected. About that time it was reported that, at a meeting held by a section of this House, it was decided that the members of that section should adopt the block-vote system in dealing with this question. If that report be correct, the honorable and learned member's amendment has certainly something to recommend it to that provincial section.

Mr. McCAY.—If the meeting was held I did not receive any notice of it. I was not present at it.

Mr. HENRY WILLIS.—Let me tell the honorable and learned member that it has been reported that a block vote is to be cast

by a section of the House in a certain direction. If that be so, it is perfectly certain that, voting in the dark, as we from New South Wales should be doing under the system suggested by the honorable and learned member, the block vote would be safe as we should be defeated in detail. Honorable members would not be able to transfer their vote with any knowledge of what had been done, and hence the block-vote system which the honorable and learned member's proposal favours would undoubtedly carry the day.

Mr. G. B. EDWARDS.—What system would get rid of the block-vote difficulty?

Mr. HENRY WILLIS.—There is an objection to every system, but that which is least objectionable is the simple system which I have just advocated. I trust that it will be adopted.

Question.—That the words proposed to be added to the amendment be so added—put. The Committee divided.

Ayes	...	...	22
Noes	...	...	32
Majority			10

#### AYES.

Bonython, Sir J. L.	Knox, W.
Braddon, Sir E.	McLean, A.
Cameron, N.	O'Malley, K.
Cook, J. H.	Ronald, J. B.
Cooke, S. W.	Skene, T.
Crouch, R. A.	Solomon, E.
Deakin, A.	Thomas, J.
Edwards, G. B.	Tudor, F.
Edwards, R.	
Fowler, J. M.	<i>Tellers.</i>
Kingston, C. C.	Batchelor, E. L.
Kirwan, J. W.	McCay, J. W.

#### NOES.

Brown, T.	Page, J.
Chapman, A.	Paterson, A.
Clarke, F.	Quick, Sir J.
Conroy, A. H.	Reid, G. H.
Cook, J.	Sawers, W. B. S. C.
Fuller, G. W.	Smith, B.
Groom, L. E.	Smith, S.
Hartnoll, W.	Spence, W. G.
Higgins, H. B.	Thomson, D.
Hughes, W. M.	Turner, Sir G.
Isaacs, I. A.	Watson, J. C.
Kennedy, T.	Wilkinson, J.
Lyne, Sir W. J.	Willis, H.
Mahon, H.	
Mauger, S.	<i>Tellers.</i>
McDonald, C.	Ewing, T. T.
McMillan, Sir W.	Wilks, W. H.

#### PAIR.

McEacharn, Sir M. D. | McLean, F. E.

Question so resolved in the negative.

Amendment of the amendment negatived.

Sir WILLIAM LYNE.—I wish to again endeavour to impress upon honorable members the danger that I see in the proposal of the honorable member for Bland of unfair dealing with sites of which honorable members may think highly, but upon which they will not have a second opportunity to vote. Personally, I would rather see the method suggested by the honorable member for Wide Bay, and supported by the honorable member for Parramatta, adopted.

Mr. JOSEPH COOK.—That was the original procedure. Why did not the honorable member stick to it?

Sir WILLIAM LYNE.—I have now gained from the discussion much information as to the effect of the various methods. It is difficult to obtain an absolutely satisfactory method, but it seems to me that if we vote in the ordinary way upon each site, and pit that which obtains an absolute majority against all the others, we shall obtain the true feeling of the Committee.

Mr. HUGHES.—Which site would the Minister submit first?

Sir WILLIAM LYNE.—I had not given as much thought to that method as has been given to it by the honorable members who have referred to it, and it seemed to me that the sites voted upon first would be in a worse position than those voted upon last, because there would probably be a combination against them. But, if the site chosen had to run the gauntlet again, by being pitted against each of the other sites, I think the result would be satisfactory.

Mr. WILKS.—There might still be a combination against it.

Sir WILLIAM LYNE.—Yes; but I do not think there would be such a combination. To my mind, such a method would be fairer than that of the honorable member for Bland. My wish is to give fair play to all the sites, no matter where situated.

Mr. HUGHES.—Are we to understand that the honorable member wishes to go back upon the scheme which he has submitted?

Sir WILLIAM LYNE.—It has already been stated that the Government are ready to adopt any suggestions for improving it.

Mr. HUGHES.—Does the honorable member definitely accept the method suggested by the honorable member for Wide Bay?

Sir WILLIAM LYNE.—I would accept it if it were proposed. After hearing this exhaustive discussion, I consider it the better method.

Mr. HUGHES.—I do not see that the result would be different from that which would be obtained from the adoption of the scheme proposed by the Government.

Sir WILLIAM LYNE.—I do not wish to cause delay, but I feel called upon to place on record my objection to the proposal now submitted. If it does not have the effect which I fear it will have, I shall be only too glad to acknowledge my error of judgment in regard to it. In my opinion it is dangerous to sites which may stand well with honorable members, but for which there will be no second opportunity to vote.

Mr. REID (East Sydney).—If the method proposed by the honorable member for Bland is found to act unjustly to any site which had a genuine chance of being selected, we shall have another opportunity of pitting that site against the selected site. We shall not be bound by the decision we come to now.

Amendment agreed to.

Amendment (by Mr. WATSON) agreed to.

That the words "A preferential," line 1, be omitted.

Mr. REID (East Sydney).—Now that the Committee has somewhat altered the procedure laid down by the Government, I suggest to the Minister that some modification of the provision to meet the case in which there may happen to be two last sites may be necessary. I do not know what method we could adopt. I should like to protect the Chair from the very invidious task which it is proposed to cast upon it. Of course the Chairman often gives a vote which leads to further consideration, but that is an entirely different matter. In this case his vote would have the effect of extinguishing the chance of a site, and would afford no opportunity for further consideration. We shall have to make up our minds how we shall act if two or three sites received an equal number of votes.

Mr. WATSON (Bland).—Paragraph *b* will require to be amended to bring it into consonance with the amendment agreed to in the previous paragraph.

Paragraph *b* amended to read as follows:—

Members shall place a cross opposite the name of the site for which they desire to vote, and then sign the paper.

Amendment (by Mr. MCCAY) agreed to—

That the words "first preferences," paragraph *d*, be omitted, with a view to insert in place thereof the word "votes."



Paragraph *e* amended to read as follows:—

If no site receives an absolute majority of votes, then the name of the site receiving the smallest number of votes shall be reported to the House and shall be struck out.

Sir WILLIAM LYNE.—The leader of the Opposition referred to the course to be adopted in regard to two or more sites which might receive an equal number of votes. Paragraph *f* provides that in such an event the Speaker shall ascertain by a show of hands which of such sites should, in the opinion of honorable members, be struck out. That clause was inserted in order to decide the order of preference.

Mr. McCAY.—Why not strike both out?

Sir WILLIAM LYNE.—Certainly not. I do not believe in such rough and ready methods. I see that I shall have to keep a very careful watch over some honorable members. If the method now proposed is not acceptable to honorable members the only alternative I can suggest is that an open vote should be taken as to which site should be struck out.

Mr. REID.—I was informed that the Speaker had to decide; but this is quite different. I have no objection to this provision.

Sir WILLIAM LYNE.—Then I shall allow the paragraph to stand.

Mr. McCAY.—It will not do to allow the paragraph to stand in its present form.

Sir WILLIAM LYNE.—Some consequential alterations will be necessary, and I therefore move—

That in paragraph *f* the word "total," twice occurring, be omitted with a view to insert in lieu thereof the words "number of votes"; that the words "largest sum placed opposite the name of any of the sites," be omitted with a view to insert in lieu thereof the word "smallest."

Amendment agreed to.

Mr. FISHER (Wide Bay).—I move—

That after the word "shall," first occurring, paragraph *f*, the words "determine by his casting vote," be inserted.

Mr. REID.—I hope that Mr. Speaker will exercise his rights as a representative of the people upon a matter of this sort. It is not a party matter but a national one.

Mr. FISHER.—The leader of the Opposition is undoubtedly critical in these matters. But what will the right honorable member say if, upon a show of hands being taken there is an equal number of votes in favour of two sites which occupy a position

at the bottom of the list? I hold that it is a sound principle that Mr. Speaker should not in the first instance exercise his vote, in case of two sites commanding an equal number of supporters.

Mr. REID (East Sydney).—I entertain a very strong objection to putting Mr. Speaker in the position in which the adoption of this amendment would place him. When a tie occurs in the House, Mr. Speaker invariably votes upon a fixed principle which affords honorable members another opportunity to reconsider the matter at issue. Except on very rare occasions, no Speaker has acted upon any principle other than that. But we are now discussing a matter upon which, if we follow the ordinary practice, the action of Mr. Speaker would extinguish a site from the consideration of the House. I do not think that we should place Mr. Speaker in that position. We should settle the matter for ourselves.

Mr. McCAY.—Is Mr. Speaker going to vote?

Mr. REID.—If we are sitting in the House and a tie occurs, of course Mr. Speaker will be unable to vote. Personally, I should be very glad if it were otherwise. Later on we shall be able to understand whether there is nothing to prevent him from doing so. I do not see why Mr. Speaker should not have a vote, even when he is sitting in the chair, and I trust that he will be able to take part in the ballots as a private member of the House.

Mr. SAWERS.—How would he act in case of a tie occurring?

Mr. REID.—Under ordinary circumstances Mr. Speaker gives a vote which affords the House a further opportunity to consider its position. But in this case he could not give a vote of that sort. In the event of two sites receiving an equal measure of support, one site would have to be excluded from consideration, and by adopting the amendment we should be throwing upon Mr. Speaker the duty of excluding it by means of his casting vote. That is an invidious position in which he ought not to be placed. Why should we call upon him to solve our difficulties by asking him to exclude from consideration one of two sites for which there was a minority, at the bottom of the list? No vote from the Chair ought to eliminate anything from the consideration of the House. It should be directed rather towards giving honorable

members a further opportunity to reconsider any matter.

Mr. THOMAS.—But what is to be done if a tie occurs?

Mr. REID.—I trust that the common sense of the House will be quite equal to an emergency of that sort. Should a tie occur upon a first division, the House itself will probably be able to remove the trouble. If there are two sites at the bottom of the list, Mr. Speaker might put them in alphabetical order. He might first put for the consideration of honorable members whether or not the site which stands higher in the alphabet should be excluded.

Mr. HIGGINS.—After all, the tie is only an off chance. Let us leave it to Mr. Speaker's discretion.

Mr. REID.—I am not averse to the adoption of that course; but the effect of the amendment proposed by the honorable member for Wide Bay is to compel Mr. Speaker to do something which is rather foreign to a vote which is given from the Chair.

Mr. WILKINSON.—But suppose that the House is equally divided upon the merits of two sites?

Mr. REID.—Then some one or other will remove the difficulty. I object to forcing Mr. Speaker to extinguish a site.

Mr. KINGSTON.—That duty is thrown upon Mr. Speaker by the Constitution.

Mr. REID.—In that case we do not need to provide against it, and the amendment is unnecessary. It may be as my right honorable friend suggests. My sole desire is to protect the Speaker from being called upon to give a casting vote which, instead of affording the House an opportunity for further consideration, would have the effect of preventing that. Section 40 of the Constitution says—

Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote.

Mr. MCCAY.—That refers to the ordinary voting methods.

Mr. REID.—It seems to be so. The vote which is contemplated by that section of the Constitution is very different from a vote such as would be cast upon the question which we are now discussing.

Mr. EWING.—That is the only procedure which is laid down for the guidance of the House.

Mr. REID.—I would suggest to the honorable member for Wide Bay that I should withdraw his amendment. The chances are that the contingency which he contemplates will never arise. If it does, it is questionable whether section 40 of the Constitution will cover the dilemma in which Mr. Speaker will find himself.

Mr. EWING.—It is the procedure of the House.

Mr. REID.—I think that the honorable member for Wide Bay has invited attention to a difficulty which may arise and from that stand-point it is well that he has done so. When I interjected whilst I was speaking, I did not contemplate the position of a tie occurring whilst Mr. Speaker was sitting in the chair of this House. I had a Committee vote in my mind, but I see that this will take place in the House. I am glad that the honorable member has moved this amendment, because it will provide a way of avoiding the difficulty.

Mr. KNOX (Kooyong).—The leaders of the Opposition has raised a point which had intended to bring before the Committee. If the question is to be dealt with in the House, why should we depart from the ordinary procedure by taking a show of hands? Why should we not have a properly recorded division? Even if the matter were to be dealt with in Committee there would be no valid reason for taking a show of hands. I prefer the ordinary process of dividing the Committee. I ask the Minister to consider the matter, and clearly place before the Committee the procedure to be ultimately adopted. If the vote is to be taken in the House, Mr. Speaker will be guided by the section of the Constitution which determines that in certain cases he shall have a casting vote, and there is no reason why our decision should not be recorded by a division in the ordinary way.

Mr. FISHER (Wide Bay).—The amendment undoubtedly proposes a vital departure from the Government proposition. I dislike, as much as does the honorable member for Kooyong, the suggestion that there should be a show of hands; but the main principle involved is whether Mr. Speaker should carry out the duties which are constitutionally assigned to him, and in the exercise of the high office which he adorns, give his casting vote when the voting is equal. If, to take an extreme case, the voting on all the sites were equal,

should we continue to refer the matter back to the Committee for further consideration? That would be an impossible position to take up. There is a constitutional way of settling such difficulties, and we have elected as Speaker an honorable member whom we consider to be best fitted to give a decision in the way proposed by me. I have waited patiently to hear the leader of the Opposition suggest a way out of the difficulty. The right honorable gentleman is fairly astute, and he admits that there is a difficulty. I do not wish to embarrass Mr. Speaker, and if he can vote I shall not object.

Mr. WATSON.—It is not very important. This relates only to the site lowest on the list.

Mr. FISHER.—But they might all be equal.

Mr. WATSON.—We do not wish to occupy the whole day in dealing with this matter.

Mr. FISHER.—The honorable member must exercise some patience. The late Prime Minister said that this was the most important matter that had ever come before the Parliament, and before we enter upon the work of selecting a site, we should know exactly the method of procedure to be adopted. If it were open to the next Parliament to alter our decision in regard to the site of the capital I should not be so anxious in regard to this question; but our decision will be final, and we should, therefore, be careful to provide the most complete machinery to secure a proper decision.

Sir WILLIAM LYNE.—If the honorable member will temporarily withdraw his amendment I shall move to omit the word "Speaker" and insert in lieu thereof the word "House." I shall subsequently move to strike out other words in the paragraph.

Amendment, by leave, withdrawn.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the word "Speaker," paragraph (f), be omitted with a view to insert in lieu thereof the word "House."

Mr. FISHER (Wide Bay).—In view of the fact that some of our standing orders have been abrogated by the passing of this resolution, and that in these circumstances, Mr. Speaker may not have a casting vote, I should like to have the opinion of the leader of the Opposition on the question whether the ordinary rules will apply.

Mr. KINGSTON.—The Constitution gives Mr. Speaker a casting vote.

Mr. FISHER.—That being so, Mr. Speaker, if the voting in the House be equal, will have a casting vote, and I therefore shall not again submit my amendment.

Amendment (by Sir WILLIAM LYNE) proposed—

That the words "by a show of hands," paragraph (f) be omitted with a view to insert in lieu thereof the words "in the customary manner."

Mr. REID (East Sydney).—Let us consider what the customary method would be. If A, B and C were at the bottom of the list, the first question to be put would be "That A be omitted." That procedure would be somewhat unfair to that site, because the supporters of B and C would vote for the motion in order to keep their sites in the running. Nevertheless, as they would all be at the bottom of the list, it is not a matter of so much importance as it would otherwise be.

Amendment agreed to.

Amendment (by Sir WILLIAM LYNE) proposed—

That the word "largest," paragraph (g), be omitted with a view to insert in lieu thereof the word "smallest."

Mr. REID (East Sydney).—This is somewhat vague, but I suppose it will be quite understood that the proposal involves a ballot in which each site will be removed one by one from the list.

Sir WILLIAM LYNE.—Yes.

Amendment agreed to.

Amendments (by Sir WILLIAM LYNE) agreed to—

That the word "total," paragraph (g), be omitted with a view to insert in lieu thereof the words "number of votes."

That the words "first preferences," paragraph (g), be omitted with a view to insert in lieu thereof the word "votes."

That the words "the first preferences," paragraph (h), be omitted with a view to insert in lieu thereof the word "votes."

Mr. WATSON (Bland).—I wish to suggest to the Minister that it would be wise to provide that the number of votes recorded for each site be reported after each ballot, so that honorable members may know how the voting has gone.

Sir WILLIAM LYNE.—The motion has been drafted so as to provide that they shall not be so reported.

Mr. WATSON.—Is the Minister prepared to insert a provision making it clear that they shall be reported? I think that that should be done.

Mr. REID.—If it is not done, the ballot will really be a secret one, whereas we have provided for an open ballot.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I hope that the Committee realize the importance of the amendment suggested by the honorable member for Bland. A feature common to both the methods of balloting which have been under consideration this afternoon is, that after each ballot the number of votes cast for each site need not be disclosed, but that only the site which has been discarded shall be indicated, so as to leave honorable members free to vote upon the true merits of the proposed sites apart from other considerations. If the voting for each site is disclosed after each ballot, an opportunity will be given for combination, and the transfer of votes for the purpose of excluding certain sites from the contest. I do not say that that may not be done with defensible motives.

Mr. WATSON.—If an honorable member sees that the site he favours has no chance of being selected, why should he not be allowed to transfer his preference to some other site?

Mr. DEAKIN.—The Government would like all votes to be cast for the sites absolutely upon their merits, and without reference to other considerations. I am not arguing against publicity. The ballot-papers will be signed, and at the conclusion of the balloting they will be laid upon the table, so that it will be known how each honorable member voted. But I am opposed to immediate publicity after each vote. I think that a more impartial vote upon the plain merits of the sites will be obtained if honorable members know nothing as to the votes already cast. It seems to me most important that honorable members should vote upon the sites according to their advantages, rather than with a view to excluding rival sites.

Mr. REID (East Sydney).—This is a very important matter, but in my opinion the Committee have already decided in favour of the view taken by the honorable member for Bland. We have decided that the ballot shall be an open one, but if the honorable member's suggestion is not agreed to we shall really have seven secret ballots and one open ballot, because a ballot must be regarded as secret if the result is not immediately made known. Cannot we trust ourselves? Are we a

deliberative assembly, or can we be trusted to vote properly only while we are kept in the dark as to the result of our voting? The spirit of democracy is opposed to secrecy, and in favour of everything being done publicly and openly—not in favour of our transactions being made public only at convenient seasons.

Mr. BRUCE SMITH.—Would the right honorable member allow enough time between the ballots to enable honorable members to examine all the ballot-papers?

Mr. REID.—We must assume that the counting will be correct, but some honorable members favour the keeping of the result of the balloting secret until the last ballot has been taken. That is the old despotic doctrine—that the authorities should decide what it is needful to make public, and when it should be disclosed. I urge that we should not show a want of confidence in ourselves, and vote in the dark like a pack of children, but rather that we should act with full knowledge, and discharge our responsible duties knowing exactly what we are about.

Mr. MCCAY.—We shall not have full knowledge even if the suggestion of the honorable member for Bland is agreed to, because we shall not know how each honorable member votes.

Mr. REID.—I am willing to agree to even that disclosure if honorable members think it necessary. In order that we may have a definite decision on the point raised by the honorable member for Bland, I move—

That the following paragraph be inserted:—

“(h2) The total number of votes given for each site shall be reported to the House after each ballot.”

Amendment agreed to.

Mr. EWING (Richmond).—I desire that it shall be made perfectly clear that in choosing a name to be inserted in the Bill we shall not be taken to have decided upon any particular site, but merely upon a district or a territory. Almost all the proposed sites are contiguous to towns, which means that their catchment areas are in many cases polluted, and, if a town itself be resumed, will mean a large expenditure in the resumption, not only of the town allotments but of the surrounding land, the value of which has been largely increased by the presence of population. We all know that the situation of an Australian township has generally been determined by the fact that some man has found a cross-road,

or the bank of a river from which it is convenient to draw water, a suitable place for an accommodation-house, and other persons have followed his example, until eventually a considerable population has settled there. The choice being thus accidental and dependent upon the needs or peculiarities of an individual, important considerations, such as water supply and drainage, are left out of sight. But the Federal Capital should be located where, if possible, it may be supplied with water by gravitation, and can be drained most advantageously and at least cost. In Sydney we have an example of the manner in which the requirements of the future, in respect to water supply and drainage and other important considerations were disregarded in the first instance. If we place the Capital on a site contiguous to a country town, we shall probably place it in a situation which has been badly chosen. Moreover, the existence of a country town within the Federal territory would be, not an advantage, but a disadvantage. It is idle to contend that it is only within close proximity to the towns which have been named that suitable sites can be found. I have already pointed out that the erection of the towns which have formed the agitating points in connexion with the Capital site question was merely a matter of accident. I desire to emphasize the necessity and wisdom of fixing the Federal Capital in a locality where land can be obtained at the cheapest rate, where an ample water supply can be secured at the smallest cost, and where the countryside has not already been disfigured by the establishment of towns or polluted by the presence of population.

Mr. BROWN.—The honorable member will have to go to Tibooburra in order to find the conditions he desires.

Mr. EWING.—I do not think so. All these matters are comparative, and it would be unwise for us to incur the expense of resuming town lands, or to choose a site already rendered valuable by the presence of population. Upon the occasion of the visits of inspection paid to Albury, Bathurst, Armidale and so on, honorable members and the Commissioners have had their attention directed to places contiguous to the towns, and most favoured by the residents of the locality. These sites would involve the greatest outlay for resumption. If a site were chosen contiguous to the town of Albury it would cost £297,000.

Mr. THOMAS.—What does the honorable member suggest?

Mr. EWING.—My suggestion is that the term "district" should be used instead of "site," and I would define the word "district" as meaning within a radius of sixty miles.

Mr. WATSON.—The districts would then overlap each other in some cases.

Mr. EWING.—I do not think that that is material.

Mr. THOMSON.—If the districts did overlap they might cover some of the rejected sites.

Mr. EWING.—I do not think that that would be any disadvantage. Having chosen the locality in Southern Monaro, Eastern Riverina, or the Tumut district, or elsewhere, we might leave the site to be chosen within the limits of the district.

Mr. WATSON.—Why not substitute the word "district" for "site" without introducing the sixty-mile limitation, and then leave the selection of the site to the experts?

Mr. CLARKE.—Some confusion might arise in connexion with the definition of the term "district," because there are land districts bearing the names of the proposed sites.

Mr. EWING.—In one instance the word "place" is used, and in another the expression "at or near" is employed. Those terms would be difficult to define, and therefore I thought it well to define the term "district" in the way I have proposed. I take it for granted that honorable members will not consider the question of an extra hour or two which they might have to spend in the train in travelling from Melbourne or Sydney to the capital, and that they will not sacrifice the interests of Australia to any local considerations. Therefore, if we state that a site shall be selected within sixty miles of Tumut or Bombala, or any other locality that may be chosen, we shall probably secure a more eligible spot than if we adopt a more limited definition. Having once chosen the district, we should eliminate all those elements of complication which now exist. I am free to admit that some honorable members may think that the sixty-mile limit would, perhaps, permit of the selection of a site close to the Victorian border.

Mr. KINGSTON.—Does the honorable member contemplate that the distance shall extend sixty miles on every side from the site mentioned?

Mr. EWING.—Yes; anywhere within sixty miles of the site named.

Mr. WATSON.—That would be far too much to allow.

Mr. EWING.—What reason is there in an argument of that kind?

Mr. WATSON.—What reason is there in making a selection at all?

Mr. EWING.—By selecting the district we shall get rid of the existing conflict of interests.

Sir WILLIAM LYNE.—If the sixty-mile limit were adopted the proposed districts would overlap in two or three cases.

Mr. EWING.—What harm could follow if they did? In all probability the western sites would overlap, but that would be immaterial.

Mr. THOMSON.—We might reject two of the sites, and then include them again within another "district."

Mr. EWING.—I do not see that that would be any great disadvantage. If the Western districts did overlap we should have an opportunity of choosing the best site in that locality.

The CHAIRMAN.—I am afraid that the honorable member is anticipating the debate in connexion with the second clause of the Bill which deals with the question of the site and states that it shall be "at or near" one of the places named in the schedule. It will be competent for the honorable member to move an amendment for the addition of a name to the schedule or to excise a name, but he cannot move an amendment such as he has indicated.

Mr. EWING.—All I desire to do is to add the word "district" after the names of the sites. The Albury site, as we understand it, is virtually the town of Albury. I then propose to define the term "district" as within sixty miles of the town mentioned.

The CHAIRMAN.—The honorable member cannot do that at this stage, because he will be anticipating the discussion on the second clause of the Bill.

Mr. EWING.—Do you rule, Mr. Chairman, that the schedule cannot be amended?

The CHAIRMAN.—No; but I rule that the honorable member cannot move an amendment of the kind indicated by him, because it would anticipate the discussion upon the Bill.

Mr. EWING.—I maintain that these are resolutions upon which the Bill is to be founded, and surely I am in order in proposing to amend them.

The CHAIRMAN.—The second clause of the Bill provides that the seat of government shall be "at or near" one of the sites indicated in the schedule, and it will be competent for the honorable member to introduce his amendment in the Bill.

Mr. EWING.—Would there be any objection to submitting the question to the Speaker for his ruling?

The CHAIRMAN.—None whatever.

Mr. REID (East Sydney).—These resolutions are intended to devise a means of arriving at a decision with regard to the site, and the necessary legislative provisions will be embodied in the Bill. Perhaps the honorable member might, in the schedule, define the meaning of "site" as being an area within sixty miles of such and such a place. That might be relevant.

Mr. EWING.—That is what I desire to do.

Mr. REID.—The mere addition of the word "district" to the word "Albury" seems relevant.

Mr. EWING.—Perhaps instead of inserting the word "district" I may be permitted to add the words "at or within sixty miles" in connexion with Albury, and similar words in connexion with Armidale and other sites.

The CHAIRMAN.—I am sorry that I am unable to comply with the wishes of the honorable member. I am bound by the Standing Orders. The honorable member must not anticipate the discussion of the Bill. The honorable member will have an opportunity of defining the word "district" when the Bill is under consideration.

Mr. EWING.—I should like to obtain the decision of Mr. Speaker upon the question whether it would be in order for me to propose an amendment to add the word "district" after "Albury," or the words "within sixty miles of Albury."

The CHAIRMAN.—Is it the pleasure of the Committee that the matter be submitted to Mr. Speaker?

HONORABLE MEMBERS.—Hear, hear.

*In the House:*

The CHAIRMAN.—Mr. Speaker, with the concurrence of the Committee a point of order has been referred to you for your decision. During the course of his remarks the honorable member for Richmond intimated that he desired to amend the resolutions by the addition of the word "district" to each of the names of the sites.

therein named. He was proceeding to discuss and define what those districts were. I looked at the Bill and found that clause 2 clearly relates to the determination of the seat of government. Accordingly, I called his attention to the fact that he was anticipating a discussion which would take place at a later stage, and that it was not competent for him to do so. The Committee desired that my decision should be referred to you for your ruling.

Mr. CONROY.—I understand that the first portion of the third resolution to which we have agreed provides that "so much of the Standing Orders be suspended as would prevent the House from adopting such methods of selection." That is one reason why we should dissent from the Chairman's ruling. If we are not allowed to discuss the question of distance as suggested by the honorable member for Richmond, we shall practically be defining the words "at or near," and surely it cannot be contended that "within a radius of sixty miles" comes within the definition of the words in question.

Mr. EWING.—I have no desire to refer to any site in detail, but merely wish the Committee to deal with the whole of the districts surrounding the towns mentioned in the schedule to the resolutions—not with the sites but with the territories. I therefore desire to add to the schedule the word "district."

Mr. KENNEDY.—I understand that the honorable member for Richmond desires to submit a certain proposal concerning the method to be followed in reference to the determination of the seat of government of the Commonwealth. His desire is merely to define the method which is to be followed in connexion with the Bill.

Mr. SPEAKER.—I would remind the House that early this afternoon, the honorable and learned member for Bendigo sought to define in some way the words "at or near which," which appear in the first resolution. I prevented him from proceeding upon that occasion for precisely the same reason that I think the Chairman has rightly prevented the honorable member for Richmond. In reply to the honorable and learned member for Werriwa, I would point out that resolution 3, which has been agreed to, contains the following words:—"That the following be the method of selection"—that is to say, the method of selecting a name which is to be inserted in a blank in the Bill—"and that

so much of the Standing Orders be suspended as would prevent the House from adopting such method." Therefore, the only portion of the Standing Orders which has been suspended is so much as might hamper the House in carrying out the method of ballot which is to be determined. I would further point out that the order of the day, number 2, relates to the consideration in Committee, of the Seat of Government Bill. In Committee it may be necessary to determine in some way what the words "at or near" in that Bill mean. Any discussion of that question, either in enlargement of those words or in definition of them, such as I understand the honorable member for Richmond proposed, would certainly be anticipating a debate which must take place at a later stage. I think that the Chairman has acted entirely in accordance with the Standing Orders in ruling as he did, for the reasons to which I have referred. We are now discussing merely the method by which a certain name shall be selected to fill a certain blank in the Bill. Whilst it will be in order to omit any of the names which appear in the resolutions, or to add others, it will not be in order to anticipate any discussion on the words "at or near" which appear in the Bill.

*In Committee:*

Mr. CONROY (Werriwa).—I move—

That the word "Yass" be added to the schedule.

When the Federal Capital Sites Commission was first appointed, the present Minister for Trade and Customs promised that Yass should be included in the Lake George site. Owing to some misunderstanding, however, that was not done, and I now avail myself of the only opportunity which will present itself to me to get the site inserted here. Perhaps I may be permitted to remind honorable members of one or two facts in connexion with that site. To begin with, Mr. Oliver, who was appointed by the New South Wales Government to report upon the eligible sites, placed Yass absolutely first from the point of view of accessibility and means of communication. It is the only place where one could get above the 1,500 feet level upon the table-land which is in close proximity to Junee Junction and enjoy a fairly temperate climate. The only reason why it was not placed absolutely first was that at the time Mr. Oliver inspected it grave doubt existed as to whether an

adequate water supply could be obtained in the vicinity. Just after he had concluded his report, however, it was found that water could be very easily brought from the Micalong Creek. Of course, an inexhaustible supply could always be obtained from the Murrumbidgee, but that would necessitate the carrying out of a pumping scheme, which the Commissioner wished to avoid. Since Mr. Oliver reported, however, the Barranjack Reservoir has been brought under notice. Indeed, at the present time there is a Bill before the New South Wales Parliament, which proposes to allow a private company to construct that reservoir. The company in question is of opinion that it will pay so well that it is perfectly prepared to spend its money in constructing it. If that great dam is built it will throw the water back in one or two of the tributaries for nearly 50 miles from the dam itself. We shall thus have a sheet of water which, from the point of view of volume, will far exceed that of any lake in Australia. Further, I hold that it is our duty to throw as few obstacles as possible in the way of men reaching the Federal Capital from the great cities of Australia. The other sites which have been reported upon are a little off the main line. Whilst I admit that Lyndhurst has a better climate and a better soil than Yass, it is not so absolutely on the main line of railway between Melbourne to Sydney, and consequently cannot rank quite so high. I ask the Minister for Trade and Customs, in view of his former promise, to agree to the inclusion of this name in the schedule.

MR. WILKINSON.—We shall move to include a number of additional sites, if the honorable and learned member does that.

MR. CONROY.—If by a mistake one of the best sites has been omitted, I claim that by restricting the choice of the Committee we shall not be acting wisely. If honorable members will refer to *Hansard*, they will find that at the time the matter of the Federal Capital Sites Commission was under consideration, the Minister for Trade and Customs promised that Yass should be included in the Lake George site.

MR. KINGSTON.—What is the distance between Yass and Lake George?

MR. CONROY.—A 50-miles radius would include both sites. I maintain that as the result of a mere inadvertence, we, should not overlook a site which Mr. Oliver placed first upon his list of recommendations

from the point of view of accessibility and means of communication. I would further point out that in the event of a dispute arising between the two branches of the Legislature, this particular site might be accepted as embodying a fair compromise. For instance, if Bombala were selected by one House, and Tumut by the other, Yass might be chosen as a compromise.

SIR WILLIAM LYNE.—The honorable and learned member for Werriwa has stated that the Government agreed to include Yass in the Lake George site. It is true that he spoke to me once or twice in reference to the matter, but I do not think he can urge that there was any promise of the kind made. Certainly, when a proposal was submitted to the effect that the three western sites, namely, Lyndhurst, Bathurst and Orange, might, nominally, be regarded as one, some remark was made in reference to the inclusion of Yass and Lake George in one site, but I do not think that I promised that that should be done.

MR. BROWN.—Surely Yass has as good a climate as Dalgety?

SIR WILLIAM LYNE.—But an adequate water supply cannot be obtained there. Had it been possible to obtain such a supply, the claims of Yass might have been further considered. But there was no possibility of that being done, and, consequently, it was decided that Yass could not be included as part of the Lake George site. I trust that honorable members will not agree to this proposal. Already we have a great many sites to consider. In addition, I would point out that Yass is situated in the neighbourhood of Tumut and that its chief recommendation is its accessibility. At the same time it is no more accessible than are the other sites which are situated upon the main line. I visited Yass upon several occasions, and I do not think there is much prospect of that place being selected even if it is included in the schedule. Moreover, the object of the Committee is to reduce the number of sites and not to increase them, unless the suggestion of the honorable member for Richmond is to be adopted and a site chosen which is entirely removed from any centre of population. That would be an entirely different matter, but if one or more sites, which in most respects are similar to those already in the list were added to it, the discussion would last much longer than it otherwise would. There is not much difference between Yass and Tumut so far as their distance from



Melbourne or Sydney is concerned. If, without consideration, I had given a definite promise to include Yass in the list of sites to be inspected, I should certainly have added it to the Lake George site. But I never gave any definite promise. When the matter was referred to the only question at issue was whether there was any possibility of a water supply being obtained at Yass.

Mr. KENNEDY (Moir).— Might I suggest a reasonable way out of the difficulty in which the honorable and learned member for Werriwa and the honorable member for Richmond are placed. My suggestion would involve, in the first instance, the elimination of certain names from the list although there would be no risk of their claims being overlooked. I think it would be well for us to consider the honorable and learned member for Werriwa's proposal when we are dealing with the Bill itself, and that we should treat the several sites named as representing districts or territories. We could select a district covering an area of fifty miles from point to point.

Mr. CONROY.—If I were sure of that proposition being carried, I should withdraw my amendment.

Mr. KENNEDY.—I think it would have the sympathy of the Committee. In my opinion it would be the best course to adopt. If we were to deal with localities, rather than particular sites, the claims of Yass and Lake George, if either were mentioned in the schedule, would be fully considered.

Mr. CONROY.—Lake George, by rail, is 80 miles further away, and I do not think that would be fair to Melbourne.

Mr. KENNEDY.—The honorable and learned member will admit that, as the crow flies, Yass is within fifty miles of Lake George. The three western sites, Bathurst, Orange, and Lyndhurst, are all within a radius of fifty miles, while Bombala and Dalgety are practically in the same position. If the sites were grouped in districts in this way a few names would be eliminated from the list without any fear of their respective claims being overlooked. The adoption of this plan would really facilitate the due consideration of their merits. If Bathurst were selected the prospects of Orange or Lyndhurst would not be prejudiced when we came to make a final selection, and the same remark will apply to the districts of Lake George and Yass or Bombala or Dalgety. We might also extend the

Tumut site two or three miles beyond the area actually mentioned in the reports, and we could do the same with respect to the Albury site. If we decided that a district should comprise an area extending for a distance of fifty miles from a given point, we could subsequently fix the actual site within that territory upon which the city should be built.

The CHAIRMAN.— The honorable member cannot now discuss that phase of the question.

Mr. KENNEDY.—I make the suggestion with a desire to expedite business. I suggest that the honorable and learned member for Werriwa should withdraw his amendment; that Bathurst should be taken to represent the Lyndhurst and Orange sites; and Bombala as representing the districts of Monaro. The list would then read—"Albury, Armidale, Bathurst, Bombala, Lake George and Tumut." I think that the proposal would be fair to all parties.

Mr. THOMSON.—This is really in accordance with a suggestion for grouping the sites, which the House rejected a few days ago.

Mr. KENNEDY.—I am not aware that the House has rejected such a proposition.

Mr. BROWN.—We desired in the first instance to group them in this way.

Mr. KENNEDY.—We all live to learn and doubtless some of those who opposed the suggestion to which the honorable member refers would not now object to it.

Sir WILLIAM LYNE.—That was a wholly different proposal.

Mr. KENNEDY.—I can conceive of no objection to this proposition, and as a matter of fact, I think that it would assist the Committee in arriving at a speedy determination. I suggest to the honorable and learned member for Werriwa that he should withdraw his amendment on the understanding that we shall deal with the sites named in the schedule as representing territories or districts. In that way we should reduce their number to five or six without fear of the merits of any particular locality being overlooked.

Mr. CONROY (Werriwa).—If it were decided that the number of sites should be reduced, as the honorable member proposes, to a certain number of districts or territories, we should be in a far more satisfactory position than at present. As the Committee appears to be willing to extend the various sites named in the way suggested, I shall

withdraw my amendment with an intimation that I shall subsequently move in the direction indicated by the honorable member for Moira.

Amendment, by leave, withdrawn.

Mr. SKENE (Grampians).—Notwithstanding the withdrawal by the honorable and learned member for Werriwa of the amendment which he proposed, I desire to move—

That after the word "Tumut" the words "including the Upper Murray" be inserted.

I am led to move this amendment by the fact that when the proposal to refer the various sites to a Commission of experts was under discussion, the present Minister for Trade and Customs referred to the Upper Murray site, and made a promise from which he can hardly escape.

Sir WILLIAM LYNE.—I have not endeavoured to escape from any promise.

Mr. SKENE.—Quite so; but I do not think that the matter can be settled other than in the way I propose.

Sir WILLIAM LYNE.—According to *Hansard* I did not make any promise in regard to Yass.

Mr. SKENE.—In submitting to the House a motion to refer the sites to a Commission of experts—

Mr. JOSEPH COOK.—I rise to a point of order. I take it that the honorable member is seeking to do exactly what the honorable member for Richmond was not allowed to do. I submit that this is a matter to be dealt with when the Bill itself is under consideration, and when we are called upon to define the words "at or near" a certain place.

Mr. SKENE.—I understood you to rule, Mr. Chairman, that certain words could be inserted in the schedule. You permitted the honorable and learned member for Werriwa to propose an amendment for the insertion of the word "Yass," and I therefore consider that I am entitled to submit this amendment.

Mr. THOMSON.—I think you ruled, Mr. Chairman, that words could be omitted from or inserted in the schedule, but the honorable member proposes to add certain words extending the area of the Tumut site. I maintain that, according to your ruling, he would not be out of order in proposing to insert the words "Upper Murray," as representing a separate site, but if the honorable member is proposing an extension

of the Tumut site he is seeking to do that which you have already held cannot be done.

The CHAIRMAN.—The honorable member for Grampians indicated his desire to move an amendment for the insertion of the words "including the Upper Murray" after the word "Tumut." I had previously given a ruling that, at this stage, no proposal to define the area of any of these sites could be submitted, inasmuch as it would anticipate the discussion which would subsequently take place on clause 3 of the Bill, which deals with that matter. The honorable member's proposal is not in order in its present form, but it is open to him to propose the insertion of the words "Upper Murray," which would place that site in the same category as those already named in the schedule. If the word "Tumut," or the name of any other site, be placed in the Bill, he will have an opportunity later on to suggest what the extent of the territory should be.

Mr. SKENE.—In accordance with your suggestion, Mr. Chairman, I move—

That the schedule be amended by the insertion of the words "Upper Murray."

In submitting to the House a motion to refer the several sites to the Commission of experts, the present Minister for Trade and Customs said—

It will be noticed that there is no proposal in regard to the Upper Murray, though in my opinion the finest and most beautiful valley in Australia is to be there found. It is Tumut on a triple scale, and I hope that later on honorable members will take the opportunity of visiting the district.

That statement is to be found at page 16131 of *Hansard*, while at page 16135 the honorable gentleman is reported to have said—

I intend to ask a few members of the House to visit it during the summer months.

The Upper Murray and Dalgety sites were not in the same position, because the Minister did not make any promise with regard to Dalgety; yet we find that Dalgety has been inspected by the Commissioners, and included in the list of sites now before us, while the Upper Murray site has not been treated in the same way. I understand that the Minister for Home Affairs said last night that not one of the sites which he had inspected agreed with his idea of the place on which the capital of Australia should be erected. But according to the descriptions

which I have received from many who are familiar with the district, the valley of the Murray should not be passed over. It has a magnificent water supply, and a much larger building area than I believe is to be obtained at Tumut. In every other respect it would also be a better site. Its omission appears to have been accidental, inasmuch as Dalgety, although not named in the motion referring the various sites to the Commissioners, was inspected by them. In my opinion the Upper Murray site should be included in the schedule. Of course it would have to be inspected as the other sites have been inspected, and a report made as to its accessibility and general suitability. It has an altitude of 1,500 or 1,600 feet, and, from the description I have had of it, I think its name should be inserted in the schedule.

Amendment negatived.

Mr. WILKINSON (Moreton). — It appears to me that this great question is about to be settled more with a view to present than to future interests. The centre of population in eastern Australia is likely to be further north than any of the proposed sites. Personally I favour most the Armidale site, but I should like to go still further north, and if there were any chance of carrying such an amendment I would move the insertion in the schedule of the name Tenterfield. In other parts of the world population increases most rapidly within the temperate zone, in places where there is a moderate rainfall, a healthy climate, and good soil. All those conditions operate, as I interjected the other night, between Twofold Bay and Bundaberg, in what has been called the maize belt of Australia. As we are determining the location of the capital, not for to-day, but for perhaps a thousand years, we should pay some regard to the probable distribution of population in the future. Honorable members will see, by looking at the map, that eight of the proposed sites are situated within the southern half of New South Wales. Armidale is the only site which is situated in the better and northern half. Whereas in other parts of the State the average yield of wheat is five and seven bushels to the acre, on the downs country to the north the yield is seventeen, twenty, and thirty bushels to the acre, while there is good pasturage for cattle and sheep, good soil for fruit-growing, and an immense area of back country. The Armidale site, however,

seems likely to escape notice, because vested interests are operating to support the sites further south.

The CHAIRMAN.—The honorable member is not now at liberty to discuss the relative merits of the proposed sites. He will have an opportunity to do so when the Bill is in Committee. All he can do now is to propose the addition of names to the schedule.

Mr. WILKINSON.—In that case I shall reserve my remarks for another occasion.

Question, as amended, resolved in the affirmative.

*Resolved—*

An open exhaustive ballot shall be taken without debate, in the following manner:—

- (a) Ballot-papers shall be distributed to honorable members, containing the names of the sites mentioned in the schedule hereto.
- (b) Members shall place a cross opposite the name of the site for which they desire to vote, and shall sign the paper.
- (c) The ballot-papers shall then be examined by the clerk.
- (d) If, on the first examination, any site proves to have received an absolute majority of votes, the Speaker shall report the name of such site to the House, and such site shall be deemed to be the one preferred by honorable members.
- (e) If no site receives an absolute majority of votes, then the name of the site receiving the smallest number of votes shall be reported to the House, and shall be struck out.
- (f) If any two or more of the sites should receive an equal number of votes, such number of votes being the smallest, then the House shall ascertain in the customary manner which of such sites should, in the opinion of honorable members, be further balloted for, and the name of the other, or others, shall be struck out.
- (g) Further ballots shall then be taken on the names of the remaining sites, and the name of the site receiving the smallest number of votes in each successive ballot shall be reported to the House and struck out in the manner aforesaid, until one of the sites receives an absolute majority of votes.
- (h) When one of the sites has received an absolute majority of votes, the name of such site shall be reported to the House by the Speaker, and such site shall be deemed to be the site preferred by honorable members.
- (i) The total number of votes given for each site shall be reported to the House after each ballot.
- (j) The House shall thereupon resolve itself into a Committee of the Whole on the Bill.

## SCHEDULE.

Albury	Lake George
Armidale	Lyndhurst
Bathurst	Orange
Bombala	Tumut.
Dalgety	

Resolution reported and adopted.

*In Committee:*

Clause 1 agreed to.

Clause 2—

It is hereby determined that the seat of Government of the Commonwealth shall be at or near

Mr. EWING (Richmond).—In order to give effect to a view with which several honorable members have expressed their concurrence, I move—

That the words “at or near” be omitted, with a view to insert, in lieu thereof, the words “within a radius of sixty miles of”

Mr. JOSEPH COOK.—Why not make it 100 miles?

Sir WILLIAM LYNE.—While I am not opposed to some such amendment as that moved by the honorable member for Richmond, it seems to me that the proposed radius is too long, and if adopted would, I think, cause the over-lapping of some of the sites. It would be unwise to strictly confine the location of the seat of Government, but a radius of sixty miles would give a choice anywhere within a district 120 miles wide.

Mr. REID (East Sydney).—I cannot understand why the honorable member for Richmond is not satisfied with the clause as it stands. Surely the words “at or near” give a sufficient latitude. What has been gained by the examinations and reports of experts if we are not to take advantage of their work?

Mr. EWING.—I believe that in detail it is absolutely useless.

Mr. REID.—Then why not make the radius 800 miles, and take in the whole State? I submit that all reasonable elasticity is provided for.

Mr. KINGSTON.—How would the right honorable member express the word “near” in miles?

Mr. REID.—I should have some difficulty in doing so, but I should not consider a place within sixty miles of the chosen site “near” it. The effect of the amendment would be to leave the whole question at large again, so that we should require another series of examinations to determine the precise location of the Capital.

Mr. McCAY.—If the amendment is agreed to, the examination will be confined to the country within sixty miles of the chosen site.

Mr. REID.—Even if the amendment were agreed to, a magnificent site might be found just outside the radius, and then the Government would have to bring in a Bill to extend the radius to perhaps sixty-five miles. We ought to settle this matter once and for all, leaving of course a reasonable amount of discretion to the responsible authorities in regard to the actual location of the Capital.

Sir JOHN QUICK (Bendigo).—I think that the proposal submitted by the honorable member for Richmond offers the best way of dealing with a troublesome question. Moreover, his proposal is in accord with the intention of the Constitution. If honorable members will look at section 125 of the Constitution they will find that it is provided that the seat of government shall be determined by the Parliament, and that it shall be within territory to be granted to or acquired by the Commonwealth. That contemplates that the region which is described in the Constitution as “territory” should first be selected, and that when that has been done the next step shall be to fix upon some spot within that territory as the seat of government.

Mr. REID.—Then this Bill should be withdrawn, and the territory should be defined. Another Bill should then be introduced to fix the seat of government.

Sir JOHN QUICK.—That course is not necessary, because the proposal of the honorable member will meet all the necessities of the case. There is a great deal to be said in support of the contention submitted by the honorable and learned member for Parkes, that under the Constitution the Federal territory “must have been acquired” before the seat of government can be determined. At the same time no technical point should be allowed to stand in the way of a solution of this question. We could first determine that a certain region within the State of New South Wales, having a radius of 20 or 50 miles, or whatever may be considered necessary, from a certain point, shall be the Federal territory, and then, at a subsequent stage, we could determine the spot within that territory which shall be adopted as the seat of government. The proper method is to select the territory first. We need not throw out the Bill, because it affords us a rather roundabout, but still a

rough-and-ready, way of dealing with the matter. Honorable members are not in possession of sufficient information to enable them to settle the site of the future capital, but they may be prepared to decide where the Federal territory shall be situated.

Mr. REID.—We cannot select the territory by means of this Bill.

Sir JOHN QUICK.—Why not? I apprehend that the only way in which the Federal Government can acquire territory under the provisions of the Constitution is by passing a Federal Act. The territory has not yet been granted by the Parliament of New South Wales, and can only be acquired by passing a Federal Act. Before that legislation is passed some indication should be given by Parliament of the region in which the Federal territory is to be situated. I do not wish to raise any constitutional or technical point, but I am anxious to facilitate the settlement of the question in a manner consistent with the knowledge possessed by honorable members. I shall, therefore, support the amendment of the honorable member for Richmond as offering a somewhat rough but ready and convenient method of fixing the Federal territory within which the site of the Capital shall at some future stage be fixed.

Mr. SPENCE (Darling).—I am rather surprised at the action of the supporters of the Government in raising entirely new questions regarding the selection of the Capital site. It would be absurd for us to select a territory within which a site having no relation whatever to those reported upon might be fixed. All the information now before us with regard to water supply and other matters would be absolutely useless if the proposal of the honorable member for Richmond were accepted. The question as to whether water could be supplied by gravitation or whether a pumping scheme would have to be resorted to would depend entirely upon the situation of the proposed site. For instance, it might be possible to supply one of the sites reported upon by gravitation, whereas a pumping scheme might be necessary in order to supply water for a site in the same neighbourhood, but at a greater altitude. There is no reason why we should allow matters to remain so open as the honorable member contemplates, because we could not possibly foresee the position in which we might be placed with regard to the establishment of

the seat of government. I do not share the fears of the honorable member for Richmond with regard to the selection of a site in the vicinity of some of the towns included within the sites proposed. If we can find a suitable site close to a town containing a few hundreds of inhabitants we should not be precluded from selecting it by any such considerations as those referred to. I think that the Government might have given us some indication of their intentions regarding the area they propose to acquire. It is understood that they are in favour of acquiring an area larger than 100 square miles, but, beyond that, no information has been vouchsafed to us. The Government might have indicated whether they intend to acquire 1,000 or 2,000 square miles. Perhaps they may be influenced in regard to area by the nature of the surrounding country. If a site were selected in the neighbourhood of Tumut, where some of the surrounding country is rough and mountainous and of comparatively small value, they might feel disposed to acquire a larger area than if the whole of the land were of good quality. I hope that the suggestion of the honorable member for Richmond will not be agreed to, because we shall be left absolutely helpless. All the information at our command at present will be rendered useless, because the area of selection will be extended to an inordinate degree. I think that the term "at or near" is sufficiently definite, and that at the same time we shall not be unduly restricted in our ultimate choice.

Mr. EWING (Richmond).—I desire to refer to some of the remarks made by the leader of the Opposition, who appears to be apprehensive that we shall lose control of the selection of the site. I would point out to him, however, that if we limit the selection of the site to a particular territory we shall divest the question of that element of complication which now surrounds it on account of the conflicting claims of different districts in New South Wales. The location of the Capital site within a particular territory will be purely a matter of detail. I asserted that the whole of the work in detail in connexion with the report upon the sites was absolutely valueless, and I shall proceed to justify that statement. We may be guided by the general statements made by the Commissioners regarding the suitability of certain tracts as to climate and general fe

beyond that, the information afforded us is absolutely valueless. For instance, the report made with regard to the Albury site shows that land would have to be resumed at a cost of £267,000, and that if the town of Albury were included within the Federal territory an additional £500,000 would have to be paid. Therefore, in order to secure a compact site within the vicinity of Albury, an outlay of £767,000 would be involved. Then, again, it would cost £512,000 to provide a water supply. If the Commissioners thought that we should be prepared to incur an initial outlay of £1,000,000 they entirely misunderstood the temper of the House and of the people of the Commonwealth. Therefore, the report is not worth the paper on which it is written, so far as the details in regard to the Albury site are concerned.

The CHAIRMAN.—I must ask the honorable member not to discuss the relative merits of the sites at this stage.

Mr. EWING.—I desire to show that it is undesirable to use the term "at or near," and I was citing the case of Albury by way of illustration.

The CHAIRMAN.—There is no objection to an incidental reference to Albury or any other site for the purposes of illustration; but the honorable member was proceeding to discuss the relative merits of the sites.

Mr. EWING.—That was not my intention. I have already stated that if we choose one of these sites the Commonwealth will be called upon to bear a special expenditure, consequent upon its proximity to a town. Take Armidale as an example. The estimated cost of the resumption of that site is £258,920. If we include the town the cost will be £393,000 additional, or £651,920.

Mr. SAWERS.—That is just what the honorable member's proposal does.

Mr. EWING.—My amendment does not deal with the selection of a site at all. I am sure that if it were left to the leader of the Opposition to determine this question he would not select one of these sites. He would dismiss the whole of them upon the ground of the expense which would be involved in their acquisition. In the case of Bombala the cost is set down at £1,157,120, which, deducting the expenditure on account of railway connexion, means an expenditure of at least £600,000 for its acquisition and watersupply.

At Lyndhurst the resumption of the land and the cost of providing an adequate water supply will involve an expenditure of £776,000, at Lake George of £650,000, at Orange of £1,784,000, and at Tumut of £484,000. I appeal to honorable members whether, in regard to the details of a site, this report is not absolutely valueless. To overcome that difficulty we should decide to choose a territory upon main principles. We should go out into the prairie lands and fix upon a spot where an adequate water supply can be cheaply obtained, where the question of drainage is easy of solution, and where a city can be cheaply established. Australia will not pay an increased price for land the value of which has been created by reason of its proximity to a town. Let us get away from population and start building. I am sure that there is not an honorable member in this House who would act so meanly to Australia as to declare that if within sixty miles of any of the sites which have been reported upon, a better site is available, he would decline to accept it. What does it matter to a representative of New South Wales whether he travels an additional sixty miles? It is simply a matter of personal convenience. What is sixty miles? It represents a journey of only an hour and a half in the train. Long after Sydney interests as we know them to-day have sunk into oblivion, and long after the competition which at present exists between the capitals of Victoria and New South Wales has emerged from the acute stage, we shall still have a Federal Capital. If, then, we can obtain a better site within sixty miles of any of the sites that have been recommended, I am quite satisfied that honorable members will be prepared to accept it.

Mr. REID (East Sydney).—The statement which inspires the proposal of the honorable member for Richmond comes almost as a surprise to me. If it be well founded we must come to the conclusion that the whole of the researches which have been made for a Federal Capital site have been absolutely useless. Mr. Oliver, the Commissioner appointed by the New South Wales Government, was not appointed to visit the towns of Albury, Bombala, Tumut, and Bathurst, in order to investigate their merits. He was commissioned to investigate the whole of the surrounding districts, and the same remark is applicable to the members of the Federal Sites Commission.

Sir MALCOLM MCEACHARN.—But did they do so?

Mr. REID.—If they did not we had better have them up for trial. Surely nobody will do Mr. Oliver or the members of the Federal Sites Commission the injustice to suppose that they visited the localities in question to inspect the streets of the towns? They traversed the whole of the adjacent country.

Mr. SAWERS.—No.

Mr. REID.—Perhaps they did not do it as completely as the honorable member might have desired, but I do not think he will say that they did not attempt to do it, because that would be a very serious charge.

Mr. SAWERS.—They did not go ten miles from the towns to inspect the country.

Mr. REID.—That is rather a strong statement to make, because these officers were thoroughly competent. It is too late in the day to make these charges. If honorable members are of opinion that the Commissioners neglected their duty, these charges should have been preferred long ago, because, if they are true, their work has not been done at all.

Mr. KINGSTON.—Why, in some cases, the Commissioners gave particulars covering a radius of fifty miles.

Mr. REID.—The experts were not tied down in any way.

Mr. THOMSON.—They have even reported upon different sites from those upon which they were commissioned to report.

Mr. REID.—Yes. And, certainly, Mr. Oliver made a very thorough inspection of all the districts surrounding the sites.

Mr. KENNEDY.—The trouble is that the recommendations of the two Commissions are entirely in conflict.

Mr. REID.—Yet, in spite of these insuperable difficulties, we are about to choose a site. If we are not in a position to do so, had we not better acknowledge it and abandon the whole thing? Let us act sensibly in one way or the other. The observations of my honorable friend really mean that we are making a choice without having the necessary information upon which to base our conclusions. In other words, we are taking a leap in the dark. Some honorable members would think that if we were to remain here for a hundred years. We should at any time be taking a leap in the dark if we left this delightful city. Personally, I entertain the most friendly feelings towards Melbourne and its people,

although I do not towards all its journalists. Nevertheless, we have a duty to discharge. Let those who think that it ought not to be discharged endeavour to block it. If that is not possible, let them do their duty to Australia by assisting us to select the best possible site. I rose principally to show how very disastrous would be the views of the honorable member for Richmond if effect were given to them. When a great agitation was recently aroused in Victoria against the establishment of a Federal Capital upon the ground of the enormous expenditure which such a project would incur, the late Prime Minister pointed out that the only proposals which the Government would submit would involve an outlay of some £200,000 or £300,000. How could that possibly be the case if he had in his mind the ideas which are entertained by the honorable member for Richmond? What is the use of building a city in a wilderness? If we establish our Federal Capital in the bush we must build not only Houses of Parliament, but houses of accommodation for its members; we must erect shops, and provide all the conveniences of a city. In the early stages of Federation one of the great advantages to be sought in the Capital will be that it shall be so situated as to be within travelling distance of the conveniences of a civilized town. It must either be that or we must undertake what I do not hesitate to say would be a criminal act. I agree with those who urge that it would be criminal to attempt to build a city in the bush as a mushroom grows. In its initial stages there is nothing in this Federal Capital project which will involve an enormous outlay if reasonable precautions are observed. If any one of these town sites were chosen, no one would be in favour of making the town itself the Capital. If Albury, for example, were chosen, we should not think of building Parliament House in one of its streets. And so with the other towns. On the other hand, there are many honorable members who would ridicule a proposition that, within the next two or three years, we should out of the public funds lay the foundations of a capital.

Mr. EWING.—We should either have to erect new buildings or utilize old ones.

Mr. REID.—Might I suggest that if the site of the future capital were within reasonable daily travelling distance of a town—if it were connected with an established

township by a light line of tramway, some ten or twelve miles in length—we should be able to create the capital upon an economical basis. In that case we should have to build only the inner shell of Parliament House, and of the public offices, and to erect a modest residence for the Governor-General. That is the point at which the expenditure of public funds should stop for years to come.

Mr. MACDONALD-PATERSON.—What? Stop at the inner shell?

Mr. REID.—Surely we do propose at the very outset to indulge in that species of splendour and ornamentation which involves the expenditure of large sums of money. For instance, let us look at the building in which we are meeting——

Mr. MACDONALD-PATERSON.—Wherever the Capital is erected a considerable sum of money will have to be spent upon it.

Mr. REID.—I quite agree with the honorable and learned member. What I wish to point out is that if we selected as the site of the Capital a spot in the bush, distant forty or fifty miles from an established township, we should have to build a small town in the neighbourhood of Parliament House, in order to secure the ordinary convenience of residence. Are we going to cause the members of the Parliament to camp out in surveyors' tents just as if they were establishing a diggers' settlement on the bank of an auriferous creek? I desire to strongly emphasize my belief that the suggestion that we shall make a lot of money out of the Federal territory is the merest moonshine. What will there be associated with the existence of the Capital for the next ten or twenty years to give a boom value to land within the Federal territory? Nothing. We may have to choose between the resumption of the alienated lands within the Federal territory and the simple exercise of a taxing jurisdiction over the owners of it. In looking through the printed lists of sites which was circulated this morning, I find that there is very little land within any of the suggested areas which has not been alienated. Under the Constitution any Crown land within the selected area will be handed over to us free of charge; but we must be curbed in our desire to acquire as a free gift a very large area of other people's land. New South Wales, in this respect, must have something to say. We cannot expect to obtain as a gift from the State of New

South Wales an enormous area of land for the purpose of the future aggrandizement of the Federal Government.

Sir WILLIAM LYNE.—Not private land.

Mr. REID.—Nor Crown land. Under the Constitution, New South Wales must give us an area of 64,000 acres. That is a fair thing. But some honorable members seem to be prepared to ask for an area of four or five times that size. One proposal is that we should take over 1,000,000 acres.

Sir WILLIAM LYNE.—640,000 acres.

Mr. REID.—That would be a delightful prospect if we could only expect New South Wales to be foolish enough to give us 640,000 acres instead of 64,000 acres. That suggestion presumes a softness on the part of New South Wales which is rather too much to expect.

Sir WILLIAM LYNE.—The 640,000 acres would also include private land.

Mr. REID.—But my remark would apply if the Crown land within the territory were of any great extent. I hope that we shall not think of a speculation such as the acquirement of 640,000 acres of privately-owned land. The value which would be attached to the land as it stands might well be more than that which would belong to it after it had been selected to be Federal territory. We cannot expect to have an area much greater than the minimum of 100 square miles provided for by the Constitution. We cannot expect New South Wales to give us much more than the minimum. Even if it consisted wholly of Crown lands, it would be a very considerable area to present to us, but there is not a place in New South Wales worth thinking about where so large an area of Crown land is available.

Sir WILLIAM LYNE.—There is a large area of Crown land near Tumut.

Mr. FULLER.—And at Lyndhurst.

Mr. REID.—According to the printed statement which has been circulated amongst honorable members, the Carcoar-Garland site comprises 13,600 acres of Crown lands and 50,400 acres of alienated land. At Tumut there are 22,000 acres of Crown land and 41,800 acres of alienated land, and at Bombala 5,000 acres of Crown land and 75,000 acres of alienated land. The Bombala site, therefore, consists for the most part of privately-owned land. In the case of Tumut there are 22,000 acres of Crown land.



Mr. BROWN.—There is a large area at Bathurst.

Mr. REID.—I have not yet been able to examine all the details of the return ; but I think that the course suggested by the honorable member for Richmond would not be tolerated either by the House or the country. If we were to adopt it the statement made by the late Prime Minister to a deputation representing the shire councils of Victoria which waited on him to protest against a large expenditure upon the Federal capital would be absolutely misleading. By enunciating the views to which I have just given expression, he was able to satisfy that deputation that there would be no large expenditure, and his statement was received by them as almost entirely removing their cause of complaint. We now find a project to erect a Capital away from any existing township. I quite agree that we should be justified in erecting the Capital on a site within daily travelling distance of an adjacent township, but if we exceeded that limit we should incur the obligation of building a Capital in the bush—a chimerical project which the people of the Commonwealth would not tolerate. Only those who desired to destroy the proposal to build the Federal Capital would make such a proposition. I gather from the statement made by the late Prime Minister, which I suppose is not affected by recent changes in the Government, that the Ministry intend to follow what I think are reasonable and prudent lines—that they will support the selection of a site sufficiently near some existing town to obviate the necessity to erect anything more than the very few public buildings which will be required, leaving time to bring with it the development, not necessarily at the public expense, of the conveniences of a city in the immediate vicinity of the public offices. I scarcely think that we are prepared to enter upon a project to supply all the conveniences of a city at the public expense.

Sir MALCOLM MCEACHARN.—The Albury site is ten miles from the town of Albury.

Mr. REID.—Then it is within the limit which I have mentioned. The building of the Capital there would not at the outset involve the erection of a new city, but if the site were forty miles from Albury it would be impossible for members to travel every day between that town and the Houses of Parliament. We should have to obtain

accommodation somewhere every night, and if there were no accommodation adjacent to the Houses of Parliament we should have to provide it, and so involve a heavy expenditure of public money. There are a hundred other requirements of civilized life which would also be necessary.

Mr. EWING.—Is it not obvious that no country town could furnish accommodation for a large body of members of Parliament, and all the officers of the Commonwealth who would be located at the Federal Capital?

Mr. REID.—It is very reasonable for the honorable member to put his question in that way ; but I should like him to remember what the Federal Capital will mean first of all so far as the number of members of Parliament is concerned. I would ask him secondly to remember that the great bulk of the Public Service of the Commonwealth will remain in the public offices at the big seaports of Australia. They will not be gathered in the Federal Capital. As a matter of fact for a long time to come only a very small body of public officers will be stationed at the Capital. When we meet in the Federal Capital we shall sit, not at night, but during the day. Who would think of wasting his days in a country town and attending Parliament at night? The sittings of Parliament would begin in the morning. Honorable members residing in the capital would have nothing but their parliamentary duties to attend to, and they would very probably support day sittings. If Tumut or Bombala were selected as the site of the Capital, would honorable members waste their time in walking about the town all day when they could be transacting the business of Parliament at a reasonable hour? The average member of Parliament would insist on attending to his parliamentary duties during ordinary business hours. That would involve the conveyance of members from the adjacent town to Parliament House every morning, and their return to their lodgings at night. I think that the idea of building a capital on a wild bush site, away from established conveniences, is the wildest project conceivable. No Government would dare to propose it, and no House would vote the necessary expenditure. Fortunately, each of the proposed sites fulfils the condition to which I have referred, and is within reasonable distance of a township. The honorable member for Richmond wishes

township by a light line of tramway, some ten or twelve miles in length—we should be able to create the capital upon an economical basis. In that case we should have to build only the inner shell of Parliament House, and of the public offices, and to erect a modest residence for the Governor-General. That is the point at which the expenditure of public funds should stop for years to come.

Mr. MACDONALD-PATERSON.—What? Stop at the inner shell?

Mr. REID.—Surely we do propose at the very outset to indulge in that species of splendour and ornamentation which involves the expenditure of large sums of money. For instance, let us look at the building in which we are meeting—

Mr. MACDONALD-PATERSON.—Wherever the Capital is erected a considerable sum of money will have to be spent upon it.

Mr. REID.—I quite agree with the honorable and learned member. What I wish to point out is that if we selected as the site of the Capital a spot in the bush, distant forty or fifty miles from an established township, we should have to build a small town in the neighbourhood of Parliament House, in order to secure the ordinary convenience of residence. Are we going to cause the members of the Parliament to camp out in surveyors' tents just as if they were establishing a diggers' settlement on the bank of an auriferous creek? I desire to strongly emphasize my belief that the suggestion that we shall make a lot of money out of the Federal territory is the merest moonshine. What will there be associated with the existence of the Capital for the next ten or twenty years to give a boom value to land within the Federal territory? Nothing. We may have to choose between the resumption of the alienated lands within the Federal territory and the simple exercise of a taxing jurisdiction over the owners of it. In looking through the printed lists of sites which was circulated this morning, I find that there is very little land within any of the suggested areas which has not been alienated. Under the Constitution any Crown land within the selected area will be handed over to us free of charge; but we must be curbed in our desire to acquire as a free gift a very large area of other people's land. New South Wales, in this respect, must have something to say. We cannot expect to obtain as a gift from the State of New

South Wales an enormous area of land for the purpose of the future aggrandizement of the Federal Government.

Sir WILLIAM LYNE.—Not private land.

Mr. REID.—Nor Crown land. Under the Constitution, New South Wales must give us an area of 64,000 acres. That is a fair thing. But some honorable members seem to be prepared to ask for an area of four or five times that size. One proposal is that we should take over 1,000,000 acres.

Sir WILLIAM LYNE.—640,000 acres.

Mr. REID.—That would be a delightful prospect if we could only expect New South Wales to be foolish enough to give us 640,000 acres instead of 64,000 acres. That suggestion presumes a softness on the part of New South Wales which is rather too much to expect.

Sir WILLIAM LYNE.—The 640,000 acres would also include private land.

Mr. REID.—But my remark would apply if the Crown land within the territory were of any great extent. I hope that we shall not think of a speculation such as the acquirement of 640,000 acres of privately-owned land. The value which would be attached to the land as it stands might well be more than that which would belong to it after it had been selected to be Federal territory. We cannot expect to have an area much greater than the minimum of 100 square miles provided for by the Constitution. We cannot expect New South Wales to give us much more than the minimum. Even if it consisted wholly of Crown lands, it would be a very considerable area to present to us, but there is not a place in New South Wales worth thinking about where so large an area of Crown land is available.

Sir WILLIAM LYNE.—There is a large area of Crown land near Tumut.

Mr. FULLER.—And at Lyndhurst.

Mr. REID.—According to the printed statement which has been circulated amongst honorable members, the Carcoar-Garland site comprises 13,600 acres of Crown lands and 50,400 acres of alienated land. At Tumut there are 22,000 acres of Crown land and 41,800 acres of alienated land, and at Bombala 5,000 acres of Crown land and 75,000 acres of alienated land. The Bombala site, therefore, consists for the most part of privately-owned land. In the case of Tumut there are 22,000 acres of Crown land.

Mr. BROWN.—There is a large area at Bathurst.

Mr. REID.—I have not yet been able to examine all the details of the return ; but I think that the course suggested by the honorable member for Richmond would not be tolerated either by the House or the country. If we were to adopt it the statement made by the late Prime Minister to a deputation representing the shire councils of Victoria which waited on him to protest against a large expenditure upon the Federal capital would be absolutely misleading. By enunciating the views to which I have just given expression, he was able to satisfy that deputation that there would be no large expenditure, and his statement was received by them as almost entirely removing their cause of complaint. We now find a project to erect a Capital away from any existing township. I quite agree that we should be justified in erecting the Capital on a site within daily travelling distance of an adjacent township, but if we exceeded that limit we should incur the obligation of building a Capital in the bush—a chimerical project which the people of the Commonwealth would not tolerate. Only those who desired to destroy the proposal to build the Federal Capital would make such a proposition. I gather from the statement made by the late Prime Minister, which I suppose is not affected by recent changes in the Government, that the Ministry intend to follow what I think are reasonable and prudent lines—that they will support the selection of a site sufficiently near some existing town to obviate the necessity to erect anything more than the very few public buildings which will be required, leaving time to bring with it the development, not necessarily at the public expense, of the conveniences of a city in the immediate vicinity of the public offices. I scarcely think that we are prepared to enter upon a project to supply all the conveniences of a city at the public expense.

Sir MALCOLM MCEACHARN.—The Albury site is ten miles from the town of Albury.

Mr. REID.—Then it is within the limit which I have mentioned. The building of the Capital there would not at the outset involve the erection of a new city, but if the site were forty miles from Albury it would be impossible for members to travel every day between that town and the Houses of Parliament. We should have to obtain

accommodation somewhere every night, and if there were no accommodation adjacent to the Houses of Parliament we should have to provide it, and so involve a heavy expenditure of public money. There are a hundred other requirements of civilized life which would also be necessary.

Mr. EWING.—Is it not obvious that no country town could furnish accommodation for a large body of members of Parliament, and all the officers of the Commonwealth who would be located at the Federal Capital?

Mr. REID.—It is very reasonable for the honorable member to put his question in that way ; but I should like him to remember what the Federal Capital will mean first of all so far as the number of members of Parliament is concerned. I would ask him secondly to remember that the great bulk of the Public Service of the Commonwealth will remain in the public offices at the big seaports of Australia. They will not be gathered in the Federal Capital. As a matter of fact for a long time to come only a very small body of public officers will be stationed at the Capital. When we meet in the Federal Capital we shall sit, not at night, but during the day. Who would think of wasting his days in a country town and attending Parliament at night? The sittings of Parliament would begin in the morning. Honorable members residing in the capital would have nothing but their parliamentary duties to attend to, and they would very probably support day sittings. If Tumut or Bombala were selected as the site of the Capital, would honorable members waste their time in walking about the town all day when they could be transacting the business of Parliament at a reasonable hour? The average member of Parliament would insist on attending to his parliamentary duties during ordinary business hours. That would involve the conveyance of members from the adjacent town to Parliament House every morning, and their return to their lodgings at night. I think that the idea of building a capital on a wild bush site, away from established conveniences, is the wildest project conceivable. No Government would dare to propose it, and no House would vote the necessary expenditure. Fortunately, each of the proposed sites fulfils the condition to which I have referred, and is within reasonable distance of a township. The honorable member for Richmond wishes

to enlarge the clause in order to give scope for a project to which the House will never consent—to locate the site so far from existing townships that we shall have to commence by building a new city. The people of Australia are not prepared to do that.

Mr. HIGGINS (Northern Melbourne).—I think that the debate has taken a wider range than the scope of the proposed amendment. I agree with the right honorable member that the sooner we definitely settle this matter, and the more definite we are in the terms we adopt, the better it will be for every one concerned. The present state of suspense in some localities in New South Wales must be almost unbearable. If we have not at the present time sufficient information upon which to come to a decision we shall never have it. I take it that the honorable member for Richmond wants to make the clause more definite than it is. He desires to define the word “near” by saying that we must not go beyond a radius of 60 miles. If the clause is left as it stands all sorts of questions will arise as to its meaning. The Capital Sites Commissioners recommended that a reasonably large area should be chosen. In the preliminary part of their report they say that—

They wish to record an emphatic opinion that, when the locality in which the Federal Capital is to be placed shall have been selected by the Parliament, extensive contour surveys, covering the suggested site in that locality, and the neighbourhood around such site, should be made before the exact city site is determined.

Mr. REID.—That language would not apply to the location of a site anywhere within a radius of 60 miles.

Mr. HIGGINS.—I think that it would.

Mr. REID.—Then it would apply to the location of a site anywhere within a radius of 100 miles.

Mr. HIGGINS.—I am not bound down to the exact proposal of the honorable member for Richmond, but his amendment is an effort to make the clause more, and not less, definite. I think it is reasonable to say that the seat of government shall be within a certain district. Having done that, let there be a contour survey to determine exactly where the necessary buildings shall be erected. The honorable member for Richmond desires to prevent the resumption of private property is very laudable, and no one would be more eager than myself to prevent the establishment of

the capital being made a source of private gain. But, as he has pointed out, we must look to the future. A difference of a few hundreds of thousands of pounds should not cause us to pass over the most desirable site and choose a less desirable one. Other things being equal, we should take a site comprising only Crown land, but it behoves us to have the best site even if expensive. I hope that the Committee will agree to some limitation of distance, and I suggest to the honorable member that he should make his amendment read “at or within” so many miles radius. Otherwise the particular township named, although the most desirable site, might be excluded.

Mr. EWING.—How could it be excluded if it were within the radius fixed upon? The centre of a circle is within its circumference.

Mr. HIGGINS.—That may be; but “at” a certain place is not the same thing as “within a certain radius” of that place. I regret that the right honorable member for East Sydney is awakening a certain amount of bad feeling between the States.

Mr. REID.—I hope not.

Mr. HIGGINS.—I am sure that he does not mean to do so, but I think that that is likely to be the effect of what he has said about the tremendous sacrifices of New South Wales.

Mr. REID.—I was dealing with the proposal to acquire ten times the area mentioned in the Constitution. The resumption of so large an area of Crown land as that would be a great sacrifice for the State.

Mr. HIGGINS.—I do not concur with the view that it is our business first of all to fix upon the Federal territory as distinguished from the seat of government; but we cannot establish or build a capital until we acquire the necessary territory. In my opinion we cannot in this Bill fix the position of the territory or its area, because, as we cannot go outside its title, we are allowed only to determine the site of the seat of government. To my mind, we are now rather playing round the problem than facing it, though I think it should be settled before Parliament is prorogued. We shall be unable to do any real business, and the people of the country will not grapple with the grave problems before them, until the Capital site has been determined. Although it is generally known that more is, as a rule, paid for land compulsorily resumed than it is actually worth, I do not think that an unduly large sum will have to

be paid for the private land within the area acquired by the Commonwealth, and therefore I am of opinion that the apprehension of the honorable member for Richmond is without good foundation. We should take pains to see that only a fair price is paid to private owners, and that price should be, as far as possible, the actual value prevailing before 1st January last.

Mr. THOMSON (North Sydney).—The proposal of the honorable member for Richmond is a much more serious one than he seems ready to acknowledge. If the amendment be carried, the money that we have spent, and the time that we have occupied, in obtaining information on this subject has been wasted. Let me remind honorable members of what has been done. In the first place every opportunity was given by the Government of New South Wales for the suggestion of suitable sites—not merely city sites, but country areas anywhere outside the 100 miles limit. Before Mr. Oliver inquired into the matter, advertisements to this effect were inserted in the country press—

Persons desirous of bringing under the notice of the Commissioner any area containing 64,000 acres as a suitable site for the Federal Capital are invited to forward their suggestions in writing, addressed to the Registrar of the Land Appeal Court, Sydney.

That advertisement gave an opportunity for the submission of any site outside the 100 miles limit, and was responded to very freely, so that Mr. Oliver had forty sites, containing a total area of 4,000 square miles, to investigate. Mr. Oliver went into the whole question and eliminated such sites as he considered absolutely unsuitable. He then made an investigation with regard to twenty-three sites, embracing 2,300 square miles of territory. It was afterwards decided that an Inter-State Commission of Experts should be appointed, not only to check Mr. Oliver's statements, but to make further inquiry as to the suitability of the proposed sites. What did this Commission do? Their report states—

In pursuing their inquiry the Commissioners have not felt bound to restrict themselves to the actual sites which had previously been suggested as suitable for the establishment of a capital city. These sites had been in every case selected by local bodies, and it was no reflection upon either their patriotism or *bona fides* to assume that careful examination by experts might possibly disclose other sites in the same district possessing advantages superior to those which local predilection favoured. The Commissioners, therefore, while carefully examining the actual sites locally selected, extended their inspection

over practically the whole district within twenty-five or thirty miles of these areas. This extended exploration led to important results, for in the cases of Albury, Tumut, Armidale, and Bathurst, the Commissioners have suggested sites which, in their judgment, are superior to those previously pointed out. The evidence shows too that local residents admit the superiority of the new selection.

Therefore they took into consideration the very points referred to by the honorable member for Richmond.

Mr. EWING.—Every site suggested is contiguous to a town.

Mr. THOMSON.—Each site is the best within the twenty-five or thirty-five mile radius over which their examination extended. The Commission reported upon particular sites, and examined for better sites the territory surrounding the sites. The honorable and learned member for Northern Melbourne stated that the amendment would avoid the want of exactness attaching to the expression "in or near," but I do not think that the definition would be cleared. One of the considerations which will guide us in our selection of the Capital site will be that of climate. The climate at the site reported upon by the Commissioners might be entirely different from that at another site in the same district 120 miles distant. The same thing would apply to the consideration of accessibility. We might regard a certain site as sufficiently accessible, whereas it might be proposed to locate the Capital at some absolutely inaccessible spot 120 miles away. Are we to depart absolutely from the information which is intended to guide us to a decision? Then, again, we shall be called upon to consider the cost of providing railway communication to the sites reported upon by the Commissioners. If we should decide in favour of a particular site because of the small cost involved in providing railway communication, we might have our calculations entirely upset by the proposed removal of the seat of government to some spot a hundred miles away.

Mr. KINGSTON.—Would the honorable member not allow something to come and go on?

Mr. THOMSON.—Certainly I should; but I think that the words "in or near" would allow us sufficient latitude.

Mr. KINGSTON.—There is some question as to the meaning of those words.

Mr. THOMSON.—We shall have to decide what they mean when we fix upon the exact site of the Federal Capital.

Mr. KINGSTON.—That may be done by the Executive.

Mr. THOMSON.—We shall have to approve of the actual site and also to fix the boundaries of the Federal territory. If it is thought necessary, an additional clause might be inserted to provide that these questions should be referred to Parliament. I assume, however, that the Executive will ask Parliament to approve of the site selected, and also of the boundaries of the proposed territory. The Commissioners point out that it will be necessary to have a contour survey of the proposed site, and that a survey will also be required to fix the natural boundaries of the Federal domain. I presume that, upon the completion of these surveys, Parliament will be asked to express its approval.

Mr. EWING.—Does it not strike the honorable member as remarkable that the sites suggested should in every instance be adjacent to existing towns?

Mr. THOMSON.—The honorable member cannot surely have considered what he is saying. Take for instance the Lyndhurst site.

Mr. EWING.—That is an exception.

Mr. THOMSON.—What is the town of Lyndhurst? It is a collection of a few houses such as would be found in any territory extending over a radius of sixty miles from any given point. Then there is Dalgety. Small townships would be scattered over any area of 120 miles, and any site that might be selected would closely approach one or other of them. The honorable member is, in effect, asking us to discard every consideration which should guide us in the selection of a site. The suggestion of the honorable member should have been submitted before the Commissioners were appointed. They state, however, that they have examined the country for twenty-five or thirty miles around the sites proposed, and that they have selected within such areas the sites which they consider most suitable, irrespective of those previously suggested. I hope that the amendment will be rejected.

Mr. BROWN (Canobolas).—The honorable member for Richmond assumes that it is not possible to select a site from among those suggested except by approaching too closely to some country town, and that, therefore, we should be involved in undue expense in connexion with land resumptions. It will be found, in this case as in

others, that if we desire to secure the best position we shall have to pay for it. We should be guided by considerations other than that of cheapness. For instance, the facilities for providing a good water supply, and the productivity of the soil, are matters which should occupy a foremost place in our consideration. If the honorable member for Richmond wishes to select a site away from all settlement he will have to go out into the "Never Never" country of New South Wales, somewhere in the direction of Tibooburra. There he would be able to acquire plenty of Crown lands at a small cost, and would be sufficiently isolated. In other respects, however, he would find the conditions very unsuitable. In the first place it would be difficult of access, and in the next place there would be no water supply, and, moreover, the climatic conditions would not be agreeable. It has already been pointed out that the Lyndhurst, Dalgety, and Armidale sites are not open to the objection urged by the honorable member. The question of the cost of resumption must not be allowed to overshadow all other considerations. At Dalgety, for instance, the site is situated some considerable distance from the nearest railway station. A railway would have to be constructed at a cost of £7,000 per mile to connect the site with the New South Wales railway system. And, further, an outlay of something like £11,000 per mile would be required to effect a connexion between the site and the Victorian railway system, and the cost of railway communication in that case would represent a larger amount than outlay upon land resumption in connexion with sites to which the honorable member has taken exception. During the debate upon the second reading of the Bill, I raised the question as to the necessity of first selecting the territory. The honorable member has substantial grounds for the objection which he has urged on that score. I think that most honorable members understand that the Commission of Experts would deal not only with the capital sites, but with the territory surrounding them, but that matter has entirely escaped their attention. Whatever information we have had concerning the territory which surrounds the different sites has been drawn from other sources. For instance, the information which was supplied to us to-night is largely compiled from Mr. Oliver's report. In support of my contention that the Federal Sites

Commissioners did not consider the question of territory, I would point to the quotations made by the honorable member for North Sydney.

Mr. THOMSON.—I did not say the Commissioners.

Mr. BROWN.—The Commissioners say, with respect to the territory—

The question of the extent of Federal territory, as distinct from the city site, not having been specially referred to us, we have not dealt with it, except so far as was unavoidable, in connexion with the catchment areas of streams selected as primary sources of water supply.

The members of the Commission visited the towns mentioned, and inspected the country in their immediate vicinity. They interviewed the leading residents, traversed the sites which were reported upon by Mr. Oliver, and endeavoured to ascertain if there were any other sites in the neighbourhood which were superior or equal to those which had previously been reported upon. They engaged in a general inspection, and directed their inquiries more particularly to the question of whether an adequate water supply could be provided. They were not empowered to inspect any other sites which might be deemed to be desirable. They confined their investigations to a city site of 4,000 acres, and did not inquire into the nature of the surrounding territory. In the absence of such information, I hold that their investigations were incomplete. It is true that honorable members have been supplied with information from other sources than those of the Commissioners, but that information, which should have been in their hands weeks ago, was made available only within the last hour. With respect to the area of Crown lands, I desire to point out that the Federal Commissioners inspected certain sites other than those upon which Mr. Oliver reported. If the document which has been circulated amongst honorable members is examined, it will be seen that in three out of four cases the sites upon which they reported embrace a smaller area of Crown lands than do the sites inspected by Mr. Oliver. Take the case of Albury as an example. Mr. Oliver reported that the site in the vicinity of that town comprises 13,880 acres of Crown lands.

The ACTING CHAIRMAN (Mr. KIRWAN).—Order! I must ask the honorable member to connect his remarks with the

amendment before the Chair. I think that he is wandering somewhat from it.

Mr. BROWN.—If so, I am merely wandering in the tracks of others who have preceded me.

The ACTING CHAIRMAN.—I should like the honorable member to connect his remarks with the amendment before the Chair.

Mr. BROWN.—I was endeavouring to show that, from the point of view of cost, the sites recommended by Mr. Oliver are cheaper than those which have been reported upon by the Federal Sites Commissioners, inasmuch as they embrace a larger area of Crown lands. The site at Albury, upon which Mr. Oliver reported, contains 13,880 acres of Crown lands, as against 1,800 acres which are comprised within the area reported upon by the Federal Sites Commissioners. Similarly, the site at Orange, which was recommended by Mr. Oliver, includes 10,800 acres of Crown lands, as against 5,840 acres contained in the site recommended by the Commissioners. At Tumut, the site which was reported upon by the New South Wales Commissioner contains 22,000 acres of Crown lands, whereas the site at Lacmalac, which was inspected by the Federal Commissioners, comprises only 13,600 acres. The only instance in which the position has been reversed is that of the site at Bathurst. There the site inspected by Mr. Oliver contains 5,530 acres, as against 8,400 acres which are comprised in the area reported on by the Commissioners. But, whilst many objections can be urged to the absence of information relating to the territory surrounding the various sites, if we are to settle the future seat of government during the present session, it is evident that we must do so without waiting for that information. I feel that the consideration of this matter has been so long delayed that we must follow the lead of the Ministry, if we are to arrive at a settlement of it during the present Parliament. I am thoroughly satisfied that the people of New South Wales, and of the Commonwealth, desire that the future seat of government shall be selected as speedily as possible. I shall, therefore, vote against the amendment.

Mr. KENNEDY (Moir).—I have no option but to support the proposal of the honorable member for Richmond, because it makes clear the intention of the Committee

the benefit of the unearned increment. We should have some definition of the meaning of the word "site," so that there may be no difficulty hereafter. The Orange, Bathurst and Lyndhurst sites are all within a radius of fifty miles, and if the amendment were agreed to, any one of these sites would include the other two. The selection of any one of them would be in conformity with the wishes of all their supporters. If a site in the western district were selected, and some amendment, such as that now before the Committee, were adopted, it would be for experts after a most careful examination of the country, and with due regard to all the necessary conditions associated with the erection of the Capital, to report to us the most suitable site within the particular locality selected. I do not care how we define the term, but if we could succeed in selecting a site with a fair extent of country around it, we should be able to say to the land grabber—"Hands off." If the land speculators are to reap the benefit of the erection of the Federal Capital—if we could not hope for anything better than the result which the leader of the Opposition has suggested—it would behove us to seriously consider whether we should do anything in this direction. In the belief that something of the kind would be of service, I commend this proposal to the consideration of honorable members. I trust that we shall acquire a large territory, and that the very best site within it will be selected for the Federal Capital, so that the people whose money will be expended upon its establishment may reap any resulting benefit.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I hope that the honorable member for Richmond will not press his amendment to a division. My desire is to keep silent as far as possible, and to hasten this Bill to a conclusion; but I would point out to him, as many other honorable members have indicated, that the words "at or near" are sufficiently wide to leave a considerable latitude. What the honorable member desires is that when the site has been chosen, it shall be possible to look around, and if a better site can be selected within the chosen area, to adopt it.

Mr. A. McLEAN.—Would it not be better to define some distance?

Mr. DEAKIN.—That is the point which I desire to combat. It seems to me that it will be better not to define any specific

distance. This House—or the succeeding House—will have the matter entirely under its own control, and it will be perfectly possible to fix the site anywhere within the district selected. The greatest opportunities are left open as to the exact site upon which the Federal city shall ultimately be constructed. I am particularly impressed with the arguments of my honorable friend the member for Gippsland as to the wisdom of allowing ourselves a certain amount of latitude in order that we may be able to deal with the landowners on a better footing, though the Committee is not prepared to adopt his complete proposal at present. I think it will be seen that the words of the Bill as framed, even without the amendment of my honorable friend the member for Richmond, will enable a large freedom of choice to be exercised, and will prevent the Commonwealth from being victimised by the exorbitant demands of a few individuals. But at this stage it does seem to me to be unwise to press an amendment such as that now proposed by the honorable member. The question having been ventilated, and it being made perfectly plain that we are not bound down to a particular portion of any site chosen, but that there will be every opportunity for choice "at or near" the selected site, it seems to me wiser to leave the selection of the exact area to a future Parliament. I, therefore, ask the honorable member not to press his amendment to a division.

Mr. JOSEPH COOK (Parramatta).—The honorable member for Bland has interjected that a statement made by me was incorrect. Let me quote what the Commissioners themselves have said. One would imagine that the Commissioners had confined themselves to a small speck in their investigations of sites for the capital city. Here is what they say in their report:—

In pursuing their inquiry the Commissioners have not felt bound to restrict themselves to the actual sites which had previously been suggested as suitable for the establishment of a capital city. These sites had been in every case selected by local bodies, and it was no reflection upon either their patriotism or *bona fides* to assume that careful examination by experts might possibly disclose other sites in the same district possessing advantages superior to those which local predilection favoured. The Commissioners, therefore, while carefully examining the actual sites locally selected, extended their inspection over practically the whole district within twenty-five or thirty miles of these areas.



Mr. BROWN.—Will the honorable member turn to page 10, and read the third paragraph?

Mr. JOSEPH COOK.—I take it that a radius of twenty-five to thirty miles would range from fifty to sixty miles, and if that is not a good stretch of country, I should like to know what is.

Mr. WATSON.—The Commissioners have not reported on the wider areas.

Mr. JOSEPH COOK.—They have inspected, and they would have reported if there had been anything specially to report upon.

Mr. WATSON.—They have reported on those sites which we have submitted to them.

Mr. JOSEPH COOK.—After inspecting the surrounding country.

Mr. WATSON.—No contour survey or anything like that has been made; there has only been a general inspection.

Mr. JOSEPH COOK.—They did not need to make a contour survey of fifty or sixty miles, such as is suggested by the honorable member for Richmond. But they have inspected definite areas very carefully, and as the result of their inspection, they have located the sites as indicated in their report. I say therefore, that we should gain nothing by going on another fishing expedition such as is suggested by the amendment. It would mean a further delay of possibly several years. If it has taken the Commissioners twelve months to prepare a report on 64,000 acres, how long would it take them to give us a detailed report on sixty-four radial miles in respect of each site? We might as well give up all idea of selecting the site and beginning operations upon it for the next ten or fifteen years, if this amendment be agreed to.

Mr. KNOX.—Hear, hear.

Mr. JOSEPH COOK.—One can well imagine that the honorable member for Kooyong supports this proposition, and also understands why the honorable member for Moira in common with others who are not particularly anxious to have the capital site determined supports it. We can easily understand why they should seize on any proposal of this kind with the utmost alacrity. But notwithstanding the excellent treatment we have received in Melbourne, we wish to get away and to have "a local habitation and a name" of our own. Those of us who

are of that opinion, think that sufficient inquiry has already been made to enable us to come to a decision as to where the Capital is to be located, always allowing a certain margin such as is afforded by the words "at or near."

Mr. MAHON.—The Melbourne newspapers have already fixed up the whole matter.

Mr. JOSEPH COOK.—If the Victorian newspapers are to be believed, Albury is as good as chosen, though we have had evidence to-night that the representatives of Victoria will not be dominated by the Melbourne press in the discharge of their important duty in regard to the choosing of the Capital site. I hope that the honorable member will withdraw his amendment. I cannot conceive of any friend of New South Wales persisting in such an amendment.

Mr. EWING (Richmond).—To meet the wishes of the Committee, and also because I feel sure that it would be beaten on division, I withdraw the amendment.

Amendment, by leave, withdrawn.

Sir WILLIAM LYNNE.—Honorable members will recollect that the Government promised that an opportunity would be given for the discussion of the merits of the proposed sites. That opportunity is now open to honorable members. If they do not avail themselves of it, the matter must be regarded as finally dealt with until such time as we proceed to the actual balloting.

Mr. HENRY WILLIS.—Why not report progress?

Mr. WATSON.—No; let us go on.

Mr. HENRY WILLIS.—It is bed time.

Mr. WATSON.—Surely honorable members are willing to sacrifice a night's sleep for once.

Mr. CONROY (Werriwa).—I intend to deal with the sites alphabetically, though my remarks will not be lengthy. Personally, I should have liked to see the amendment of the honorable member for Richmond carried, because I think that a good deal of latitude should be allowed in regard to the determination of the actual site of the capital. The Commissioners in their report say—

Your Commissioners have made what they believe to be the best suggestions for sites which were possible under the circumstances; but they wish to record an emphatic opinion that, when the locality in which the Federal Capital is to be placed shall have been selected by the Parliament, extensive contour surveys, covering the suggested

site in that locality, and the neighbourhood around such site, should be made before the exact city site is determined.

I submit that by leaving the clause as it stands we shall not give sufficient scope to those who may be appointed to select the site of the Capital. Coming now to the proposed sites, I take Albury first. I hope that no honorable member will consider it a site to be adopted. If its claim to adoption is that it lies half-way between Sydney and Melbourne, I would point out that Junee or Wagga, and not Albury, is equidistant from Melbourne and Sydney, and that it is generally known that the climate of those places is practically the same as that of Albury, while the water supply to be obtained from the Murrumbidgee is certainly as good as that to be obtained from the Murray. Moreover, although technically the selection of Albury would be a compliance with the letter of the Constitution, it would be a violation of its spirit, because, although Albury lies within the borders of New South Wales, it is so far removed from the governing centre of the State, and is so ill-fitted to be the location of the Federal Capital, that the provision in the Constitution confining the Commonwealth territory to New South Wales would have been considered a valueless one if it had been known that Albury would be the site selected. The next site, taken alphabetically, is Armidale, on the main line between Sydney and Brisbane, to which the objection may be urged that it is too far north of Sydney. If the matter were being discussed fifty or one hundred years hence, Armidale might have a chance of being considered, but I do not think that it is likely to be chosen now, because of its distance from the main centres of population. Bathurst, too, appears to me to be rather far from the direct line of communication between the two principal cities of Australia, though if the amendment of the honorable member for Richmond had been adopted it might have been considered. For many years to come Victoria and New South Wales will be the most populous States of the Union, and most of the Federal representatives will be men residing in either Melbourne or Sydney. The representatives of the other States will, in any case, have to travel so far from home that it will practically be immaterial to them where they have to go. Bombala and Dalgety must, it seems to me, be taken

together. The fact that Bombala offers a fine field for extensive military manoeuvres, which appealed to Mr. Oliver, does not present itself to me as a recommendation. The reason seems an extraordinary one to advance in favour of a site.

Mr. KIRWAN.—It was not the only reason advanced.

Mr. CONROY.—Mr. Oliver considered it as of first importance, and one of his objections to the Lyndhurst site was that it would not afford scope for military manoeuvres such as he apparently desires to see. I can only wonder that a Commissioner should be guided by a reason of that kind in making a selection. Between Bombala and Dalgety a very fine water supply may be secured. The site is, from some points of view, objectionable, and especially on account of the very poor means of communication at present existing; but there is some extremely good soil in the district, and the climate is certainly temperate. It may even be said to be cold. I was surveying within a few miles of one of these sites in 1894, and on the night of the 26th or 27th January the thermometer fell to four degrees below freezing point. The lowest record known there is from ten to twelve degrees below freezing point, and honorable members who enjoy cold should be satisfied with that. I class Bombala and Dalgety together, and it is rather a misfortune that we should be asked to exercise so limited a discretion in regard to these two places. Without a very much more extensive knowledge of them, none of us can say which of the two he would prefer if the final choice lay between them. With respect to Lake George, it must be admitted that this site was visited at a singularly inopportune time. The lake is supposed to have been dry on two occasions only. It is said to have been dry in 1838 or 1839, but I believe it was not then so dry as it is at present. Of course, very few men are to be found who were acquainted with the district at that time. From the levels shown to me by Mr. Gipp and certified, I believe, by the Works Department of New South Wales, some portions of the Molonglo river are 70 feet above the lake, and a dam could be made on the river from which water could be diverted into the lake.

Progress reported.

House adjourned at 10.35 p.m.

Mr. Conroy.

## Senate.

Thursday, 8 October, 1903.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### FEDERAL TERRITORY AND CAPITAL.

Senator WALKER asked the Vice-President of the Executive Council, *upon notice*—

Is it the intention of the Government to consult Parliament before deciding on the distinctive names to be given to the Federal Territory and the Federal Capital after Parliament has fixed upon the locality, in accordance with section 125 of the Constitution Act?

Senator PLAYFORD.—The answer to the honorable senator's question is—Yes.

### STATES DEBTS.

Senator WALKER asked the Vice-President of the Executive Council, *upon notice*—

Is it the intention of the Government to appoint at an early date a Royal Commission to obtain and furnish information respecting the feasibility of the Commonwealth taking over the States debts, or a rateable proportion thereof, in accordance with section 105 of the Constitution Act?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The Treasurer intends to confer at an early date with the States Treasurers on this subject. After that conference the Government will consider as to whether it is necessary to appoint a Royal Commission.

### ADJOURNMENT (Formal).

#### CUSTOMS PROSECUTIONS: FARMER AND CO.

The PRESIDENT. — I ought to have called upon Senator Pulsford before the questions were asked, because he has given me a written intimation in pursuance of standing order 60 that he intends to move that the Senate, at its rising, adjourn until an unusual hour.

Senator CLEMONS.—Are you, sir, going to allow the honorable senator to move the adjournment now?

The PRESIDENT.—Yes.

Senator CLEMONS.—Although properly speaking he has lost the opportunity of doing so?

The PRESIDENT.—Yes, because it is my fault. I did not open the letter until after the questions had been asked.

Senator CLEMONS.—I am not objecting. I only wish to remark that you are following a precedent which you established in the case of Senator Cameron.

The PRESIDENT.—I do not propose to debar the honorable senator from moving the motion.

Senator PULSFORD (New South Wales). —I move—

That the Senate at its rising adjourn until a quarter past 2 o'clock p.m. to-morrow.

*Four honorable senators having risen in their places,*

Senator PULSFORD.—I am taking this course in order to discuss a matter of urgent public importance with regard to the administration of the Customs Department. Exactly one year ago, on the motion for the second reading of the Appropriation Bill, I was criticising the Customs administration, and amongst other cases of prosecution to which I referred was that of Farmer and Co., which I described in these words:—

The firm of Farmer and Co. is an important Sydney house, and passes entries, I suppose, every day. On the 9th July it passed an entry for a bale of rugs. I have here a copy of the entry and of the statement of value or invoice which was sent in with it. What is known as the slip reads "one bale of rugs, value £37 4s. 6d." The clerk, in making the entry, transposed the figures, and made the amount £34 7s. 6d., which reduced the duty by about 9s. As the slip which I have read was handed in with the entry, the mistake was an obvious one, and there was not the remotest attempt to defraud the Department; but the firm was nevertheless dragged before the Police Court, and fined £5 and costs.

With regard to that statement, I heard nothing further until the month of May, when the late Minister for Trade and Customs addressed a public meeting in the Sydney Town Hall. In the course of his address, he referred to my criticisms on the Customs Department, and made an attack on myself, which was marked, shall I say, with that vigour, of which he, as every body knows, is a master. He said that the statement which I have just read "did not contain a word of truth in it." In consequence of his statement I visited the police court where the prosecution had taken place, and asked leave to see the depositions. I found that they sustained my statement—that the prosecution had taken place on that very case. But Mr. Kingston said something else at the public meeting. He said that that case was withdrawn and that the prosecution took place in regard to another mistake of a larger

character. I also saw the depositions in that case, and I found that it was marked "withdrawn." Naturally I communicated the result of my visit to the Sydney press some time in May. In June Mr. Kingston, in defending his Customs administration generally in the other House, reverted to this matter, and made a more severe attack upon myself. I believe I shall not be in order in referring specifically to what he said. Therefore, I cannot deal with his remarks except to say that they were of a more grave character still. He wantonly declared that there was no truth in what I stated, and imputed positive misrepresentation to me. I followed up the matter, and the firm told me that the Customs House documents would sustain the statements which they had made, that before they could get delivery of the bale of rugs they had to give a guarantee which was marked "prosecution having taken place," and that the other guarantee was marked, "in the event of a prosecution being ordered." In the Senate I endeavoured to secure the production of the papers. I had a motion for that purpose on the business-paper for several weeks, but there was an objection to its being taken as formal business, and, therefore, it could not be moved. At last the Government consented to my asking for the production of the papers. On the 22nd July I asked the question, and the Government agreed that the papers should be sent for. On the 13th August a packet of papers was laid on the table. In my question I asked for the production of all the papers, especially mentioning the guarantees, and so on, but to my surprise I found that those special papers had not been included in the return. I mentioned the fact to Senator O'Connor, and he at once said that the Government would write for the balance of the papers. Evidently his promise was kept, for a week later the Customs authorities sent them to Senator Drake. He handed them to me to look through, and I found that the guarantee paper given to the Customs House, like the document at the Police Court, sustained the truth of what I had said—that a prosecution had taken place in regard to this matter; but, strange to say, this guarantee was accompanied by a statement signed by a Customs officer as follows:—

Guarantees attached. They were accepted by me, and at the time they were so taken the papers connected with the matter were absent. I regret to say that in making the alterations visible the rug case was taken, and not the

*Senator Puleford.*

furniture one. The importers were anxious and bustling for delivery, and I took the statement of the shipping clerk who had been present at the Court as to the particular case in which the prosecution had taken place. I much regret the error, but I am sure the Collector will bear me out when I say that I am not usually so credulous.

W. LAWSON.

We are face to face with one of the most remarkable things that I ever experienced. A prosecution took place; the Ministry say that it did not take place in a certain case; the depositions at the Police Court show that it did, and a guarantee given to and accepted by the Customs House also shows that it did. It is not for me, after having argued so frequently here that in all business there must be a certain margin of mistake, to say that the Customs and Police authorities did not make a mistake in this case. It is quite possible that they did. It is possible that it will never be known exactly in which case the prosecution did take place. But it is quite evident that the statements which I made were amply justified; that there was no lack of fair play; that there was no straining a point; that there was no misrepresentation in anything I said either in the Senate or in the press of Sydney. I wish to draw the attention of the Senate to the fact that the Customs officers in Sydney were aware that a grave imputation had been made against myself, that they made no effort to remove it, and that, apparently, even the Minister was misled; that—further and worse than all—when these identical papers were asked for, in the first instance they were suppressed, and that the Government had to write a second time before they were obtained. I am satisfied to have been able to make this public explanation. It remains for the Government to consider whether they ought not to call upon the Customs Department to make an inquiry as to the reason which actuated the officers in remaining silent so long as they did, and why when they were asked for these papers, they apparently endeavoured to suppress them.

Senator DRAKE (Queensland—Attorney-General).—I have not the papers in this case before me. I heard Senator Puleford say last night that he intended to move the adjournment of the Senate to refer to the Customs administration, but I did not know that it had any reference to this case. I gather from his statement this afternoon that he has been supplied with all the papers that he has asked to see. I have not the

details to supplement the outline of the case, but my information is to the effect that there was confusion between two cases, one involving only a few shillings, and the other involving £40 or £50, and that a guarantee was given in each case. In the Police Court, one case—the big case, I believe—was called on, but the papers were marked wrongly by the depositions clerk, and that appears to be the ground-work of Senator Pulsford's complaint. A conviction was obtained, and the other case was withdrawn, but it appears that the papers which related to the case involving the smaller amount were marked as referring to the case involving the larger amount. I cannot see that the honorable senator has any substantial grievance.

Senator WALKER.—He was charged by the Minister, at a public meeting in Sydney, with having told an untruth.

Senator DRAKE.—I have no information on the subject, and I do not know on what information Senator Pulsford is going. So far as the facts of the case are concerned, which, of course, can be ascertained by reference to the papers, the whole complaint is based on a mistake which took place in the police court. I can see no evidence of any real grievance in the honorable senator's statement. His charge against the late Minister for Trade and Customs is a matter which rests between the honorable senator and that right honorable gentleman. I do not see that the present Government have anything to do with the matter.

Senator WALKER (New South Wales).—I must admit that I am rather surprised that the Attorney-General did not express sympathy with Senator Pulsford in the circumstances. At a public meeting in Sydney, at which there were thousands of persons present, Senator Pulsford was held up as a man who had made a gross misstatement; and surely, when it has been shown that the charge was not a just one, the person who made it, in error possibly, should just as publicly correct it, and should not allow a suspicion of this kind to rest upon an honorable man like Senator Pulsford. There has been a considerable feeling of dissatisfaction among the honorable senator's friends in Sydney, who believe that he has been insulted. I, as one of the honorable senator's friends, say that there is no man in Australia who stands higher in my estimation than does Senator Pulsford.

Senator MCGREGOR (South Australia).—I have not much to say. It is evident from the statement made by the Attorney-General that Senator Pulsford has been misled. This is the substance of the grievance which the honorable senator has brought before the Senate. The late Minister for Trade and Customs, knowing more about the position of affairs than Senator Pulsford, naturally contradicted the statement, which was not according to the facts. Senator Pulsford went to the court, and, instead of discovering the real facts, discovered the mistake which has been explained by the Attorney-General. We are all sorry for the honorable senator, but we know that his impetuosity sometimes leads him astray when anything connected with fiscal matters is under discussion. So far as the honorable senator's feelings have been hurt, we all sympathize with him, and hope that he will not do it again.

Senator PULSFORD (New South Wales).—The matter before the Senate is not a proposal to decide in which of these cases the prosecution actually took place, but whether or not Senator Pulsford has misrepresented the case, and has, to put it shortly, been guilty of lying.

Senator DRAKE.—No, no; that is not suggested.

Senator PULSFORD.—I believe I am not at liberty to quote the words used by the ex-Minister for Trade and Customs in another place. Had I been at liberty to do so, I should have referred in the Senate to what the right honorable gentleman said the week following that in which the statement was made. It is a matter of no interest to the public to know in which of these cases the prosecution took place. I gave the details in one case, and in the other the Clerk took one invoice in two sheets, and did not notice that the amount on the first page had not been carried forward to the second. Any one who knows anything about commercial affairs is aware that in ninety-nine cases out of a hundred the amount is carried on from page to page to the final total.

Senator MCGREGOR.—And the mistake is always against the Government.

Senator PULSFORD.—That was done in this case. I repeat that it is not any longer a question as to which of these cases the prosecution took place upon.

That, I believe, will never be satisfactorily known, but the question of my political honesty should be of some importance to honorable senators. Senator McGregor, as a Scotchman, will remember the Scotch saying—"Its an ill bird that fouls its ain nest," and the honorable senator ought to be as ready as any one else to see an unjust imputation removed from another honorable senator.

Senator MCGREGOR.—I am very sorry.

Senator PULSFORD.—I am perfectly satisfied as to my own action. I referred to the documents at the police court, and some of the police officials believe that there was a mistake. I have referred to the documents in the hands of the Customs Department, and the Customs officials believe that a mistake was made. I have proceeded entirely upon public documents, and I ought not to be stigmatized as a man who told untruths, or was guilty of wilful misrepresentation. Having explained the position, and having stated what the documents disclosed, I am perfectly satisfied with regard to myself. The matter to which I specially directed the attention of the Government, and in connexion with which I think some reply ought to be made, was as to whether they should not institute some inquiry to find out why the officers of the Customs Department attempted to suppress the documents for which I asked, and which were necessary to show what had been done. My request has been plainly stated, and it certainly ought to be answered. The members of the Ministry have not seen fit to take any notice of it, and there I leave it. I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

#### LEAVE OF ABSENCE.

*Resolved* (on motion by Senator CLEMONS)—

That leave of absence for one month be granted to Senator Harney on account of urgent private business.

#### EXTRADITION BILL.

Bill read a third time.

#### FEDERAL TERRITORY BILL.

*Resolved* (on motion by Senator HIGGS)—

That leave be given to introduce a Bill for an Act to provide for the acquisition of land for the purposes of the seat of government by the Commonwealth, for dealing with land so acquired, and for other purposes connected therewith.

Bill presented, and read a first time.

### HIGH COURT PROCEDURE ACT AMENDMENT BILL.

Senator DRAKE (Queensland—Attorney-General).—I move—

That so much of the Standing Orders be suspended as would prevent the passage of a Bill for an Act to amend the High Court Procedure Act 1903 through all its stages without delay.

I should not ask honorable senators to suspend the Standing Orders to deal with a contentious matter. A simple alteration is found to be necessary in the High Court Procedure Act, and I think the Bill it is intended to introduce will not give rise to any debate. I may now explain the object of the Bill in order to avoid the necessity for referring to it at length upon the second reading. In the High Court Procedure Act there is a section under which a case may be removed out of the District Registry to the Registry for the purpose of making an application. When the Bill was framed it was contemplated that there would be five Judges, and that there would consequently be no necessity to make provision for removing a cause from one Registry to another. As there are only three Judges of the High Court, it may frequently happen that there will be no Judge at one of the principal Registries to deal with applications that may require to be made, and a slight amendment of the Act is therefore necessary to provide that causes may be removed from one Registry to another for the purpose of an application. If, for instance, a writ is issued out of the Registry here in Melbourne, and there is no Judge in Melbourne at the time, the object of the Amending Bill is to provide that an application in connexion with the cause may be made at some other Registry—for instance, in Sydney. Where a cause is pending in one of the capitals, an application may be made to a Judge, who may be in another capital, to deal with some matter connected with it.

Senator HIGGS.—Would that put litigants to any inconvenience?

Senator DRAKE.—No; just the other way. The intention is to study the convenience of litigants by enabling causes to be removed from one Registry to another in the same way as power is given under the High Court Procedure Act already for the removal of a cause from the District Registry to the Registry. In order to effect the required alteration, the proposed Bill provides for the striking out of sub-section 1 of section 8, and the substitution of another provision

therefor, because the phraseology would be different; and for the omission of the word "district" from each of the sub-sections of that section and sections 9, 10, and 11. The amendment sought to be made is entirely in the interests of litigants.

Question resolved in the affirmative.

*Resolved* (on motion by Senator DRAKE)—

That leave be given to introduce a Bill for an Act to amend the High Court Procedure Act 1903.

Bill presented and read a first and a second time.

*In Committee:*

Clause 1 agreed to.

Clause 2 (Temporary transfer).

Senator STEWART (Queensland).—I am not exactly clear about this provision. I suppose it is all right, but these Bills which are passed ostensibly in the interests of litigants usually turn out to be rather in the interests of the legal profession. A leading provision of the Bill is intended to permit a party to a cause to temporarily transfer the hearing of the cause from one place where the High Court sits to another place where it may be sitting at a particular time. Is it not desirable that the consent of the other party should be given to any transference of the kind?

Senator DRAKE.—The Judge will see to that. He will see that no advantage is obtained by one party.

Senator STEWART.—Suppose a cause is being tried at Melbourne, and one of the parties applies for its transference to Sydney. It would appear to be necessary that the other party to it should hire counsel and agents to represent him there. It appears to me that in some instances this provision will merely result in the piling up of legal expenses. I do not profess to understand these things, but it does appear to me that some difficulty of the kind I have suggested might arise. It is provided that an application may be lodged with the Registrar, but there is no provision that the Registrar shall give notice of the application to the other party to the cause.

Senator DRAKE.—If it is not an application which can be made *ex parte*, the Judge will see that the other party to the cause is represented.

Senator STEWART.—What Judge?

Senator CLEMONS.—The Judge before whom the application is heard.

Senator STEWART.—It does seem to me that some difficulty may arise out of this right of transfer.

Senator CLEMONS.—It is all right.

Senator STEWART.—When Senator Clemons tells me that it is all right I believe it is all wrong. Anyhow, I suppose it will have to go.

Clause agreed to.

Clause 3 agreed to.

Bill reported without amendment; report adopted.

Bill read a third time.

## APPROPRIATION BILL.

*In Committee* (Consideration resumed from 7th October, *vide* page 5780):

First schedule agreed to.

Second schedule.

## PARLIAMENT.

Proposed vote, £30,305.

Senator Sir RICHARD BAKER (South Australia).—I wish to call attention to three items which have reference to the salaries to be paid to officers of this Chamber. As the Estimates appear before us now, the Clerk of Papers and Accountant receives a salary of £380; the head housekeeper and doorkeeper a salary of £205; and the President's messenger, a salary of £188. When the Estimates were first submitted to the House of Representatives by the Government, these salaries were respectively £420, £235, and £204, which are the salaries paid to similar officers in the House of Representatives. The House of Representatives, however, reduced the salary of the Clerk of Papers by £40; that of the housekeeper and doorkeeper by £30; and that of the President's messenger by £16. I admit that from a pounds shillings and pence point of view the amount is not very large, but there is a principle involved. Are the officers in the Senate to be placed in a position inferior to that of officers of the House of Representatives? Attention should be called to the fact that the House of Representatives increased the salaries to be paid to their own officers by the sum of £70. I do not mean to say that the Estimates were increased by that amount, but the House of Representatives assented to the Estimates which raised the salaries of the officers of the House of Representatives by £70. A junior clerk employed by the House of Representatives has received an increase

of £10, and there is an item of £60—which did not appear in last year's Estimates—in order to provide for increments and adjustments of salaries. What the House of Representatives did was to increase the salaries of their own officers by £70, and decrease the salaries of the officers of the Senate by about £100.

Senator PEARCE.—The House of Representatives did not decrease the salaries of the Senate officers, but refused to increase them.

Senator Sir RICHARD BAKER.—That is what I meant to say. The House of Representatives decreased the Senate salaries so far as the Estimates presented by the Government are concerned, but they did not decrease the salaries as compared with those paid last year. This is a question of some importance from the point of view of the Senate. Ought we, or ought we not to assent to such a course of action? I do not suppose for one moment that if the Senate proposed to decrease the salaries of the officers of another place, the suggestion would be concurred in by the House of Representatives. It seems to me, however, that we have just as much right to take that course of action as the House of Representatives has to reduce the Estimates in the way I have indicated. I do not dispute the legal right of the House of Representatives to do what they have done. Nor can it be denied that the Senate has a legal right to request that the salaries of the House of Representatives be decreased. But the question, as it appears to me, is whether it is in accordance with the fitness of things that either House should interfere with the salaries of the officers of the other. Ought not each House, as a matter of courtesy, to be allowed to regulate its own internal arrangements? It never would be suggested that the House of Commons or the House of Lords should interfere with the internal arrangements of each other. I cannot speak for all the States of Australia, but I know that in South Australia such action could not be taken, because, under the Constitution Act of that State, the salaries of the officers of both Houses must be the same. This question may be considered from several aspects. What are the duties of the officers of the two Houses? I do not think it possibly can be denied that, taken collectively, the officers of the House of Representatives have more work to do.

Senator DAWSON.—But there are more officers in the House of Representatives.

Senator Sir RICHARD BAKER.—There is a larger number of members in the House of Representatives, and the attendants have a larger number of rooms to look after and, therefore, as I say, they have collectively more work to do. But leaving out the Clerks at the table and the Sergeant-at-Arms in the one case, and the Usher of the Black Rod in the other, there are five men in the House of Representatives to do work which is done by two men in the Senate. In the House of Representatives there is a Clerk of Papers and Accountant at £420 and a Clerk of Records at £350. We have no such corresponding officer as the Clerk of Records. In the House of Representatives there is an Assistant Clerk of Committees and Reading Clerk at £300, and we have no such corresponding officer. We have a shorthand writer and typist at £180, and there is no such corresponding officer in the House of Representatives. There is an Assistant Reading Clerk at £200, and a junior clerk at £80, and we have no such corresponding officers. It will be seen, as I say, that there are five officers in the House of Representatives to do work which is done by two officers in the Senate, and the officers of the House of Representatives receive £1,350 per annum, as compared with £568 paid to officers of the Senate. I mention these facts to show that the Senate officers have at least as much work to do individually as have the officers of the House of Representatives. The question may be viewed from another point; but I do not think either this or the other point of view I presented covers the main issue. It may be stated that the officers of the House of Representatives have a claim to higher salaries on the ground of longer service. But if we look at the facts, we shall find that there is very little in that argument. Although in some cases the officers of the House of Representatives may have a longer record of public service, in other cases at least a Senate officer has the advantage in this respect. But taking all the facts into consideration, there is very little difference to be observed from that point of view. The Clerk of Papers in the Senate was appointed on 17th March, 1890, and the Clerk of Papers in the House of Representatives was appointed on the 1st August, 1883. I am now alluding to officers appointed by the States and transferred to the Commonwealth.



service; and in the particular instance I have just mentioned, there is no doubt that the House of Representatives officer can show a longer record than can the officer of the Senate. Our housekeeper was appointed on the 1st March, 1873, while the housekeeper of the House of Representatives was appointed on the 12th May, 1880, so, in that instance, our officer has the longer record. The President's messenger was appointed on 25th May, 1888, and the Speaker's messenger on the 1st February, 1875, which gives the advantage to the latter. But as I have already said, there is not much difference between the Houses from that point of view. I do not, however, place any great weight on these considerations, because this is a matter between the two Houses. The question is whether the officers of the Senate ought to receive the same remuneration as that paid to the officers of the House of Representatives. I crave the indulgence of the Senate to go back a little in order to explain how the discrepancies between the salaries have arisen. In the first Estimates which were submitted, no President or Speaker was provided for on the matter of messengers, and the Treasurer, who is an ex-Treasurer of Victoria, adopted the Estimates of the Legislative Assembly and Legislative Council of that State. These Estimates, however, in this particular, were altogether out of place in reference to a Federal Senate, and the result was that our officers were provided with salaries a great deal smaller than those paid to the officers of the House of Representatives. It was natural that there should be such a position of affairs in Victoria, because the Legislative Council sat for only a few hours a week, while the Legislative Assembly sat considerably longer, and provided more work for the officers. These discrepancies, however, as between the salaries, have been gradually wiped out during the three years of our existence, and many of our officers and messengers are now paid salaries corresponding with those received by the officers and messengers of the other House. In the particular cases to which I have referred, however, the discrepancies had not been removed, and at a meeting of the Senate House Committee, it was unanimously resolved, on the motion of Senator Playford, that the salaries of corresponding officers should be placed on an equal footing. Consequently, on the 19th June, I wrote a

letter to the Treasurer, from which the following is an extract:—

I may, however, add that the House Committee of the Senate expressed the unanimous opinion that the salaries of all officers, messengers, &c., of the Senate should be the same as the salaries of similar officers, messengers, &c., in the House of Representatives.

The Government recognised that the claim of the Senate to be a House of co-ordinate jurisdiction and power with the House of Representatives ought to be acknowledged, and they brought down the Estimates in such a way as to carry out the view expressed by the House Committee. I take it, therefore, that the Government will support the suggestion that the House of Representatives should be asked to restore the salaries in the particular cases I have mentioned to the amounts which appeared originally in the Estimates. I, personally, do not want to move that a request to that effect be sent to the House of Representatives, but would rather leave that duty to some other honorable senator. I think it my duty, however, to bring the matter forward, because it is one in which I think the Senate ought to take action. I confidently rely on the Government support, seeing that such a request would only be carrying out a part of the Government policy.

Senator. MCGREGOR (South Australia).—I am very glad that Senator Baker has brought this question before the Senate. I heard of the alteration in the Estimates, and I was rather surprised at the action of members of the House of Representatives. Like Senator Baker, I have no desire to say that this reduction of salaries was an undue interference on the part of the House of Representatives with our affairs. No doubt the House of Representatives have a perfect right to reduce the Estimates as they please; but I think their action was in very bad taste, seeing that they at the same time ratified increases of salaries proposed for their own officers. In my opinion, the House of Representatives very unjustly interfered with increases of salaries which had been unanimously agreed to by our House Committee, and accepted by the Government. It may be urged that the officers of Parliament are fairly well paid. It must also be recognised, however, that the officers of Parliament have very responsible duties to perform.

Senator STEWART.—So have we.

Senator MCGREGOR.—I dare say that Senator Stewart is as much to blame as anybody for the scale on which members of the Federal Parliament are remunerated; but that is not the question we are discussing at the present time. The officers of this Chamber have responsible duties to perform, and can show long and faithful service. They are trustworthy, obliging, and reliable, and if they receive higher wages than are paid to men occupying similar positions outside, that may be regarded as some return for a life-time spent in the Public Service. I am sure that the general public would not begrudge the increases which were sanctioned by the House Committee in the case of men who have carried out their duties so faithfully and well. There is no necessity for any lengthy debate on this matter. I am aware that in another place there was a good deal of misunderstanding when the question arose on the Estimates, and I believe that if we request the House of Representatives to restore the salaries to the figures originally proposed, very little objection will be raised. I move—

That the House of Representatives be requested to increase the salary of the Clerk of the Papers and Accountant from £380 to £420.

Senator STANFORTH SMITH (Western Australia).—The whole amount involved in the proposed increases is only £98, which, from a financial point of view, may be regarded as a mere nothing. The question is whether officers of the Senate, who perform duties quite as onerous as those performed by the officers of another place, shall not receive the same remuneration as is paid to the latter. It would have been more courteous and considerate on the part of the other House if it had left it to the Senate to decide what salaries should be paid to its officers. I do not think it would ever be proposed that the Senate should interfere with the salaries paid to the officers of the House of Representatives after the latter had decided on the amounts. I should like to point out to Senator McGregor that the remuneration paid to the shorthand writer and typist employed in the Senate has been reduced from £200 to £188. Perhaps that item was overlooked by Senator Baker when he introduced the subject. I shall move a request that the proposed increase be granted. In my opinion a typist and shorthand writer, capable of doing parliamentary work, is not too well paid at a salary of £200. The housekeeper

and doorkeeper, who has been getting a salary of £188, has been in the service of the State and Federal Parliaments for thirty years. I am sure that it will be generally admitted that he has carried out his work faithfully and well. He is in charge of a staff, and is responsible for everything on this side of the building. He has to go on duty at an early hour, and to remain on duty until a late hour. He has to perform duties which the housekeeper on the other side has not to discharge. He has to act as doorkeeper as well as housekeeper, so that he is on duty during the day as well as during the night. He has been in the Public Service nearly twice as long as the housekeeper on the other side. It was proposed in the Estimates that these two officers should receive the same rate of salary, but the other House cut down the salary of our housekeeper and doorkeeper by £30, and that I think was most unfair. He has also to distribute all the papers of the Senate. He has never had a day's holiday since this Parliament was opened. Soon after the close of last session the State Parliament removed to this building, and it was necessary for him to remain here all the time to render to the Legislative Council similar service to that which he had rendered to the Senate. The Inter-State press-room is located on this side of the building, and therefore it has to be kept open until an unusual hour. I hope that the Committee will not hesitate to request that the proposed increase be granted. The increases for the Senate's officers involve a total sum of only £98.

Senator STEWART (Queensland).—Before the question is put, I wish to draw attention to the salaries of other officers. We ought to be extremely careful of what we are doing. We know perfectly well that the finances of the Commonwealth are not in too healthy a condition, and the other House, which has control of the purse, has—on the score of economy, I suppose—refused increases to certain officers who, I believe, do not receive over much as it is. I do not wish to refer to their salaries, but to draw attention to the extravagant sums paid to the President, the Chairman of Committees, and the two Clerks at the table. We might very well save £1,000 a year on those four officers. Honorable senators may think that it is heresy for me to talk in this fashion, but I conceive that I am merely doing my duty. What does the President

of the Senate or the Speaker of the other House do to earn a salary of £1,500—£400 as member and £1,100 as presiding officer. I consider that these officers are extravagantly paid. In all the States, in Canada, and, I believe, in the United States, the salaries are fixed on a very much lower scale. In the States Parliaments the salaries of the Speakers average £1,000, and I am not very sure that it will not be reduced in the near future, now that the rage for economy is abroad. I would reduce the salaries of the President of the Senate and the Speaker of the other House to £1,000—namely, £400 as member and £600 as presiding officer, which I believe to be ample. Again, with regard to the salary of the Chairman of Committees—

Senator CLEMONS.—Would the honorable senator make him pay for keeping the place?

Senator STEWART.—I am not very sure but that Senator Clemons would not be prepared to pay a premium for being here if there were no payment of members. I know a number of honorable senators who would like to pay a premium for a seat in the Senate in the absence of payment of members. I consider that £750 for the Clerk of Parliaments and £650 for the Clerk Assistant would be handsome salaries. Last session I made some remarks about the Usher of the Black Rod and Clerk of Select Committees. We might be able to economise in his case. What he does for a salary of £550 I cannot discover. When I look at the Sergeant-at-Arms putting the mace on the table of the other House, taking it off, placing it below the table, returning to his seat and merely looking at the proceedings, I begin to wonder whether we are fit to conduct the business of the country when we vote for his office a salary of £550. Senator Playford laughs, but his mind is bound up in obsolete customs. No doubt he reverences the mace, and would like to see a mace in the Senate.

Senator PLAYFORD.—I would kick it out. Like Oliver Cromwell, I would say, "Take away that bauble."

Senator STEWART.—It ought to be taken away from the other House. In my opinion, the Clerk of Papers and Accounts is very well paid at £380 a year. So long as the officers do their duty their bread and water is sure. I do not know whether I should get any support if I moved a request for a reduction. I am afraid that I should not, but I think that this is a proper time to

intimate that in the future the President may expect a reduction in his salary.

Senator MCGREGOR.—He would go on strike.

Senator STEWART.—He might go on strike, but if he did there are several black-legs who would be very glad to take the position even at a salary of £1,000. I protest against these high salaries which I think might very well be reduced without injury to the officers and with some profit to the Commonwealth.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I was the member of the House Committee who proposed these increases for our officers, and the proposal was based on the principle that they ought to receive the same salaries as corresponding officers in the other House. Taking it all round, I believe that they are doing equally as much work.

Senator CLEMONS.—There can be no other reason, but that is a good one.

Senator PLAYFORD.—I believe that this rule obtains in the States, except, perhaps, in the case of Victoria. It was provided in the Constitution Act of South Australia that the officers of the Legislative Council should receive the same salaries as the corresponding officers of the other House. After making inquiries I found that the duties which our officers were performing were quite equal to those of corresponding officers in the other House, and on that ground I asked the House Committee to recommend the Government to propose an increase for each officer. The increase was submitted on the Estimates as we desired, but to my regret it was struck off by the other House. In the circumstances the only course open to me is to assist honorable senators in carrying a request to the other House to reinstate the increase.

Senator PEARCE (Western Australia).—I think that the Committee should only consider the question whether the officer is getting sufficient remuneration for the work which he is doing. That is the only reason which will influence my vote. If it can be shown to me that any officer of the Senate is not paid a fair salary I shall be prepared to vote for an increase, but not otherwise. Any argument that a corresponding officer in another place is getting a higher salary will not appeal to me in the slightest degree. I believe that it can be clearly shown that the housekeeper and doorkeeper is not receiving an adequate

remuneration for his work. I am prepared to vote for an increase to his salary, but, after looking into the matter carefully, I am not prepared to vote for an increase to any other officer or to any messenger. The argument that the salaries of our officers should be the same as those of corresponding officers in the other House could be used as a reason why the latter should be reduced, so as to correspond with the former. I hope that the argument will not prevail with honorable senators. It was used by Senator Baker and to some extent by Senator Playford. Is a salary of £380 adequate for the work which is done by the Clerk of Papers and Accountant? It must be remembered that the salary is being fixed not for this year, but for a long time. Whatever sum may be decided upon now will not be reduced, but will probably be increased as the years go on. Will the tendency be towards long sessions? Is it not a fact that, as our legislative powers are exhausted, the sessions will become shorter, and consequently the work of the officials will be lessened? It should also be remembered that we had to take over certain officers from the States. We found that their salaries had been increased, until they were quite out of proportion to the importance of the work which they were doing. The natural consequence was an outburst of indignation throughout the Commonwealth, and, of course, some officers had to suffer.

Senator CLEMONS (Tasmania).—I have been anticipated by Senator Pearce. This spurious sense of dignity which we are trying to assume has no weight with me. I do not see why we should regard all these officers as being exact duplicates of the officers of the other House. As a matter of fact, when we look at the Estimates, we find that they are not. Yet the chief argument which was adduced by the honorable senator who introduced this discussion, but did not move a motion, was that we should put ourselves on precisely the same footing as the other House. He was followed by Senator Playford, who, until I interjected, was using the same argument, and trying to induce the Committee to vote for higher salaries, simply on the ground that the positions were paralleled by positions in the other House to which larger salaries were attached. I entirely indorse what Senator Pearce has said. If that argument was any good, we should find ourselves in this disastrous position that, if

the other House were guilty of extravagance, it would have to be duplicated by the Senate. We should find a majority in the Senate contending that whatever the officers of the House of Representatives received for work done should be paid to officers performing similar duties for the Senate.

Senator MCGREGOR.—We might get a few lascars to do the work here.

Senator CLEMONS.—I am not advocating a reduction of salaries. The honesty of Senator Pearce in this matter makes his opinion preferable to that of Senator McGregor; and I agree that we should pay full value for services rendered, giving as close attention to these matters as the items of the Appropriation Bill will allow. I see no reason why the officer who, in the Senate, occupies the position of housekeeper and doorkeeper, and to whom it is proposed that a salary of £205 shall be paid, should not receive £235, the salary paid to the housekeeper and doorkeeper of the House of Representatives, or possibly more. I instance that as a strong reason why we should not be bound down to a close parallel with the House of Representatives. I can conceive that the housekeeper and doorkeeper of the Senate may perform work which is better deserving of a salary of £240 than is the work performed by the officer holding a corresponding position in the House of Representatives deserving of a salary of £235. The argument that officers in the Senate should be placed exactly on the same footing as officers in another place, because it is right that we should assert some spurious sense of dignity, is to my mind valueless. I indorse the argument used by Senator Pearce that so far as we can we should pay value for services rendered. It is possible that I and other honorable senators may vote wrongly in this matter. The amount which we think should be paid to the Clerk might be right or wrong, but in such a case I should prefer to err on the right side so far as the officials are concerned, and would rather overpay than underpay them. I regard that as a healthy solution of the difficulty. But with respect to the housekeeper and doorkeeper I am perfectly satisfied that I shall be right in voting for an increase in his case. With regard to the other increases, I shall risk it and vote for them also.

Senator Sir WILLIAM ZEAL (Victoria).—I think that perhaps Senator

Clemons does not know all the facts connected with this matter. I may mention the position in which the Legislative Council of Victoria was placed when similar votes came before it. Whether for the sake of economy, or for some other reason, it was the fashion of the Legislative Assembly to cut down the salaries of officials connected with the Legislative Council considerably below the standard of salaries paid to officers of the Assembly.

Senator CLEMONS.—In order to earn a reputation for economy?

Senator Sir WILLIAM ZEAL.—On the ground of economy. As President of the Legislative Council I strongly protested against this action. It is not just that the Legislative Assembly in that instance, or the House of Representatives in this, should single out officers of the other Chamber in order to make reductions in the salaries paid. Senator Clemons has referred to the housekeeper and doorkeeper in the Senate. I can say from my own knowledge that that officer has been here for over thirty years; and I am at a loss to understand why it should be proposed to pay him a smaller salary than that paid to the housekeeper and doorkeeper of the House of Representatives.

Senator CLEMONS.—He ought to be paid more.

Senator Sir WILLIAM ZEAL.—He ought to be paid fairly, and honorable senators must agree that it is very unfair that honorable members of the House of Representatives should propose to reduce the salaries of officers of the Senate. My contention has always been that the President of a Legislative Council, and, in this case, of the Senate, should frame his own estimates, and that these salaries for officials of the Senate should be voted *in globo* by honorable members of another place. I am quite sure that the President might be trusted to see that the salaries proposed to be paid to officers of the Senate are fair and just. He will probably be guided to some extent by what is done in another place, as well as by the services rendered by Senate officers. I ask honorable senators to protest against the practice of the House of Representatives of cutting down the salaries of officers connected with the Senate. If this is permitted we shall some day find the House of Representatives, when there is a little disturbance between the two Houses, showing their displeasure by striking off 25

or 30 per cent. of the salaries of officers of the Senate. That kind of thing has been done before in the State Parliament of Victoria.

Senator PRARCE.—We have a remedy against that.

Senator Sir WILLIAM ZEAL.—We do not wish to have to resort to those remedies. We desire to have our rights maintained, and nothing more. I protest most strongly against the reduction proposed upon the salaries of officers of the Senate.

Request agreed to.

Motion (by Senator STANFORTH SMITH) agreed to—

That the House of Representatives be requested to increase the salary of the Shorthand writer and Typist from £188 to £200.

Motion (by Senator MCGREGOR) agreed to—

That the House of Representatives be requested to increase the salary of the Housekeeper and Doorkeeper from £205 to £235.

Motion (by Senator CHARLESTON) proposed—

That the House of Representatives be requested to increase the salary of the President's Messenger from £188 to £204.

Senator DE LARGIE (Western Australia).—Before we agree to this request, I should be glad to learn from the Vice-President of the Executive Council whether the Government propose to increase in the same way the salaries of all the other messengers, especially of those who have a record of long service. They have to discharge as important duties as the officers whose salaries we are now considering, and, speaking for myself, my vote upon this request will be very much influenced by the attitude which the Government propose to take. I wish to see justice done all round; and, so far, it is not proposed that the salaries of the other messengers shall be increased. The messenger who looks after the papers performs as important, if not more important, duties than those performed by the officer whose salary we are now considering; and I wish to know whether it is intended to raise the salaries of all the messengers from £188 to £204.

Senator Sir RICHARD BAKER (South Australia).—The salaries of all our messengers were originally considerably below the salaries of messengers of the House of Representatives. The anomaly was done away with last session; and the salaries of all the messengers were increased to £188.

I am free to admit that if the salary of the Speaker's messenger was fixed at £188 we ought not to increase the salary of the President's messenger. Having adopted a general principle, and having requested the House of Representatives to increase other salaries, I would ask honorable senators whether they are now going to cavil at an increase of £16 a year for this officer. I wish to point out that we have an income of something like £11,000,000 and a corresponding expenditure; and the only development of economy exhibited by the House of Representatives in the Parliamentary votes is in reference to the salaries of officers of the Senate.

Senator CLEMONS (Tasmania).—We have just had a most excellent reason from Senator Baker why we should not do these things. We have heard the honorable and learned senator say that he is prepared to admit that £188 is a proper salary for this officer.

Senator Sir RICHARD BAKER.—I did not say that.

Senator CLEMONS.—I do not intend to misquote the honorable and learned senator. We have heard him say that if in the other House £188 a year was paid to the Speaker's messenger, we ought not to move in the direction of increasing the salary paid to the President's messenger.

Senator Sir RICHARD BAKER.—That is so.

Senator CLEMONS.—Then I am satisfied that I quoted the honorable and learned senator correctly. Such an argument is hopelessly bad, because it simply comes to this: that if the other House is extravagant, we must also be extravagant. The proposal is that we must increase a salary, not because the increase is deserved or has been earned, but because there has been extravagance elsewhere which we ought to live up to. I shall not vote for any increase of salary for a reason of that kind, and unless a better reason is submitted for this request I shall not support it. If Senator Baker's contention is correct an opportunity is afforded him to move that the salary of the Speaker's messenger be reduced to £188. We have so far heard no reason why the messengers attached to the President and Speaker should be paid more than the other messengers who are receiving a salary of £188 each. Being limited to the services of the President and Speaker, these officers would appear to have less to do than the ordinary

messengers. Unless some satisfactory reason is given why the President's messenger should be paid more than other messengers, I shall vote against the proposed request.

Senator DRAKE (Queensland—Attorney-General).—In justice to this messenger, it should be said that his duties are not entirely confined to waiting upon the President. He is also exceedingly useful to Ministers. It is very hard to draw comparisons between the work performed by one messenger and another, especially in the case of a messenger who occupies a somewhat confidential position. The officer whose salary we are now considering certainly performs services for Ministers which are of considerable value.

Senator PEARCE.—So do the other messengers.

Senator DRAKE.—I am only correcting a statement made by Senator Clemons.

Senator CLEMONS.—I made no statement of the kind; I asked for information.

Senator DRAKE.—Senator Clemons appeared to be under the impression that this officer's duties were confined to waiting upon the President, but as a matter of fact, in addition to those special duties, he is ready and willing at all times to assist Ministers; and it is very convenient for Ministers to have a messenger at hand to perform the duties which he readily undertakes.

Senator CLEMONS.—Will the honorable and learned senator assure me that this officer does more work, or work of a higher quality, than the other messengers?

Senator DRAKE.—It would be exceedingly difficult to do that, or to make any comparison between the work performed by one messenger and another. I may say that this officer occupies a confidential position, and does very useful work. I hold no brief for him any more than for the other messengers. I desired merely to correct a misapprehension which might have arisen from the remarks made by Senator Clemons.

Senator PEARCE (Western Australia).—I wish to notify honorable senators that if this request is carried I intend to move requests that the salaries of the other messengers be increased by the same amount. We should not make any distinction between messengers, who, it appears to me, do equal work. It must be remembered that the President is away at the week end; and that he will be away during the recess. Honorable members are

constantly here, and at the week end the other messengers are on duty all day long in attendance upon them. I am of opinion that they do quite as much, if not more, work than that done by the President's messenger. I remind honorable senators that the Speaker's messenger last year received a salary of £204; and the Senate permitted the disproportion to exist in last year's Estimates. I shall vote against the proposed increase; and I certainly think that if we are fair to the other messengers we shall see that if a salary of £204 is given to one it shall be given to all.

Senator CHARLESTON (South Australia).—Senator Clemons made some reference to the reduction in salaries paid to messengers of the House of Representatives, but we are not proposing that the salaries of officers of the House of Representatives shall be reduced. If the Speaker's messenger deserves to be paid a salary of £204 a year, we say that the President's messenger is entitled to the same salary.

Senator CLEMONS.—Why?

Senator CHARLESTON.—Because the same services are rendered by both officers.

Senator PEARCE.—Does he render more service than the other messengers of the Senate?

Senator CHARLESTON.—I am not in a position to balance these points; but the other House decided that the remuneration of the Speaker's messenger should be £204 per annum. There is nothing to show that the services rendered by the President's messenger are not equal to the services rendered by the Speaker's messenger, and the remuneration in each case should be the same.

Senator O'KEEFE (Tasmania).—I shall support a request that the salary of the President's messenger be restored to £204. To be consistent, we must either support the request now proposed, or suggest that the salary of the Speaker's messenger be reduced to £188. I might as well intimate here that I intend to support the request which Senator Pearce has indicated his intention of moving in favour of increasing the other senior messengers' salaries from £188 to £204.

Senator PLAYFORD.—That would involve another message from the Governor-General, and cause a great deal of trouble.

Senator O'KEEFE.—If any mistake has been made the Government are responsible for it, and it is simply my duty as a senator

to see that justice is done. It is absurd to say that messengers, who are at the beck and call of every member of the Senate for the whole of the year—and we know that they were required by senators during the recess—should be paid less than a messenger whose chief is away from the building for five or six months at a time.

Senator BARRETT (Victoria).—Some one has described this as a question of economy, but in my opinion it is a question of giving equal pay for equal work performed. I shall not support any suggestion to recommend that the salary of the corresponding officer in the House of Representatives should be lowered, because I do not think that another place would consent to any such reduction. The proper course is to increase the salary of the President's messenger to £204; but, if that course be taken, I contend that the salaries of the senior and junior messengers ought also to be increased.

Senator PLAYFORD.—Senior and junior messengers in both Houses receive the same salaries.

Senator BARRETT.—But we have also to bear in mind that, whereas there are nineteen officers in the House of Representatives, there are only sixteen in the Senate; and that clearly proves that at the very least the Senate officers must do an equal amount of work. After all, these messengers receive very small salaries, and I know that, even when the House is not sitting, they are sometimes called upon to stay in the evening for the convenience of two or three members. If a comparison has to be made, I am of opinion that these messengers ought to be considered before the President's messenger.

Senator MCGREGOR (South Australia).—We are all trying to do the best we can under the difficult circumstances, and Senator Clemons was not, in my opinion, acting fairly when he impugned the honesty of any honorable senator. Whatever the motives of Senator Pearce or myself may be, they should not concern any honorable senator if we are trying to do what we think is right. So far as I understand, the recommendation for the increases of these salaries came from the House Committee, whose duty it is to inquire into all the circumstances. If that committee omitted to consider the claims of any messengers during last session, we can only hope that they will rectify the omission during next session. It would be

throwing great discredit on the House Committee to ignore their work, and my belief is that they did their best to adjust the salaries according to the work. The request before the Committee is a proper one; but if we begin to suggest amendments in connexion with matters which have not already been discussed in another place, difficulty will arise. Is that a wise course to pursue, even although we may believe that certain anomalies exist? It would be better to accept the recommendations of the House Committee, leaving it to that body, as soon as opportunity offers, to recognise any injustice which may have been done to any servant of Parliament. When Senator Clemons and other honorable senators argue so strongly as to the value of the work done, the question arises as to who is to estimate the value? If Senator Clemons had to work for eight hours a day with a pick and shovel, he would expect to be paid £1,500 a year, when he compared that work with the work he does at the present time. Faithful service must sometimes be recognised. The services of an officer of Parliament, or any other institution, are not always to be gauged by the amount of sweat that he sheds, but rather by the confidence that can be placed in him, and by the value he gives. I have every confidence in the recommendations of the House Committee, and, therefore, I shall support the request moved by Senator Charleston.

Senator DOBSON (Tasmania).—I should like to have a little information on one or two points. In the first place it is our duty to consider not only the interests of the officers, but also the interests of the taxpayers. On looking down the list of officers of the Senate and the House of Representatives, I am inclined to think, comparing the salaries with those paid outside by private employers and by the States Governments, that their remuneration is fairly generous. I can quite understand that if a man, who is junior in length of service, and possibly less efficient, is chosen as the President's or Speaker's messenger at a higher salary, it may cause friction and some dissatisfaction amongst the other messengers. I should like to know from the President, or the representative of the Government, whether the President's and Speaker's messengers were selected for length of service, or on any other special ground, and whether they are entitled apart from their special positions to any increase

of salary? I am not inclined, as representing the taxpayers, to increase the salaries of the rest of the messengers. We have just agreed to a request for an increase of the salary of the typist and shorthand writer to £200 per annum, and, taking that as a correct standard of payment, I do not see that it is fair or right to give salaries of £200 to messengers whose work is not so important. If the messengers were here to speak for themselves, I think they would recognise that, as between them and the taxpayers and other Stateservants, they occupy well-paid situations. We ought not to be dragged into a position which compels the Senate to increase these salaries, which, I understand, were increased only last year. If a man receives £3 10s. per week as a messenger, he is very fairly paid. I acknowledge sincerely the efficient and careful way in which the messengers do their business; but at the same time I think they are adequately paid. If we are forced into increasing salaries all round, and the Government are compelled to take the step of receiving another message from the Governor-General, it would be better to face the question at once, and ascertain whether the President's messenger has any special claim to extra payment. If there is no such special claim, the salary ought to be left as it is, and a request made to the other House to reduce the salary of the Speaker's messenger.

Senator Sir RICHARD BAKER (South Australia).—I presume I am the only one who can answer the question put by Senator Dobson, but I can only answer it partially. I cannot say anything about the reasons which induced the Speaker to select his messenger. In my own case, my present messenger entered the Public Service in South Australia in 1888, and was messenger for a very long time. He is a most efficient messenger, who does his work very well, and that is the reason I chose him.

Senator STEWART.—I think we ought to have a statement from the representative of the Government as to whether the salaries of the other messengers are to be increased.

Senator PLAYFORD.—The other messengers had their salaries increased last year.

Question.—That the request be agreed to—put. The Committee divided—

Ayes	...	...	...	19
Noes	...	...	...	4

Majority	...	...	15
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## AYES.

Baker, Sir R. C.  
Barrett, J. G.  
Best, R. W.  
Charleston, D. M.  
Dawson, A.  
De Largie, H.  
Dobson, H.  
Drake, J. G.  
Higgs, W. G.  
Macfarlane, J.  
McGregor, G.

O'Keefe, D. J.  
Playford, T.  
Saunders, H. J.  
Smith, M. S. C.  
Styles, J.  
Walker, J. T.  
Zeal, Sir W. A.

Teller.

Keating, J. H.

## NOES.

Clemons, J. S.  
Pulsford, E.  
Stewart, J. C.

Teller.

Pearce, G. F.

Question so resolved in the affirmative.

Request agreed to.

Senator PEARCE (Western Australia).

—I move—

That the House of Representatives be requested to increase the salaries of the senior messengers from £188 to £204.

The Committee has decided that the services of messengers are worth £204 per annum.

Senator STEWART (Queensland).—I shall support the request proposed by Senator Pearce. I would ask honorable senators to look at the position calmly.

Senator DAWSON.—It is impossible to get an increase without a Governor-General's message.

Senator STEWART.—What have we got to do with Governor-General's messages? The Government will have to attend to that. Let honorable senators have the courage of their opinions. I claim that if the services of one messenger who only attends upon one senator are worth £204 per annum, the services of other messengers who are at the beck and call of every senator ought to be paid for at the same rate. I do not think that any honorable senator can give any reason why this request should not be supported. Why should the President's messenger be singled out for an increase?

Senator DAWSON.—His position is the blue ribbon of the service so far as the messengers are concerned.

Senator STEWART.—I do not know whether it is the blue ribbon, or the yellow ribbon, or the green ribbon; but it appears to me that there is something inharmonious in the fact that one messenger, who, I presume, does less work than the others, should receive a higher salary. The one devotes his services to a single member of the Senate, whilst the services of the other

messengers are busily engaged upon the requirements of thirty-five other senators.

Senator DAWSON.—The proposal is not practicable.

Senator STEWART.—Senator Dawson thinks it is not practicable because of some formality that has to be complied with. Are we to be the slaves of red tape and precedent? I thought Senator Dawson was one of those who refused to bow down to precedent.

Senator DAWSON.—I came here to do business and not to fill *Hansard*.

Senator STEWART.—I do not know whether we can do business without filling *Hansard* or not. At all events, we must try to instil some common sense into the heads of honorable senators opposite. We must appeal to their reasoning faculties, if they have any. We must try to convince them, if only to make them consistent in their inconsistency. I shall be very glad to hear Senator Dawson, even at the risk of filling the already bloated volumes of *Hansard*, give reasons why he proposes to pay one messenger, who only attends to one senator, £204 per annum, whilst he proposes to pay a smaller salary to three messengers, each of whom has to attend to rather more than eleven senators.

Senator DAWSON.—If I gave the reason the honorable senator would not understand it.

Senator STEWART.—I do not think that Senator Dawson understands it himself. At all events, I wish to hear some reason as to why other honorable senators take up this extraordinary attitude.

Senator DE LARGIE (Western Australia).—The tone of the debate is pleasant, at all events to the extent that it shows that the Kyabram cry has very small influence here. If any alterations are to be made we are rather inclined to level up than level down. Seeing that we have proposed to increase the salary of one of the messengers who is junior to some of those who are receiving £188 per annum, we ought to be consistent, and increase the salaries of the latter.

Senator MCGREGOR.—Why did not the honorable senator recommend that as a member of the House Committee?

Senator DE LARGIE.—The question did not come before the House Committee. If it had, the anomaly that appears on the original Estimates would not have remained if my vote could have altered it. We

ought to put the messengers on a level. It is very hard to grade the work they have to do, and to determine which of them has the most onerous duties to discharge. But seeing that some of the messengers who receive £188 are senior to the one whose salary it is proposed to increase to £204, I shall vote for the request.

Question—That the request be agreed to—put. The Committee divided.

Ayes	...	...	...	8
Noes	...	...	...	15
Majority	...	...	...	7

# AYES.

Barrett, J. G.	Stewart, J. C.
Clemons, J. S.	Styles, J.
De Largie H.	
O'Keefe, D. J.	<i>Teller.</i>
Smith, M. S. C.	Pearce, (G. F.)

# NOES.

Baker, Sir R. C.	McGregor, G.
Best, R. W.	Playford, T.
Charleston, D. M.	Pulsford, E.
Dawson, A.	Saunders, H. J.
Dobson, H.	Walker, J. T.
Drake, J. G.	Zeal, Sir W. A.
Higgs, W. G.	<i>Teller.</i>
Macfarlane, J.	Keating, J. H.

Question so resolved in the negative.

Request negatived.

Senator PEARCE (Western Australia).—Can Senator Playford give us any information as to the item in division 2, House of Representatives—"To provide for increment and adjustment of salaries, £60."

Senator PLAYFORD.—That is to provide increments in case the Public Service Commissioner classifies the officers.

Senator PEARCE.—Why is there not a similar item with regard to both Houses?

Senator Sir RICHARD BAKER (South Australia).—The Public Service Act appoints Mr. Speaker and myself as Commissioners in reference to the officers of the two Houses. We have power to make regulations and to classify officers. We have not done that yet. As a matter of fact, it depends to a very considerable degree upon the action of the two Houses as to whether we ought to do it or not, or as to whether the salaries of officers of Parliament should not be fixed. That is a question to be decided. In the meantime, the Speaker put down this amount to provide for possible increments, but I did not put down any sum.

Senator PULSFORD (New South Wales).—I wish to have a little information with

regard to the continually recurring items for writing-paper, account-books and other office requisites. This item recurs in connexion with nearly every Department. Does each Department order its own paper and books, or is there some arrangement by which purchases are made at a minimum cost for the whole Commonwealth?

Senator DRAKE (Queensland—Attorney-General).—The Treasurer has had this matter under his consideration for a long time past. I believe that orders have already been placed for some kinds of stationery. At all events, the Treasurer intends to adopt that plan in the future.

Senator HIGGS.—Is the Government going to start a paper-mill?

Senator DRAKE.—I do not think so, but it is proposed to indent stationery in large quantities. It is more economical to procure stationery in that way.

Senator PULSFORD.—In the meantime, is each Department ordering its own stationery?

Senator PLAYFORD.—The Department order through the Government Printer on a schedule of prices.

Senator STEWART (Queensland).—With regard to the item "Incidental and cash expenditure, £200," I see that last year £88, was spent and £225 was voted. Why is £200 asked for this year?

Senator Sir WILLIAM ZEAL.—If it is not needed it will not be spent.

Senator DRAKE.—The appropriation last year was £225, and the expenditure was £88. Very little was expended that year for some reason.

Senator HIGGS (Queensland).—I wish to have some information from the Vice-President of the Executive Council with respect to the attendant in connexion with the Parliamentary Reporting Staff. Is it a fact that that officer is very frequently on duty from 10 in the morning till 2 o'clock the following morning? Apparently he is in the unfortunate position of being nobody's child. He has to attend both the Senate and the House of Representatives. He has to obtain the quotations which honorable senators use, and to see that they are returned. I am under a deep debt of gratitude to him in that regard, and that somewhat prompts me to ask for some information.

Senator DRAKE.—Do not give him so much work next session.

Senator HIGGS.—It is assumed by some honorable senators that in the future a session of Parliament will not last for more than a month or two. I fell into a similar blunder on looking at the records of the American Senate. Desirous of judging how long we should be likely to sit, I turned up the *Congressional Record* one day and I found that day after day the Senate met at 2.30 and adjourned at 3.30 p.m., and that it sat for only two or three months in the year. I feel sure that for the next five years a session of this Parliament will last for seven or eight months, and when we have exhausted our legislative powers and made a reputation throughout the Commonwealth, the States will be only too anxious to give us more powers. In New South Wales, for instance, there is a proposal—which, to my mind, is ridiculous—to abolish the State Parliament and to hand over its powers to this Parliament. We shall be in session for some time every year, and we ought to see that the attendants are fairly treated. For sixteen years the *Hansard* attendant was engaged in the Government Printing Office of New South Wales. His work was mostly in connexion with the publication of *Hansard*. He came into the service of the Commonwealth with practical knowledge. No person but a practical printer would be of any use in the position.

Senator DRAKE.—What is his age? He is getting an increase of £10.

Senator HIGGS.—He is about thirty-two years of age. I think that he ought to receive £188 per annum, which is the amount paid to some of the other messengers. Frequently he is in attendance from 10 o'clock one morning until 2 o'clock next morning. All the recreation leave he received last recess was a fortnight. He had to assist in the distribution of *Hansard*, and to address envelopes and so forth. It is stated on the best authority that he does five times as much work as is done by other attendants who get more salary.

Senator Sir WILLIAM ZEAL.—He will soon get grey.

Senator HIGGS.—Although he is only a young man, the grey hairs are showing up freely. I move—

That the House of Representatives be requested to increase the salary of the Attendant to the Parliamentary Reporting Staff from £166 to £188.

Senator DRAKE.—I do not know this officer, but I can quite believe that during the session his hours are long. The hours of a *Hansard* official are often very long, but I can hardly believe that the attendant is hard at work all the time. Probably the work is congenial to him, and he feels that he is working his way up to a better position. I dare say it is a position which scores and scores of men would break their necks to get. We cannot increase salaries all round by big jumps every year; the taxpayers would not stand it. If the services of this officer are appreciated, as they evidently are, I think he should be satisfied. No doubt he is satisfied, but some of his friends who have a very high opinion of his services would like to see him more generously treated. Probably, if inquiries were made, it would be found that he is satisfied with the increase of £10 which he received this year.

Senator Sir RICHARD BAKER (South Australia).—This officer is under the jurisdiction of the Speaker and myself. I think that there must be a mistake as to the length of his holiday leave, because the instruction was that each officer of the *Hansard* staff was to get at least six weeks' holiday during last recess. It is quite true that sometimes he may be in attendance for long hours, but very often during a great portion of that time he has nothing to do. He only runs messages for the reporters.

Senator HIGGS.—He wears out a pair of boots every month.

Senator Sir RICHARD BAKER.—The question of his salary was brought under the notice of the Speaker and myself some time ago, and we agreed to increase his salary by £10 a year until he got the salary of a senior messenger. So far as I know that decision seemed to have given satisfaction. I heard no more about it until the present moment.

Senator MCGREGOR (South Australia).—I am rather surprised at the argument which the Attorney-General advanced against the proposal of Senator Higgs. I cannot support an increase in this salary, although I have every sympathy with the officer, for exactly the same reason as I opposed an increase in the salary of any senior messenger. There is no possibility of the Governor-General being asked to send down a fresh message this session, so that

we should be only making ourselves ridiculous by requesting an increase in this salary. But I hope that the remarks of Senator Higgs will cause the President and the Speaker to make full inquiries into the position of the attendant, and that, if they find that anything more can be done, it will, on the first opportunity, be done. On the understanding that the attendant's salary will be increased by £10 a year until he reaches the status of a senior messenger, I think it will be well for my honorable friend to withdraw his motion.

Senator HIGGS (Queensland).—The explanation of Senator Baker is to some extent satisfactory, but I find fault with the view of Senator Drake, that an increase should not be proposed because a hundred persons outside would be glad to get the position. If the position of a Minister were put up to tender, probably he would find that thousands would be willing to take less than £1,500 a year, and if the office of Attorney-General, with the right to appear before the High Court, were put up for tender, he would find that very many persons would be perfectly willing to appear, and to mark a brief, not fifty or one hundred guineas, but, probably, ten guineas, while the refreshers would be a guinea instead of twenty-five guineas. Neither the Commonwealth nor the State should take advantage of the necessities of the people to compel their servants to work for less than a fair thing. If it is not a fair thing that the *Hansard* attendant should be paid a salary of £188, let it not be paid; but if he does that worth of work in the year he ought to receive the money, even though there may be two thousand persons outside who, through being unemployed, would be willing to accept £50 a year.

Senator DRAKE.—But who is going to appraise the value of the work?

Senator HIGGS.—Our common experience will enable us to appraise the value of the work. So far from this attendant having a happy time, he was so overworked during the session that he had to obtain medical advice. He was afflicted with insomnia by reason of the long hours which he had to remain on duty. In view of the statement by Senator Baker, I think that the best thing I can do in the interests of the officer is to ask leave to withdraw my request.

Request, by leave, withdrawn.

Senator PEARCE (Western Australia).—I move—

That the House of Representatives be requested to leave out the item, "Miscellaneous—For the purchase of a bust of the first Governor-General £200."

Whatever we may think of this gentleman we have no right to spend public money in purchasing a bust of him. If the memory of any man ought to be perpetuated it is that of the first Prime Minister, who was the choice of the people.

Senator WALKER.—He was the choice of the Governor-General.

Senator PEARCE.—Yes; but the people through their representatives indorsed that choice. I cannot see any reason for voting this money to purchase the bust of a gentleman who did nothing so far as Federation is concerned except in an official capacity, for which he was very well paid.

Senator PULSFORD (New South Wales).—I hope that Senator Pearce will not persist with his motion. Surely the Commonwealth can afford £200 for this purpose. We do not wish to demean the public life of Australia and to bring it down quite to such little ideas. £200 is a moderate sum to vote for the purchase of a bust. It might reasonably be voted without any further delay.

Senator HIGGS (Queensland).—I do not wish to demean the public life of Australia. I should be glad if I could place it on the highest possible pedestal. But I do not know that the late Governor-General did a great deal for the Commonwealth. What has he done to justify us in expending £200 on the purchase of a bust of himself? There is a "bust" on record already in the bottles of champagne he gave to the unemployed. If we have money to spend in this way there are several of our public men who might be so honoured.

Senator Sir WILLIAM ZEAL.—Who are they?

Senator HIGGS.—Sir William Zeal, who was President of the Legislative Council in Victoria, for one, and I could mention a number of others. I cannot see what the Marquis of Linlithgow has done. He was merely the mouth-piece of the Executive, as was pointed out in the Chamber by Mr. Justice O'Connor, who was then Senator O'Connor. All he had to do was to carry out the wishes of the Cabinet. He did that fairly well, though he sometimes exceeded his duty, and was quite

willing, on one occasion, to accept responsibility for the sins of the Government. No doubt he was extremely zealous in that regard, but he did nothing to entitle him to this distinction. I shall support the motion.

Senator MCGREGOR (South Australia).—I also intend to support the motion. I see nothing in the actions of the Marquis of Linlithgow during his association with the Commonwealth to justify any proposal of this kind. His final action, in respect to the Governor-Generalship, was an insult to the Commonwealth. That is my opinion, and I am here to express it. I would just as soon vote for the expenditure of £200 to erect a bust to one of the Chirnsides, who got about three times the value of their land at Werribee from the Victorian Government, as I would vote for a bust of the Marquis of Linlithgow, who has received nearly double its value for land situated not far from the Firth of Forth. He is not Governor-General now; I may say what I like about him, and I intend to do so. I am not going to toady to those people, who, under the guise of patriotism, avail themselves of every opportunity to fleece the country to which they belong.

Senator DOBSON.—That is wrong; the honorable senator has no right to say that.

Senator MCGREGOR.—Who has to pay the hundreds of thousands of pounds of British money for the land purchased from the Marquis of Linlithgow? It is the poorer people of Great Britain. I shall not be one to vote money for the purchase of a bust of such an individual. If he were still Governor-General, probably I dare not say this, as it would be out of order. I would say it outside, and I am prepared to say it anywhere. Whatever Senator Zeal may think, I shall not be one to encourage this kind of Judas Iscariot patriotism of which we hear so much. I am sure I shall have the support of Senator Stewart when I take up that stand.

Senator DOBSON.—It is a pity that the honorable senator cannot state the facts.

Senator MCGREGOR.—If the Marquis of Linlithgow were a man of great ability and patriotism, there might be some justification for the proposal made. I do not believe in it, and I would rather see this £200 given to the poor widows who are employed charring, cleaning, and scrubbing out the General Post Offices in the different capital cities of the Commonwealth. We shall see what action some honorable senators will

take when a matter of that kind is brought up for discussion. If they are not prepared to assist the poor and lowly, I am not going to assist them to honour a person who never did anything to recommend himself to me.

Senator HIGGS (Queensland).—I desire to ask Senator Pearce to withdraw his motion, so that I may propose the substitution of the name of the late Sir Henry Parkes for that of the first Governor-General of the Commonwealth. If honorable senators wish to spend money in this way let them purchase a bust of the late Sir Henry Parkes, who, while he lived, made Federation a living force in Australia. If it had not been for his efforts there would have been no Australian Federation to-day. Senator Zeal asked me to name some one, and I have mentioned a man whose name deserves to be perpetuated.

Senator MCGREGOR.—A man who never made a cent out of politics.

Senator HIGGS.—A man who died poor, though he had ample opportunities to enrich himself. He knew the railway policy of the Government of New South Wales, and might have acquired land along suggested railway routes. He never availed himself of his official knowledge; he died poor, and, so far as we know, he never got any of his relatives into the Public Service. I look to honorable senators representing New South Wales to support me in this matter. I hope they will not go back upon that "Grand Old Man." I may mention here that he was a free-trader, and that ought to commend him to Senator Pulsford. He had a record of fifty years in the public life of Australia, and although we have made no attempt to show our appreciation of him, it is proposed to spend £200 to secure the bust of a distinguished visitor who came here. He came here without any intention to make his home in the Commonwealth, but merely for the honour of the position which he held. We have heard lately of another distinguished visitor who will not have his children educated as Australians. He proposes to go to the old country, because he desires his children to be educated amongst the boys and girls who will be their friends in after life. The claims of these distinguished visitors ought not to be considered before those of Australian statesmen.

Senator PEARCE.—I ask leave to withdraw my request.

Request, by leave, withdrawn.

**Motion (by Senator Higgs) proposed—**

That the House of Representatives be requested to amend the item "For the purchase of a bust of the first Governor-General, £200," by leaving out the words "the first Governor-General" and inserting in lieu thereof the words "the late Sir Henry Parkes."

**Senator PULSFORD (New South Wales).**

—I think the Government proposal is one which honorable senators should accept. I have no hesitation in saying that if Sir Henry Parkes were alive and were a member of the Senate he would support it, and he would deprecate any such action as is now proposed to be taken. There are a great many busts of Sir Henry Parkes in Australia to-day; but I do not know that there are any of the first Governor-General of the Commonwealth. We do not form a Commonwealth of Australia every day, nor yet every century; and we shall be doing honour to ourselves and to the Commonwealth by a due recognition of those who fill the very responsible office of Governor-General. I do not think it necessary to say any more. I hope honorable senators will carry the Government proposal.

**Senator STEWART (Queensland).**—I cannot say that I agree either with the proposal of the Government to spend £200 on a bust of the Marquis of Linlithgow, or with the request which Senator Higgs has moved. Senator Pulsford has said that there is every reason why honorable senators should agree to the Government's proposal, but he has not given a single reason why we should do so. Why do communities honour the memories of distinguished individuals in this way? It is because they have rendered some conspicuous service to the community. What service did the Marquis of Linlithgow render to the Australian community? He was the first official head of the Commonwealth, the first representative of the Crown to fill the position of the Governor-General of Australia.

**Senator MCGREGOR.**—And he struck for higher wages.

**Senator STEWART.**—That is quite in accord with Senator McGregor's union principles. On strictly union principles the Marquis of Linlithgow looked for a fair day's wage for a fair day's work. The objection I take to the proposal is that, apart from the political position which he held, he did nothing for the Commonwealth of Australia. He was merely the representative of the King in the

Commonwealth, a mere fly on the wheel, a mere figure-head. When we, as a community, begin to do honour to our distinguished men, let us honour those who have done something for Australian life and progress. Can Senator Pulsford tell me what the Marquis of Linlithgow did for Australia beyond filling the official position of Governor-General, and drawing the salary attached to that position? Was he eminent in Australian public life? We know that he could not be as he was not in Australian public life, but was the mere figurehead of the Commonwealth ship. Was he eminent in any other department of life?

**Senator PULSFORD.**—If he had spoken about politics at all the honorable senator would have been the first to denounce him for doing so.

**Senator STEWART.**—Certainly. He rendered no service to the Commonwealth whatever. If we must spend money in this way, let us spend it in honouring men who have done something for the Commonwealth. It has been suggested that we should get a bust of Sir Edmund Barton, and, while I do not believe very much in this kind of thing, if I had to make the choice I would prefer to vote money for a bust of Sir Edmund Barton rather than for one of the Marquis of Linlithgow.

**Senator Sir WILLIAM ZEAL.**—This is a waste of time.

**Senator STEWART.**—But what of the waste of money? The honorable senator's own time is evidently of more value to him than is the Commonwealth money; but we in this corner are prodigal of our time while being very saving of the Commonwealth cash. We propose, if we can, to save this £200 to the country, instead of spending it on a piece of marble in honour of a man who never did anything for Australia.

**Senator Sir WILLIAM ZEAL.**—Nonsense!

**Senator STEWART.**—What did he do?

**Senator Sir WILLIAM ZEAL.**—He did a great deal more than the honorable senator will ever do.

**Senator STEWART.**—I am not immodest in advancing the statement that in my own humble, unimportant way I have done a great deal more than the late Governor-General did, or ever will do, for Australia.

**Senator Sir WILLIAM ZEAL.**—Nonsense!

**Senator STEWART.**—What did the late Governor-General do for Australia?

**Senator PULSFORD.**—He did his duty with honour and dignity.

Senator STEWART.—Senator Pulsford, a representative of the people, does his duty in trying to lead public opinion in certain matters, and he is of much more consequence than he seems to think, and of much more consequence than was the late Governor-General. If I had my choice between a bust of the late Governor-General and a bust of Senator Pulsford I would vote for the Pulsford bust. But I do not believe in wasting money in this fashion; we have no £200 to fling away here and there on pieces of marble. This, I suppose, is a precedent, and a bust will be requested for the present Governor-General when his term expires. It will be pointed out that as we have a bust of the first Governor-General, we must complete the set. Why not have busts of all the Governors? There are thirty-six of us, and £200 would allow £5 or £6 for a decent presentation of each of the first senators of the Australian Commonwealth; and I consider that we are of much more importance to the community than ever was the late Governor-General. I trust that the Government will not insist on this idiotic idea. Does the Vice-President of the Executive know how the sale of this bust was manoeuvred?

Senator PLAYFORD.—I know nothing about it.

Senator STEWART.—I read something in the newspapers to the effect that an enterprising Sydney sculptor conceived the idea of executing a bust of the late Governor-General. Some kind friend informed Sir Edmund Barton of the fact that the bust was in existence, and Sir Edmund, with that kindness of heart which is characteristic of him, said—"Oh, all right; we'll pay for it for the Commonwealth." Of course, it is Commonwealth money, and Sir Edmund could never miss it.

Senator MCGREGOR.—Sir Edmund Barton may buy the bust himself now.

Senator STEWART.—It would be most generous on Sir Edmund's part to buy the bust and make a present of it—

Senator HIGGS.—To the High Court.

Senator STEWART.—Sir Edmund might buy the bust and place it on the High Court Bench. Here is a Commonwealth which sweats its charwomen.

Senator Sir WILLIAM ZEAL.—That is only an assertion.

Senator STEWART.—Here is a Commonwealth which sweats its charwomen and

buys busts of Governors-General. In this the Commonwealth is following the example of older and more foolish communities, although I thought that we were wiser in Australia. My idea was that, being a democratic community, we should not stoop so low as to toady to Scotch noblemen. In Scotland noblemen are so plentiful that we pay no regard to them, and I can only suppose that it is their scarcity which makes them so valued in Australia. In Scotland we are all noblemen—we are all sons of kings—and no one is better than another. Out here the Australian community appears to be suddenly afflicted with—

Senator DE LARGIE.—Hero-worship.

Senator STEWART.—I could excuse hero-worship; but they appear to be afflicted with sycophancy. It would almost seem as though they were cursed as the serpent was cursed—"Upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life."

Senator MCGREGOR.—It is cringeomania.

Senator STEWART.—That is a most excellent word. I do not say that the people generally have the affliction, though apparently a number of members of the House of Representatives have it, and also, I am sorry to say, members of the Senate. As to the amendment to substitute the name of Sir Henry Parkes, I would, if I had to choose between the two, select the latter. That is not because I think Sir Henry Parkes was the great man Senator Higgs would lead us to believe he was, but because I think he did much more service for Australia than did the late Governor-General.

Senator PEARCE.—We very largely owe the white Australia policy to Sir Henry Parkes.

Senator STEWART.—I hope the Government will abandon this vote. To waste £200 in this fashion is extravagance which might almost be called criminal—it is unwarrantable expenditure run riot.

Senator DRAKE.—No one who has listened to Senator Stewart can think for a moment that economy is his principal motive for opposing this vote. It will be a great mistake if this vote is not passed. In years to come there will, no doubt, be a Commonwealth picture gallery containing statuary and busts of celebrated men who have done good work for the nation, and it would be a great pity if there were not included a memorial of the first Governor-General. I disagree with the opinion expressed by Senator Stewart, because I believe

it was very necessary indeed for us to have a gentleman like the present Marquis of Linlithgow in the position of first Governor-General. No better choice could possibly have been made, and the late Governor-General did great service for the Commonwealth. For the, comparatively speaking, small sum proposed we shall be able to obtain a very good bust of our first Governor-General, and we ought to avail ourselves of the opportunity. If we do not we shall certainly regret the fact.

Senator HIGGS.—We can get a bust then.

Senator DRAKE.—It is not possible to get a good bust of a man after he has been dead for some years; in order to get a faithful portrait in marble it must be executed during life. I am perfectly certain that the taxpayers of the country will never think of indorsing the objections which have been offered by some honorable senators to this small vote.

Senator WALKER (New South Wales).—I rise to confirm the remarks made by the Attorney-General. I speak with a little experience, because, some years after the death of a relative of my own, it was desired to have a bust of him executed. We sent the best photographs obtainable of him to England, and paid 300 guineas to an eminent sculptor, and when the bust came out no one who was interested could tell for whom it was intended. If we are to have a bust of our first Governor-General it ought to be executed during his life, and I am sure we all wish that he may live for many years to come. May I here suggest that when the name of the Federal Capital is under consideration, that of our late Governor-General will not be forgotten.

Senator CHARLESTON (South Australia).—I am somewhat in a difficulty as to how to vote in this matter; but I certainly think that the late Governor-General was treated exceedingly well in the Commonwealth. I am also of opinion, however, that he did a great injustice to the Commonwealth by creating an impression in England that we are desirous of having a Governor-General who is able, and ought, to spend something like £20,000 per annum of his own money in maintaining the dignity of his position. That idea is still existent in the minds of the people of England, and only a short time ago I saw in a newspaper satisfaction expressed that the Governor-General elect is rich enough to be

able to spend some of his own private income while in Australia. Considering the manner in which the late Governor-General was treated in the Commonwealth, he ought not to have created such an impression in England. If we have any cause to be grateful, it is to our present Governor-General, who has set a very good example in living within his official income, or, at any rate, if he is not doing so, is not saying anything about his having to resort to his private means. The people of the Commonwealth are quite willing that the Governor-General should live in any manner he chooses, expecting nothing more from him than he is willing to spend; and I feel it very deeply that we should have been so unjustly criticised in England. The present vote is so small that one does not like to vote against it, but if I should do so, it would be as a protest against the wrong impression which has been created, namely, that Australians are extremely anxious to extract about twice as much from a Governor-General as they are willing to pay him. I have never mentioned this matter in the Senate before, but I think this a fitting opportunity to express my disapproval of the action of the late Governor-General. At the same time we might as well continue the generosity we have shown in the past, and expend £200 on a bust, not so much on account of the Marquis of Linlithgow personally, as to have a memorial of the man who by good fortune happened to be the first Governor-General, and who will go down to posterity as such. It is possible that in time to come the people may forget the unjust remarks which the late Governor-General made in regard to ourselves.

Senator Sir WILLIAM ZEAL.—He made no unjust remarks.

Senator CHARLESTON.—It was circulated that one of the reasons why he retired was that the people of Australia make such large demands upon their Governor-General. In that respect he gave a very wrong and false impression with regard to the people of Australia. But, nevertheless, as the amount is so small, and as the bust is to commemorate the first Governor-General, I shall not vote against it.

Senator DE LARGIE (Western Australia).—It is very unfortunate that this item should find a place in the Bill. It compels those of us who are not at all pleased with the impression left by the late Governor-General when retiring from his



ice to say what we think of him. It comes to make comparisons which otherwise should be glad to refrain from making. It would have been better had the Government considered the unpopularity of the late Governor-General when he left Australia.

Senator Sir WILLIAM ZEAL.—With whom is he unpopular?

Senator DE LARGIE.—With public opinion generally, excepting the small class who are ever ready to pander to men in his position. There are certain people who would be ready to lick the boots of a man in the position of the Governor-General, no matter what he did. But the late Governor-General was undoubtedly unpopular on account of the position he took up in respect to the allowance paid to him. Those of us who hold that opinion are bound to state that we do not think he is worthy of this honor. If we are to erect busts, there are scores of men who are more entitled to the honor than is the Marquis of Linlithgow. What about the first Prime Minister of the Commonwealth, and the first leader of the late, both of whom did good work and deserve some recognition of this character? It is deplorable that the matter should have been introduced, and I hope that the Committee will support the request.

Senator FRASER (Victoria).—I cannot follow the statement made by the last speaker without contradiction. We never had a more popular man in Australia than was the Marquis of Linlithgow. We never had a Governor who so earnestly desired to promote the best interests of the people of this country, and to do everything that would conduce to their well-being. The Marquis of Linlithgow was above all others a people's man.

Senator MCGREGOR.—But he wanted money for what he did.

Senator FRASER.—I should like to say something with regard to that remark, but I will not do so at the present moment. The Marquis of Linlithgow spent his money wisely, and did everything that a mortal man could do. Indeed, he did more than strength permitted, and, as his health failed, he had to retire. Of course, the poor crowd will do everything they can against any man in the Marquis of Linlithgow's position. They are against all Governors and all high officials, except such as are in sympathy with their ilk.

Senator DAWSON.—The honorable senator wrong there.

Senator FRASER.—I am quite right.

Senator MCGREGOR.—We like Lord Tennyson.

Senator FRASER.—There may be exceptions, but my statement is correct, speaking generally. It is disgraceful that there should be such a discussion on a paltry matter like this.

Question.—That the request be agreed to.—put. The Committee divided.

Ayes	...	...	...	6
Noes	...	...	...	16

Majority	...	...	10
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AYES.

Dawson, A.	Stewart, J. C.
De Largie, H.	Teller.
Higgs, W. G.	Pearce, G. F.
McGregor, G.	

NOES.

Baker, Sir R. C.	Pulseford, E.
Barrett, J. G.	Reid, R.
Best, R. W.	Smith, M. S. C.
Charleston, D. M.	Styles, J.
Clemons, J. S.	Walker, J. C.
Drake, J. G.	Zeal, Sir W. A.
Fraser, S.	Teller.
Macfarlane, J.	Keating, J. H.
Playford, T.	

PAIR.

O'Keefe, D. J.	Dobson, H.
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Question so resolved in the negative.

Request negatived.

Senator MCGREGOR (South Australia).—I move—

That the House of Representatives be requested to amend the item "For the purchase of a bust of the first Governor-General, £200," by leaving out the words "the first Governor-General," and inserting in lieu thereof the words "the Honorable Thomas Bent."

Mr. Bent is a worthy citizen, and in the opinion of some people has done a great deal for Victoria.

The CHAIRMAN.—Does the honorable senator desire that his motion shall be put?

Senator MCGREGOR.—Certainly.

Request negatived.

Motion (by Senator PEARCE) proposed—

That the House of Representatives be requested to amend the item "For the purchase of a bust of the first Governor-General, £200," by omitting the figures £200.

Question put. The Committee divided.

Ayes	...	...	...	6
Noes	...	...	...	15

Majority	...	...	9
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## AYES.

Dawson, A.  
De Largie, H.  
Higgs, W. G.  
McGregor, G.

Stewart, J. C.  
*Teller.*  
Pearce, G. F.

## NOES.

Baker, Sir R. C.  
Barrett, J. G.  
Best, R. W.  
Charleston, D. M.  
Drake, J. G.  
Fraser, S.  
Macfarlane, J.  
Playford, T.

Pulsford, E.  
Reid, R.  
Smith, M. S. C.  
Styles, J.  
Walker, J. T.  
Zeal, Sir W. A.  
*Teller.*  
Keating, J. H.

## PAIR.

O'Keefe, D. J.

Dobson, H.

Question so resolved in the negative.

Request negatived.

Proposed vote agreed to.

## DEPARTMENT OF EXTERNAL AFFAIRS.

Proposed vote, £38,355.

Senator STEWART (Queensland).—I think that the Secretary to this Department is overpaid at £800 a year. The Secretary to the largest Department we have—the Post Office—receives a salary of only £1,000, and, in my opinion, £700 is quite enough for the Secretary to this Department. I move—

That the House of Representatives be requested to reduce the item, "Secretary, £800," to £700.

Question put. The Committee divided.

Ayes	...	...	2
Noes	...	...	16
Majority	...	...	14

## AYES.

Dawson, A.

*Teller.*  
Stewart, J. C.

## NOES.

Barrett, J. G.  
Charleston, D. M.  
De Largie, H.  
Dobson, H.  
Drake, J. G.  
Fraser, S.  
Higgs, W. G.  
Macfarlane, J.  
McGregor, G.

Pearce, G. F.  
Playford, T.  
Pulsford, E.  
Smith, M. S. C.  
Styles, J.  
Walker, J. T.

*Teller.*  
Keating, J. H.

Question so resolved in the negative.

Request negatived.

Senator PEARCE (Western Australia).

—I notice that the expenditure on clerks is increased from £1,210 to £1,790, and that the number of officers has been increased by two. I wish to know from Senator Playford—first, what has necessitated the

increases; secondly, whether the Public Service Commissioner was asked to report as to the necessity for the increases, and, if so, whether the two additional officers were appointed at his request? We went to a great deal of trouble to enact that all appointments to the Public Service should be made on the recommendation of the Commissioner. Whenever we desire to ventilate a grievance in connexion with the administration of the Public Service, we are referred to the Commissioner, and we ought to have a guarantee from the Government that they are observing the law relating to appointments. It seems to me that during the past year no additional work has been laid on this Department to necessitate the appointment of two additional officers. It is charged with the administration of the Immigration Restriction Act. It has been stated by the Sub-Collector of Customs, at Fremantle, that he is hindered in the performance of his official duties by the want of an officer to carry out the administration of that Act. Senator Playford, in answer to a question, has said that the Government did not think it was necessary to appoint an officer, as they were not aware that the number of Asiatics was increasing in Western Australia. It is the duty of this Department to see if the Act is accomplishing its object and to stop the influx of Asiatics. If they had taken the trouble to look through the *Statistical Register* of Western Australia, they would have found that the number of Asiatics is increasing. Although we are asked to vote for the Secretary to this Department £800, and for ten clerks £1,790, or, in all, £3,490 for salaries, still the officers are not aware that the number of Asiatics is increasing in Western Australia. It exists for the purpose of seeing that Asiatics do not come into Australia; but I can prove from the *Statistical Register* that the Asiatic population is increasing at the rate of 100 per month.

Senator STANFORTH SMITH. — They have included men on the pearling fields.

Senator PEARCE.—No; I am taking the number of Asiatics who have come into the State from Asia.

Senator FRASER.—They cannot come from Asia, in defiance of the law.

Senator PEARCE.—The *Statistical Register* gives, first, the nationalities of the immigrants, and, secondly, the countries

from whence they have come, and in each case an increase is shown.

Senator DRAKE.—It includes those who are engaged in the pearling industry.

Senator PEARCE.—When I asked my question, why did not the Department say that the number of Asiatics had only increased on the pearling fields?

Senator DRAKE.—We have got the information since the question was answered.

Senator PEARCE.—The assertion of the Department cannot be proved.

Senator PLAYFORD.—I am not going into the question of whether or not the Department ought to have known that there was an increase in the number of Asiatics in Western Australia, but I shall answer the inquiry in reference to the increased expenditure. A chief clerk, receiving a salary of £600 was dispensed with last year, and the Department has been furnished with three extra clerks, of whom two had been temporarily employed. If the item £600 for the chief clerk is added to the appropriation of £1,210 for seven clerks last year, it will be found that the total exceeds the sum of £1,790, which we are asked to vote for ten clerks this year. Last year the total vote for salaries for the Department was £3,415, and this year we are asked to vote a sum of £3,465. The difference, I suppose, is required to pay increments which are due under the Public Service Act. Although we are actually saving money, yet Senator Pearce thinks that we are working the Department more expensively than formerly. We are doing nothing of the sort.

Senator PEARCE (Western Australia).—Senator Playford must not cavil at any request for information, and certainly he will not lessen the demand for information by replying to an inquiry as he has just done. I asked whether the appointment of the two additional officers had been recommended by the Commissioner; but to that question he has not replied.

Senator PLAYFORD.—Undoubtedly; they could not have been appointed otherwise.

Senator PEARCE.—I am given to understand that some appointments have been made which have not been recommended by the Commissioner.

Senator PLAYFORD.—If the honorable senator is possessed of that knowledge, and the appointments were such as ought to have been recommended by the Commissioner, he ought to bring the matter

forward. If he does, we shall punish somebody for improper conduct.

Senator PEARCE.—The honorable senator made some capital out of the fact that they had dispensed with an officer in receipt of a salary of £600; but do the estimates for the Department show a saving of that amount? On the contrary, they show an increase of £50.

Senator DRAKE.—There is a saving of £20 in these salaries. Last year there was a chief clerk at £600 and seven other clerks at £1,210, making £1,810 for the clerical staff, including the chief clerk. Provision is made this year for ten clerks at £1,790, which is a saving of £20 in the expenditure for clerical services. The total vote for the Department is a little more, because there is an increase for messengers from £180 to £200, and a vote of £50 to provide for increments and adjustments of salaries. So far as the clerical staff is concerned, there is exactly a saving of £20, and this has arisen because the high salaried chief clerk at £600 has left the Department, and his place has been filled by promotion from below at a reduced salary.

Senator PEARCE (Western Australia).—I desire to know whether a record is being kept of the Asiatics who are allowed to be introduced in connexion with the pearling industry, whether any arrangements are being made with the State Government to insure their deportation, and if so in whose hands the administration rests?

Senator DRAKE.—An exact account has been kept of all Asiatics coming into the Commonwealth, arrangements are made for their deportation, and the records are in the hands of the Customs officials.

Senator DE LARGIE (Western Australia).—I should like to impress upon the Government the necessity for carrying out the promise given by the ex-Prime Minister to appoint a special officer to look after the administration of the Immigration Restriction Act. From the Government returns for Western Australia there would appear to be an alarming increase in the number of Asiatics, and if any new appointments are to be made in the department, that promise by the ex-Prime Minister should be borne in mind. The Government should see to it that something is done to enable them to exercise some control over the administration of the Immigration Restriction Act. If it is not properly administered it will be

a failure, and I am sure no honorable senator desires that it should be.

Senator STANFORTH SMITH (Western Australia).—Senator De Largie's fears on the subject of the administration of the Immigration Restriction Act, so far as it effects the pearling industry of Western Australia, are groundless. The Federal Government has in Mr. M. S. Wharton an official who is most careful in the performance of his duties. He keeps a register which shows exactly when every coloured person is introduced for the pearling fleet, what boat he is employed upon, the term of his engagement, when he leaves Broome, and what boat he goes by. Every pearler employing a coloured man is required to deposit a bond for £100 that the man at the end of his term of engagement shall be brought into the office at Broome and if not re-engaged shall be deported by the first boat. I may say also that in order to avoid personation each coloured man is photographed when he arrived, and at the end of his term each man is compared with the photograph previously taken. I spent half a day going through this register and I found that with but a single exception every coloured man introduced in connexion with the pearling industry, not only since the passage of the Commonwealth Act, but since the passage of the first State Immigration Act, has been accounted for. A mistake has been made in the return in including amongst people coming to reside in Western Australia men who have been engaged for the pearling industry, and who must be returned when their term of engagement is up. I am in a position to say that the officials at Broome are overworked. In the laying-up season, when the men come in to be paid off the officials are working day and night, and their duties are carried out with the greatest strictness. A few months before I visited Broome some coloured people came down from Singapore, and a wire was received from the Attorney-General refusing them permission to land. The reason for this refusal was that Mr. Wharton had not followed the usual procedure of writing to the Government asking for the permission and giving reasons why it should be granted. When he wired for permission, and gave the reasons, these men were allowed to land. When I was there the Act was being administered with the greatest care, and it would be well if the same strict administration were adopted at

Thursday Island. There was no such administration up to the time of the passage of the Commonwealth Act, and coloured people were allowed to land at Thursday Island without any condition at all. It is most regrettable to find that there are about 2,000 coloured people at Thursday Island, and employed in the pearling fleets in those waters, who are at liberty to travel to any part of Australia as soon as their term of engagement is up. At Broome, with the exception of about 100 men, who were introduced before the first State Immigration Act was passed, and who are called "free men," the coloured men employed in the pearling industry only came into the place in the laying-up season; they can do no work on shore, because if they do their employers are liable to a heavy fine, and they must either be deported or go off in the boats as soon as the pearling season starts. So far as Broome is concerned, there is no danger to the Commonwealth, but the way in which affairs have been conducted by the State Government at Thursday Island was scandalous. We find, also, that at the present time thousands of Chinese are coming from the Northern Territory of South Australia to all parts of the Commonwealth.

Senator PLAYFORD.—There are very few thousands there to come.

Senator STANFORTH SMITH.—There are five Chinamen there for every white man, and I fear we shall have the same difficulty with respect to the coloured men at Thursday Island.

Senator WALKER (New South Wales).—Looking into the administration of the Immigration Restriction Act, I wondered that the cost should be only £750, but I find in the miscellaneous division a further item of £900 for payment to Customs officers employed in connexion with the administration of the Act. This brings the cost of its administration up to £1,650 a year. I take the liberty of suggesting that next year these items should be brought together, in order that we may see what the administration of the Act is really costing the Commonwealth.

Senator STEWART (Queensland).—I suggest that there should be some reduction in the cost of issuing the *Government Gazette*. I do not know whether honorable senators are in the habit of perusing that interesting publication, but if they are they will agree that it is full of vain repetitions, and the

printing in connexion with it might very well be cut down by one-half. This would save the Commonwealth some money, and would save honorable senators a great deal of trouble. If an honorable senator desires to find out exactly what is going on in any of the Departments, he has to read through a long rigmarole about the Governor-General and the Commonwealth of Australia, and, when the grain of wheat is winnowed from this bushel of chaff, he finds that some messenger is to be temporarily appointed at some outlying place in the Commonwealth. I sent an example of a customs advertisement to the Minister for Trade and Customs, showing the number of unnecessary repetitions. I ask Ministers presenting the Government in the Senate to bring their influence to bear in this matter, and see whether they cannot get the *Commonwealth Gazette* published on common-sense lines.

Senator DRAKE.—I do not see that we can save very much by omitting the Governor-General's title from notices published in the *Government Gazette*. We are economising in connexion with advertising as compared with what used to be done in the old colonial days. Government notices used to be fully advertised in the newspapers, but we have adopted the practice of inserting a short notice in the local newspapers directing attention to notices in the *Government Gazette*. The *Gazette* is circulated to police magistrates, postmasters, and so on, in order that the people interested in the announcements may have an opportunity of perusing it. That we may get the full advantage of this practice, it is necessary that the *Government Gazette* should be largely circulated. Last year the vote of £1,000 was exceeded, and that is the reason why a larger vote is now asked for. It necessarily follows that as the operations of the Commonwealth Government are extended, it becomes more expensive to publish the *Government Gazette*. I do not anticipate that the vote asked for last year will this year be largely exceeded, but it was not thought safe to only ask for £1,000.

Senator MCGREGOR (South Australia).—I have very great sympathy with Senator Stewart in his endeavour to carry out economy in the printing of the *Government Gazette* by curtailing needless repetitions, preambles, whereases, wherefores, and such phrases.

Senator DRAKE.—We have seen a number of whereases in motions submitted to the Senate before now, and they tend to increase the printing bill.

Senator MCGREGOR.—I desire to direct the attention of the Government in another channel. I believe that the usefulness of the *Gazette* could be extended with economy. We must have a *Gazette*, which is sent all over Australia; and I want to know why its publication is not conducted on commercial lines? We hear it contended that every undertaking of the Government must be on commercial lines, and show a profit; and I ask why the columns of the *Gazette* are not open to all advertisers who choose to use them? There is not a business man who does not recognise that the *Gazette* is capable of being made one of the most profitable of advertising mediums.

Senator HIGGS.—The *Gazette* is not very much read, I am afraid.

Senator MCGREGOR.—The *Gazette* is not read, because it does not possess sufficient interest. But there would be a change, possibly, if in the *Gazette* there appeared some of those hoarding pictures of nice young ladies pouring out cups of tea, and so forth.

Senator HIGGS.—A few imaginative reporters are required.

Senator MCGREGOR.—Even a few reporters might be employed on the *Gazette*. Why should not the *Gazette* be turned into a newspaper?

Senator STANFORTH SMITH.—Containing extracts from our speeches?

Senator MCGREGOR.—It is not necessary to all at once publish the *Hansard* reports in the *Gazette*, but I hope the day will come when there will be a daily *Gazette* containing the speeches delivered in this Parliament. In South Australia the contract for the publishing of the *Hansard* reports is let to the proprietors of a daily newspaper.

Senator DRAKE.—That is rather different from running a State newspaper.

Senator MCGREGOR.—I only desire to show that if an ordinary private firm can find it profitable to publish all the dry details of the speeches delivered in a State Parliament, surely similar work might be undertaken by the Commonwealth. I am in full sympathy with the desire for economy, but at the same time I urge on the Government the desirableness of rendering the

*Gazette* a profitable concern, by making the departures I have indicated.

Senator STEWART (Queensland).—I have here a file of the *Gazette* from which I can show several examples of redundancy in the wording of the advertisements. Intimations of promotions and appointments commence as follows:—

Commonwealth of Australia.

Postmaster-General's Department,  
25th May, 1903.

HIS Excellency the Governor-General in and over the Commonwealth of Australia, by and with the advice of the Executive Council thereof, has approved that the following officers be promoted to the positions shown opposite their respective names:—

Senator DRAKE.—That is very short, surely.

Senator STEWART.—I submit that all the language about "His Excellency the Governor-General in and over the Commonwealth," is unnecessary. The words "Postmaster-General's Department" is at the head, and there is no earthly need to repeat it in each advertisement. Here is another example, in which, after the same long introduction, it is stated:—

ERNEST HAROLD BOURNE, Telegraph Messenger, Malvern, to be Junior Postal Assistant, Malvern; to date as from 8th May, 1903.

The words "promoted to junior postal assistant, Malvern," would be quite sufficient.

Senator DRAKE.—I have seen more redundancy in a leading article in a newspaper.

Senator STEWART.—Then again, "From the 8th May," would be quite sufficient, without all the other words. Why are the words "Commonwealth of Australia" repeated in each advertisement? Surely we all know that this is a Commonwealth? There is a whole row of advertisements in which all the language about "His Excellency the Governor-General in and over the Commonwealth," is religiously repeated.

Senator PULSFORD.—That is the trouble so far as the honorable senator is concerned.

Senator STEWART.—The trouble arises from the fact that I am what Senator Pulsford is not—careful of the Senate's time and of the Commonwealth's cash. The Vice-President of the Executive Council is, I believe, a gardener, and he knows that if there is anything which trees require it is pruning. If Senator Playford will only bring his pruning knife into use in these

advertisements and similar printed matter he will be doing the country a service.

Senator DRAKE.—He would, if he pruned the speeches in the Senate.

Senator PEARCE (Western Australia).—I move—

That the House of Representatives be requested to reduce the item, "Administration of New Guinea, £20,000," by £1.

I submit this motion as a protest against the action of the Government in dropping the Papua (British New Guinea) Bill. The measure was introduced into the other House, where it was considered at considerable length, and went into Committee. Because the principle of land alienation was condemned, and a provision was inserted prohibiting the sale of liquor, it was dropped. The administration of British New Guinea is being carried on under ordinances, under which it is possible for the fee-simple of the most valuable land to be sold. Seeing that the Government proposed the principle of preventing the alienation of land, it is reasonable to assume that they are willing to part with the fee simple. When we have an opportunity of dealing with the Bill we shall be able to test the point, and to say whether land shall be sold or not. I feel satisfied that the Bill as amended by the House of Representatives would have been passed by the Senate in a few hours, and I submit this motion for the purpose of giving an opportunity to honorable senators to protest against the action of the Government in practically refusing to accept the decision of the House of Representatives and in not giving the Senate a chance of expressing an opinion.

Senator DRAKE.—I think that Senator Pearce will recognise that if the Papua (British New Guinea) Bill had been passed including the amendments made in it by the House of Representatives, it would have been necessary largely to supplement the grant. The amount voted is calculated upon the receipts and the expenditure in New Guinea. It is estimated that a certain amount of revenue will be received from the sale of land, and a certain amount from the sale of liquors. I am not saying a word as to whether it is desirable that the amendments in question should be made or not; but I am endeavouring to emphasize the point that if those amendments were made, and the Bill were passed in that form, the grant of £20,000 would not be sufficient.

the sale of liquors to the natives is prohibited, and the revenue is derived from the sales to white men. That consideration justifies the Government in determining at this late stage of the session to allow the measure to stand over for reconsideration until next session. I do not think the honorable senator need have any fear that land will be alienated in large quantities. In the past, whenever attempts were made to alienate land in British New Guinea, there was such a strong expression of public opinion against it that the sales did not take place. Probably if the Possession continues to be governed by ordinances as in the past, there will be no large sales of public land, or no sales whatever. The House

Representatives, having made important alterations in the Bill, it was not unreasonable that the Government should allow the matter to stand over. To do so was not pressing a judgment one way or the other on the merits of the amendments, but was simply a recognition of the fact that they had been made. Parliament would be satisfied with the necessity of making larger provision in aid of the revenue of British New Guinea. I think that the Government, under all the circumstances, has done quite right.

Senator MCGREGOR (South Australia).—The line of argument adopted by the Attorney-General is a peculiar one. Of course he is quite justified in making out the best case he can for the Government, but it is clear that the will of another place has been plainly indicated in a certain direction, and that the Government refused to carry out that will. The House of Representatives declared against the alienation of land in British New Guinea—or, as I prefer to call it, Australian New Guinea—and also indicated their disapproval of the sale of intoxicating liquors there. I have not the least doubt that if the Bill had been sent up to the Senate it could have been accepted, and those provisions would then have become the will of Parliament. The Government practically say, "We are not going to fight against the will of Parliament, but we are going to defeat it in another way." The Attorney-General tells us that if the amendments had been carried, it would have been necessary for Parliament to vote a larger sum in aid of the Government of British New Guinea. Did not the House of Representatives know that it would be necessary to vote a larger

sum if Parliament prohibited the sale of intoxicating liquors and the alienation of Crown lands? They knew it as well as the Government did, and were prepared to take the consequences. I am sure that the Senate would also have been prepared to take the consequences. But the House of Representatives recognised that the ultimate results would be beneficial to Papua and the Commonwealth. They were not looking merely to the results this year or next year. Senator Pearce is quite justified in submitting his proposal, if only for the purpose of affording an opportunity to honorable senators to indicate to the Government the feeling of the Committee upon this question. Although the motion may not be carried, I trust that when honorable senators have spoken, the Government will take good care that the expression of opinion will be regarded as sufficient warrant to prevent them from selling Crown lands in Papua. The Attorney-General says that the Government will not permit the sale of large areas. But in the early days land was sold in small areas in the city of Melbourne, and it has been made clear that those sales were to the detriment of the revenue of Victoria. I trust that land will not be sold in New Guinea in any areas whatever. If it is sold, it will, in the future, be a source of regret to the people of the Commonwealth and to those who are living in Papua. I trust that as early as possible next session a measure will be passed making it impossible for the same conditions to exist in New Guinea as have existed in Victoria and other parts of the Commonwealth.

Senator STEWART (Queensland).—I trust that Senator Pearce's motion will be carried. The members of another place and honorable senators have very good cause to complain of the conduct of the Government. They brought in a Bill relating to the management of the affairs of New Guinea, and because certain provisions to which the Government were opposed were carried in the other House, they dropped it. That course of conduct may be constitutional, and in accordance with the custom of Governments, but, taking all the circumstances into account, it was altogether discreditable. What a fine Government it is that we have got! How accommodating it is! It brings certain measures before Parliament—very important measures; it allows Parliament to mangle them in any way it pleases, and it accepts the

amendments in the most meek and humble fashion. They are passed in a torn and tattered condition. That is how the Government act with regard to certain Bills. I will name one of them, which must be fresh in the recollection of honorable senators. I refer to the High Court Bill. What a brave measure it was when it was introduced into the House of Representatives! What a poor, pitiable, wretched spectacle it was when it emerged! But the Government accepted it. Why? Because members of the Government were interested in it. I give that by way of illustration. Here we have a Bill regarding Papua. I have hitherto known that country under the name of British New Guinea; I prefer to call it Australian New Guinea. Petition after petition was poured in upon both Houses from the people of the Commonwealth, praying Parliament to prohibit the sale of intoxicants in New Guinea. One portion of Parliament did prohibit the sale—and very properly so. We know perfectly well what the result will be if the sale of spirituous liquors is allowed in a country inhabited by somewhere about half-a-million of coloured people. We also know the value of the statement that spirituous liquors are not allowed to be sold to the natives. We are perfectly well aware that they get it. Now the Government raises the plea that if the sale of spirituous liquors and the alienation of land were prevented it would diminish the revenue of the Territory. My contention is that the House of Representatives, when it passed those amendments, accepted the responsibility in connexion with them. We have government by Parliament. Of course the House of Representatives did not kick out the Government when its bidding was not done. I do not know exactly why it was not done, but if that wholesome lesson were administered occasionally, the power of Parliament and government by the people, instead of by a few men, would be established. I was amused very much by the speech of the Attorney-General. One portion of his speech was based on the assumption that if land sales were prohibited the revenue would be very much less, but when he was trying to soothe the fears of honorable senators in this corner, he said, "We shall not be able to sell any land, and, if we do, it will be sold in only very small quantities." I consider

*Senator Stewart.*

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have an opportunity at the next elections to express their opinion. For some years the Possession has been governed by a Legislative Council, and surely its members ought to know what is best for the people. I would recommend Senator Stewart to pay a visit to the island and see whether it is a place to which white men would care to take their wives. In many cases the civil servants will not allow their wives to live in the island, because the climate is so bad, and they are obliged to maintain their families in Australia, to which they come from time to time. I hope that Senator Stewart will visit the island before he repeats the statement that it is an attractive place for our surplus population. Although it has been a British Possession for nearly twenty years, still the British population numbers only 400 or 500. The persons in control of the Possession have surely much more local knowledge than we can have, and yet some honorable senators are prepared to be guided by their own limited knowledge. An annual grant of £20,000 is little enough to supplement the local revenue, and if the importation of spirits and narcotics were prohibited it would have to be increased.

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It is hypocrisy for such members to try and enforce such a provision. They would not be in favour of it if they were in New Guinea, and they have, therefore, no right to enforce it upon those who have to reside in an unhealthy climate, as the climate of all tropical and sub-tropical countries is, until they have been settled for a number of years by white people.

Senator FRASER.—The honorable senator has said that the climate of Cairns is not unhealthy.

Senator HIGGS.—Senator Fraser could not have heard what I just said. The honorable senator will remember that in the early days of the settlement of New South Wales, the Britishers who came to the colony were attacked by miasma, malarial fever, and such diseases; but these malarial troubles disappear as new countries become settled. I have no doubt that in some years' time this will be found to be the case in New Guinea. I say that we shall be proceeding upon wrong lines if we endeavour to enforce a provision of this kind in New Guinea. The proper course to adopt is to teach the people of New Guinea self-control. We can never advance if we require to have a number of policemen following us round to see that we do not do certain things. Men must be taught to rely upon themselves, and honorable senators will admit that it is the principle of self-restraint and self-control, inculcated during the last fifty years, that has been effective in doing away with a good deal of drunkenness. At one time it was deemed to be the correct thing for a man to fall under the table from drink. We read in history that boys were kept for the purpose of loosening the neckties and collars of gentlemen who fell under the table from the effects of drink. It was then deemed to be quite a gentlemanly thing for a man to become intoxicated; whilst the man who becomes intoxicated now in any company is looked upon with disdain and contempt. I am very glad to find that the feeling is growing, and that there is not now anything like the same amount of drunkenness as there used to be throughout the civilized world.

Senator DONSON.—Drunkenness amongst women is increasing, unfortunately.

Senator HIGGS.—I do not know that that is so. I have no knowledge of the Alexandra Club, or of the women's clubs in the old country that have licences to sell drink. We all know that there has been a

great improvement amongst the people of Australia in this respect, and though drinking is carried on to a great extent in the old country, it is not nearly so prevalent now as it was some years ago. The proper lines upon which to proceed are those which will inculcate self-reliance; and the way in which we should deal with the liquor question in New Guinea is not to prohibit liquor, but to put the traffic in liquor under State control, that no temptation may be offered to individuals to sell adulterated liquor in order to fill their pockets. I hope the Government will have the courage to proceed with the Papua Bill. I am sure that a majority of the members of the Federal Parliament are in favour of trying an experiment in land nationalization in New Guinea. Senator Drake said that it was unlikely that there would be any revenue from land in New Guinea unless we allowed land to be sold, but there would certainly be some revenue derived from land under a system of land nationalization.

Senator DRAKE.—It would come in very slowly.

Senator HIGGS.—That is so. The revenue now derived in New Guinea from the sale of intoxicating liquors could be derived in another way if we undertook the control of the traffic. If honorable members in another place had had an opportunity of voting upon a proposal for the State control of the traffic before they inserted a provision for prohibition, the principle of State control would now be embodied in the measure.

Senator DRAKE.—Is not that a very good reason for further consideration before the Bill is proceeded with?

Senator HIGGS.—There is a great deal of force in that. The prohibition proposal was sprung upon honorable members in another place, and as they are about to go before the electors they were afraid of putting themselves in a wrong light before the general public, and voted for the proposal when, if they had had an opportunity of doing so, they would have voted for State control of the liquor traffic.

Senator STYLES (Victoria).—I rise to express my profound surprise that the highly respectable Senator Walker should advocate that the liquor traffic should be allowed in New Guinea. I was never more surprised at anything which has occurred in this Chamber.

Senator WALKER.—I told honorable senators that the missionaries advocated it.

Senator STYLES.—There is only one thing more surprising, and that is to find Senator Higgs suggesting that, for their stomachs' sake, people require a little liquor in New Guinea. When the Pacific Land Labourers Bill was brought before the Senate it was pointed out by Senator Higgs that the reason why the white man could not work in the cane-fields of northern Queensland was his fondness for bad rum and worse whisky.

Senator HIGGS.—I never said such a thing. I have a better opinion of labour than that.

Senator DAWSON.—Senator Dobson might have pointed that out.

Senator STYLES.—Was it not pointed out that the reason why they could not compete with coloured men in the cane-fields was that they were not temperate enough? Will any one assert that any man is the better for using liquor of any kind in hot climate?

Senator CLEMONS.—Or in any other climate.

Senator DE LARGIE.—Certainly they are.

Senator STYLES.—What is it that calls off the Britishers who go to India? We know that it is drink. In two or three years some of them become perfect recks as the result of drink. Here we have had the use of drink advocated by any honorable senators; and the most infinitely respectable honorable senator of the lot has strongly advocated the use of liquor by natives of New Guinea.

Senator WALKER.—The honorable senator has no right to say that. I said that the bishop of New Guinea and the missionaries said it was necessary.

Senator STYLES.—The banking instinct of the honorable senator got uppermost, and he said we should make some money out of it.

Surely it is not a good reason for allowing the liquor traffic to be carried on in New Guinea that we should derive revenue from it? I quite agree with Senator Pearce in what he has said with respect to the nationalization of land in New Guinea. If I had my way I should not sell an acre of land in that territory. I should prefer to allow people to occupy it for a generation or nothing, in order that they might open up the country. I do not know that any act which we can frame will keep liquor out of New Guinea, and if a rich gold-field is discovered there many means of getting

liquor will be devised, notwithstanding any prohibition we may pass; but it is the duty of members of this Parliament to, as far as possible, keep it from the aboriginal natives of the country.

Senator STANFORTH SMITH (Western Australia).—I am very glad that Senator Pearce has made a proposal for a reduction in this vote as a protest against the action of the Government. When we come to analyze the motives which have actuated the Government in withdrawing the New Guinea Bill, we shall find that they do not redound to their credit. They introduced the Bill with the full intention of carrying it, but because honorable members of the House of Representatives, directly representing the people of Australia, carried two amendments providing for the prohibition of the liquor traffic and the nationalization of land in New Guinea, the Government withdrew the Bill. I say, unhesitatingly, that their action has been an unwarrantable misuse of the functions of a representative Government. The Government have no right to flout the will of the people. The people's representatives decided that the Bill should be amended in a certain way, and the Government have snapped their fingers in the face of the people of Australia. We are placed in an anomalous position with regard to New Guinea. We have passed resolutions, in both Houses of the Federal Parliament, declaring that New Guinea should be taken over as a Territory of the Commonwealth. At the present time it is a Possession of Great Britain, and we are paying the whole of the expenses of the Administration, though we have not the power to appoint a Lieutenant-Governor, or to control in any way the management of this alleged Territory of the Commonwealth.

Senator DRAKE.—The agreement is that we shall pay £20,000 in aid of the Administration.

Senator STANFORTH SMITH.—We are paying the whole of the expenses required to meet the deficiency between revenue and expenditure. Great Britain has declined to pay a penny. I have always expressed the opinion that it would have been better if we had not taken over New Guinea. The Government, however, intend to take over the territory, but because the people of Australia, through their representatives, expressed an opinion in regard to certain issues, they decline to enact a Bill.

Senator DRAKE.—Senator Higgs says that that was not the true opinion of the Government, but that they were rushed into their action by the House of Representatives.

Senator DAWSON.—The Senate never cast a vote on the question.

Senator STANFORTH SMITH.—The Senate never had an opportunity; but, if they had, they would have a perfect right to legislate in favour of prohibition. What is the Government's objection to land nationalization, seeing that the land of New Guinea is practically unalienated? The Government are strenuous in their opinion that not only should the Crown lands in the Federal territory remain unalienated, but that the alienated land should be purchased, so that for all time it might remain the joint inheritance of the people of Australia. In New Guinea, however, they favour the extraordinary policy of opposing nationalization, although the land has not yet been alienated. Senator Walker talked about the danger of illicit traffic in liquor between the German territory and the Australian territory. That reminds me very much of Mark Twain, who once said that if he had to give a lecture on any subject, he would choose astronomy, because he knew nothing of it, and it left so much more to the imagination. It is absolutely impossible for an illicit liquor traffic to be carried on except by water. There are no tracks or roads parallel with the sea coast, the roads simply running inland to the parts where the people desire to go; and the German settlement is 100 miles north of the border line.

Senator WALKER.—Gold is actually being worked on both sides of the border line at the present time.

Senator STANFORTH SMITH.—The Gera gold-field is near to the border, but it is not being worked on the German side, unless illicitly by residents of the Australian territory.

Senator DAWSON.—They are working on both sides of the river.

Senator STANFORTH SMITH.—The Kamusi River does not divide the territory. If any honorable senator can prove to me that in any country, where the white people have been allowed liquor, the coloured people have not been able also to get it, that will be a strong argument against the necessity for prohibition.

Senator DAWSON.—There is one place—Queensland.

Senator STANFORTH SMITH.—When I was in Thursday Island, which is a portion of Queensland, last May or June I saw aborigine natives, or mainlanders as they call them, lined up against the front bar of an hotel, getting whisky, beer, and brandy. I never saw a place where the law is more flagrantly and impudently broken in this respect than it is in Queensland.

Senator DAWSON.—The honorable senator must have had a stroke of luck.

Senator STANFORTH SMITH.—If the honorable senator does not like to take my testimony, I refer him to the report of Mr. Roth, the Inspector of Aborigines, in which there is testimony from a sergeant of police, and also from Mr. Bennett, the representative of the aborigines, to the fact that the natives get drunk. As an illustration, Queensland is about the worst that Senator Dawson could have cited. I am absolutely certain that if liquor is allowed in New Guinea, ostensibly for the white people, the coloured people will be able to obtain it. It will be a crime and a stain on the escutcheon of Australia if we wipe out this handsome and physically and mentally well-developed race. I have seen aborigines drunk on Thursday Island, and I never witnessed more degrading exhibitions of humanity. I have seen similar natives in New Guinea, as a fine body of people capable of great advancement. It is said that the natives do not get liquor in New Guinea. I know that the Government Resident at Daru—which is the most westerly British station—had to prohibit islanders from Saibai coming to the mainland because they were the means of introducing drink. Saibai is in Queensland, because the Queensland border was extended to take in all the islands of the archipelago. It is a notorious fact that some of the natives in the western division will do anything for liquor. There are over 100 New Guinea natives employed on the pearling fleets, and when they come to Thursday Island they protect themselves as fond of liquor as the Polynesians or any other of the coloured people engaged in the same trade. Let us look at this question from the point of view of the white people. There are about 500 whites in New Guinea, 120 at Woodlark Island, and about 380 on the mainland, and as there are about 400,000 Papuans, we may say there are 1,000 Papuans for each white man.

We wish to tell the white people that if they require liquor medicinally, they shall be able to obtain it, but that they shall not have it as a luxury, because then it will get into the hands of the coloured people. Every white man there ought to deny himself liquor as a luxury, in order to save the lives of 1,000 Papuans. The white person who goes to New Guinea, and is not willing to deny himself liquor as a luxury for the sake of the coloured people, is not worthy of the name of a white man.

Senator DAWSON.—Is liquor a luxury here?

Senator STANIFORTH SMITH.—If liquor is not a luxury, but is proved to be a necessity, it can be obtained.

Senator WALKER.—There are only two factors in all New Guinea to give certificates.

Senator STANIFORTH SMITH.—Those who favour prohibition are quite willing to forego opportunities for obtaining liquor if it is required medicinally.

Senator WALKER.—How is a man 300 miles away from a mission station to get permission to use liquor?

Senator STANIFORTH SMITH.—Had the Bill come from the Senate, it would have been possible to give resident magistrates the power of dispensing liquor for medicinal purposes. The objection raised is one of those "cant" objections, the purpose of which is to defeat an important principle.

Senator WALKER.—We have the testimony of Bishop Stone-Wigg.

Senator STANIFORTH SMITH.—Bishop Stone-Wigg has been only a short time in New Guinea, and is under obligations to the people of Samarai for sending him goods to the mission station, and so forth. I never saw a more regrettable spectacle than a Bishop of the Anglican Church, at a meeting consisting mostly of hotelkeepers, working hand and glove together in order to secure the continuance of the liquor traffic.

Senator FRASER.—Would it not have been the same with the Bishop of any church?

Senator STANIFORTH SMITH.—No; and I can assure the honorable senator that there are a great many church people who support the missions, and who are disgusted with the conduct of Bishop Stone-Wigg in this respect. If it has been impossible in any part of the world to prevent

coloured races from getting liquor where white people are allowed to use it, we may infer that New Guinea would prove no exception. We have two courses open to us—one to kill off the native race by allowing liquor, and the other to prohibit it except for use medicinally. I hope that a Bill dealing with the question will be introduced this session; if not, that there will be next session, and I can assure the Government that the representatives who will be returned to the next Parliament will be more strenuous than those of this Parliament in their determination to prohibit the liquor traffic in New Guinea. I hope that we shall not be responsible for the decimation of the inhabitants of New Guinea, as we are responsible for the decimation of the inhabitants of Australia. This land of Australia has never been stained with the blood of our fellow man in war or civil strife, and we have a history of which we may well be proud. But there is one page of the history which is besmirched, and that tells how we have treated the aborigines, who have been killed, not by civilization, but by the vices which accompany civilization. We found in Australia a land with a contented, happy, if indolent people, living a somewhat precarious life; but these native inhabitants have practically been wiped out of existence.

Senator DAWSON.—We tried to "wipe out" the Boers on the same plea of civilizing them.

Senator STANIFORTH SMITH.—I am not discussing the Boers. Are we going to do the same in New Guinea as has been done in the South Sea Islands—as has been done amongst the Maoris of New Zealand, the red Indians of Northern America, and the negroes of the United States?

Senator PLAYFORD.—The negroes of the United States are increasing faster than are the white people.

Senator STANIFORTH SMITH.—We have only to read the testimony of Booker Washington, and similar authorities, to learn that one of the reasons for the degradation of the negro is the facilities which are afforded him for obtaining liquor. We annexed New Guinea, not primarily for the purpose of colonization, or in order to develop the industries there, but because we were afraid some other nation might take the land. Having annexed New Guinea for strategical and defence purposes, we find ourselves in the position of governing

a coloured people; and we ought not to introduce certain factors which will inevitably have the effect of killing them off. I feel confident that if members of the Senate could see on each side of Torres Straits and see the effects of the drink traffic—and I am sure we are all actuated by a desire to do what is best in the interests of humanity—they would be unanimous in absolutely prohibiting the traffic in New Guinea. Experienced men like the Rev. Dr. Chalmers and Sir William Macgregor have pointed out the evils which follow the traffic. Sir William Macgregor contends that liquor is most injurious to white people in such a climate, and that it is responsible for a great many deaths. He said it would be far better if the liquor were absolutely prohibited even from the point of view of the white population. Sir William Macgregor is a man who has had more experience with regard to the government of coloured races in tropical climates than any other man here. He is the best man we have ever had in New Guinea, and he came to the conclusion that the drink traffic was absolutely injurious. If we considered the white people alone it would be better to prohibit the sale of liquor there, but when we consider the aspect of the question as to coloured races, we must recognise that it would be a lasting crime if Australia allowed drink to kill off these people.

Question—That the request be agreed to—put. The Committee divided.

Ayes	...	...	...	8
Noes	...	...	...	11

Majority	...	...	...	3
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#### AYES.

Charleston, D. M.	Stewart, J. C.
Dawson, A.	Styles, J.
Macfarlane, J.	
Pearce, G. F.	<i>Teller.</i>
Smith, M. S. C.	Clemons, J. S.

#### NOES.

Baker, Sir R. C.	McGregor, G.
Best, R. W.	Playford, T.
Dobson, H.	Pulsford, E.
Drake, J. G.	Saunders, H. J.
Fraser, S.	<i>Teller.</i>
Higgs, W. G.	Keating, J. H.

#### PAIRS.

De Largie, H.	O'Keefe, D. J.
Matheson, A. P.	Cameron, C. St. C.

Question so resolved in the negative.

Request negatived.

Proposed vote agreed to.

*Senator Staniforth Smith.*

#### ATTORNEY-GENERAL'S DEPARTMENT.

Proposed vote, £9,165.

Senator DOBSON (Tasmania).—I wish to call attention to the vote, "Books for departmental library, £500." It will be remembered that £1,000 was voted for books in connexion with the Parliamentary Library. It is perfectly true that that sum covers book-binding and fire insurance. Then we have £150 voted for books for the Crown Solicitor's office, and £400 for books for the High Court. This is a very large sum to spend upon law books. We have a magnificent Parliamentary Library at our disposal, containing a great number of law books, and a considerable quantity of reports. I consider that these votes are most lavish, and I move—

That the House of Representatives be requested to reduce the item "Books for departmental library, £500," to £250.

Senator DRAKE.—It is absolutely necessary to have some law books in the Attorney-General's office. Each year since the initiation of the Federation we have had a vote. I think the sum was £700 last year, and that we spent £697. Now we propose to spend £500. I presume that if a vote is necessary next year the amount will be smaller. It is necessary to obtain a good collection of reports. We have purchased many of the American and Canadian reports, and hope to make them complete. When that is done it will not be necessary to have so large a vote; but it is essential that there should be a good collection of reports for the Attorney-General's Department. We cannot rely upon the Parliamentary Library, which is not our own, for our law library. Senator Dobson will know that a lawyer cannot work unless he has his law reports close at hand. They are his tools of trade. It would be the worst possible form of saving to attempt to carry on the Attorney-General's Department without a law library.

Senator DOBSON.—There is a vote of £250 for the High Court library.

Senator DRAKE.—Certain law reports must be obtained for the High Court. The amount is small enough, goodness only knows.

Request negatived.

Proposed vote agreed to.

#### DEPARTMENT OF HOME AFFAIRS.

Proposed vote, £213,739.

Senator DOBSON (Tasmania).—I wish to direct attention to the votes for the



**Public Works Staff.** There are votes for the salary of the Inspector-General of Public Works and four superintendents of works. Has the Inspector-General of Public Works been appointed?

**Senator DRAKE.**—The appointment of Inspector-General is not exactly made, but I believe that Colonel Owen of the Defence Department is likely to be appointed.

**Senator DOBSON.**—What work will he have to do?

**Senator DRAKE.**—He will have to superintend the construction of all Federal works carried out by the Department of Home Affairs, whether they be military works, post-offices, or other buildings.

**Senator DOBSON.**—I regret that I must oppose this expenditure, because I regard it as unnecessary. The answer of the Attorney-General has not dissipated my doubts. I have a distinct recollection that the ex-Minister for Home Affairs, Sir William Lyne, said on more than one occasion that he was not going to attempt to conduct his Department unless all the officers were under his control. He did not seem inclined to carry on public works with the assistance of the numerous skilled officers of the States, who for years past have been familiar with the construction of post-offices, defence works, Customs buildings, and so on. The Department has been carrying on works with the help of the States engineers and architects, but now the Minister has got back to his old idea, and wants to have an Inspector-General at £1,000 a year. What for? Not for the technical inspection of defence works about which a colonel might know something, but for the inspection of post-offices and other public buildings. Let me show how it works out. A post-office in Tasmania for a fairly large township would cost £1,000; for a small place it might cost £500 or £600, and for a large town, £1,500 or £2,000. These buildings are constructed under the supervision of a clerk of works and an architect. While the work is going on, the clerk of works is present daily, and the architect visits the building twice or thrice a week. But we are to have a galloping Inspector-General going round the Commonwealth and inspecting the erection of buildings. What will be the value of his inspection? It is impossible for him to do the work effectively. If the officers on the spot do their work properly there is no need to have it done twice over. The work can be inspected by

the architect and the engineer and can be supervised by the clerk of the works. The Inspector-General's whole life will be taken up in travelling from place to place, and he will really know nothing as to how works are carried on. He will not be able to say whether the timber was sound, whether the cement or the plaster was good, or whether the masonry was well constructed. He may have a look at the shingles on the roof, but he will not be able to say much about them. We are also to have four superintendents. What are they wanted for? The Attorney-General has forgotten a return which the Senate some time ago ordered to be furnished, specifying what arrangements had been made with the Public Works Departments of the States for carrying on Commonwealth works. There is a Public Works Department in each of the States, officers of which have been accustomed to the construction of post-offices and other public buildings. The officers of these Departments are ready to hand. If our own business had to be conducted under these conditions, we should make use of the States officers, and why the Commonwealth Government cannot avail itself of their services, I do not know.

**Senator PEARCE.**—The experiment was tried in Western Australia and was a miserable failure.

**Senator DOBSON.**—Then I should like to sheet matters home to the officers who made it a failure. I do not see how it can be a failure.

**Senator PEARCE.**—The Commonwealth work had to take second place.

**Senator DOBSON.**—I have heard that argument before, but I do not quite credit it. Although the work is done for the Commonwealth, the buildings require to be used in a State and for a State. That argument is a mere bogey. If some persons in a place desire the State Government to construct a building, and other persons in that place wish the Federal Government to erect a post and telegraph office, is it not more likely that the latter will agitate far more than the former? I think so. I do not believe that there is a building which is so promptly clamoured for when it is needed as a post and telegraph office. We have heard a number of arguments here which have gone to pave the way for the appointment of these officers, but there is absolutely nothing in them. I shall feel

amendments in the most meek and humble fashion. They are passed in a torn and tattered condition. That is how the Government act with regard to certain Bills. I will name one of them, which must be fresh in the recollection of honorable senators. I refer to the High Court Bill. What a brave measure it was when it was introduced into the House of Representatives! What a poor, pitiable, wretched spectacle it was when it emerged! But the Government accepted it. Why? Because members of the Government were interested in it. I give that by way of illustration. Here we have a Bill regarding Papua. I have hitherto known that country under the name of British New Guinea; I prefer to call it Australian New Guinea. Petition after petition was poured in upon both Houses from the people of the Commonwealth, praying Parliament to prohibit the sale of intoxicants in New Guinea. One portion of Parliament did prohibit the sale—and very properly so. We know perfectly well what the result will be if the sale of spirituous liquors is allowed in a country inhabited by somewhere about half-a-million of coloured people. We also know the value of the statement that spirituous liquors are not allowed to be sold to the natives. We are perfectly well aware that they get it. Now the Government raises the plea that if the sale of spirituous liquors and the alienation of land were prevented it would diminish the revenue of the Territory. My contention is that the House of Representatives, when it passed those amendments, accepted the responsibility in connexion with them. We have government by Parliament. Of course the House of Representatives did not kick out the Government when its bidding was not done. I do not know exactly why it was not done, but if that wholesome lesson were administered occasionally, the power of Parliament and government by the people, instead of by a few men, would be established. I was amused very much by the speech of the Attorney-General. One portion of his speech was based on the assumption that if land sales were prohibited the revenue would be very much less, but when he was trying to soothe the fears of honorable senators in this corner, he said, "We shall not be able to sell any land, and, if we do, it will be sold in only very small quantities." I consider

*Senator Stewart.*

that the wish of the large majority of the members of the other House ought to have some weight with the Government. Either the Government intend to sell land, and to allow liquor to be sold—which things I believe to be bad—or they do not. If they do not intend to do these things, why do they not ask the Parliament to pass the measure this session? But if they do intend to do these things—and that is the conclusion I have come to—they ought to do so and let us know exactly where we stand. I do not know whether they realize the gravity of the task which has been undertaken by the Commonwealth in taking possession of this territory. We find that almost everywhere the native coloured race disappear after the advent of the white man. They are poisoned by drink; they acquire diseases which are unmentionable; they learn the habits of the white man, and the consequence is that, in a very short time, they disappear. In these matters the Commonwealth ought to lead the nations of the world. We ought to show that it is possible to govern a country of semi-barbarians in a Christian and humane fashion. We ought to save them on the one hand from the evils which have been shown to follow in the train of intoxicants, and, on the other hand, from the extortions of the land grabber. I believe that British New Guinea contains a large area of very fertile land, has a very good climate and excellent rainfall, and offers many inducements to persons to settle there. If those conditions prevail, we may very reasonably come to the conclusion that in the future, if not soon, there will be an overflow of population from Australia to this island. Therefore, it is our duty to lay down the lines on which its mode of government ought to proceed. I need not refer to the evils which follow in the train of the liquor traffic, because they must be apparent to everybody. But, with regard to the latter question, we find that in each State of the Commonwealth, notwithstanding that the population is so sparse and its territory so large, the Government are compelled to buy back land from private holders so as to make settlement possible. That is the supreme question in Australia. We are laying down rules for the government of a new country with all this experience to guide us, and yet the Ministry deliberately cast every lesson of the past and the present to the winds, and cling to the old system of land sales. I believe that it is a question of revenue, more

less, but surely the resources of civilization are not exhausted. There are sources of taxation, and I believe very rich sources, which have not yet been tapped, and which, if tapped, would conduce to the progress of civilization. What are the Government going to do? I suppose that we need not expect to see the Bill this session, and goodness knows what will happen next session, or who will be here. I think that, in order to mark its disapproval of the action of the Government, the Committee ought to vote for the motion of Senator Pearce. We do not wish to harm the Government, but simply to show that we do not approve of their dropping a measure simply because it cannot be carried according to their particular ideas. We have government by the people, for Parliament represents the people, and the members of the Ministry are merely a Committee of Parliament. If we agree to the motion we shall simply assert the right of Parliament, not the Ministry, to govern.

Senator WALKER (New South Wales).

—I hope that the Committee will reject the motion. Senator Stewart has alluded to government by the people. I read recently that at a public meeting in Samarai, the Anglican Bishop and the London Missionary Society's agent, the Rev. W. Abel, regretted the possibility of this Bill being passed. These gentlemen, I take it, possess a better local knowledge than does any honorable senator, not even excepting the Columbus of Australia, who, I believe, visited the Possession not very long ago. If the importation of spirits and narcotics were prohibited, it would lead to an immense amount of smuggling across the German border, and necessitate the introduction of a large coastal guard system, and consequently an increase in the annual subsidy. My impression is that we shall do well to listen to the advice of the local authorities before we proceed any further. Those who think that the Government have acted wrongly ought to have brought forward a motion of want of confidence. One thing for which I think the Ministry deserve great credit is the postponement of legislation on this subject until the voice of those best able to speak can have been heard. The question of the acquisition of British New Guinea was not discussed at the time when the members of this Parliament were being elected, and those who think that the Government have acted unwisely may

have an opportunity at the next elections to express their opinion. For some years the Possession has been governed by a Legislative Council, and surely its members ought to know what is best for the people. I would recommend Senator Stewart to pay a visit to the island and see whether it is a place to which white men would care to take their wives. In many cases the civil servants will not allow their wives to live in the island, because the climate is so bad, and they are obliged to maintain their families in Australia, to which they come from time to time. I hope that Senator Stewart will visit the island before he repeats the statement that it is an attractive place for our surplus population. Although it has been a British Possession for nearly twenty years, still the British population numbers only 400 or 500. The persons in control of the Possession have surely much more local knowledge than we can have, and yet some honorable senators are prepared to be guided by their own limited knowledge. An annual grant of £20,000 is little enough to supplement the local revenue, and if the importation of spirits and narcotics were prohibited it would have to be increased.

Senator HIGGS (Queensland).—It was wise on the part of Senator Pearce to move this motion, because it has provoked some discussion. I believe that if the Papua Bill had been allowed to reach the Senate, it would have been amended in the direction of putting the liquor traffic under State control. That is a sensible statesmanlike method of dealing with the question.

Senator FRASER.—The liquor traffic under State regulation or otherwise is not required in New Guinea.

Senator HIGGS.—I do not agree with the honorable senator. I was reading some of the Epistles of St. Paul the other day, and he says in effect, that one man's faith will enable him to eat anything, whilst another man's faith may be so weak that he can only eat vegetables. That applies also to drink. Certain people can take drink, and others cannot. I can understand honorable senators who believe in the prohibition of the liquor traffic, and who are teetotalers themselves supporting the prohibition of the liquor traffic in New Guinea, but I cannot understand members of Parliament who are not teetotalers, and who take a little wine for their stomachs' sake, refusing to allow white people in New Guinea to get any liquor.

It is hypocrisy for such members to try and enforce such a provision. They would not be in favour of it if they were in New Guinea, and they have, therefore, no right to enforce it upon those who have to reside in an unhealthy climate, as the climate of all tropical and sub-tropical countries is, until they have been settled for a number of years by white people.

Senator FRASER.—The honorable senator has said that the climate of Cairns is not unhealthy.

Senator HIGGS.—Senator Fraser could not have heard what I just said. The honorable senator will remember that in the early days of the settlement of New South Wales, the Britishers who came to the colony were attacked by miasma, malarial fever, and such diseases; but these malarial troubles disappear as new countries become settled. I have no doubt that in some years' time this will be found to be the case in New Guinea. I say that we shall be proceeding upon wrong lines if we endeavour to enforce a provision of this kind in New Guinea. The proper course to adopt is to teach the people of New Guinea self-control. We can never advance if we require to have a number of policemen following us round to see that we do not do certain things. Men must be taught to rely upon themselves, and honorable senators will admit that it is the principle of self-restraint and self-control, inculcated during the last fifty years, that has been effective in doing away with a good deal of drunkenness. At one time it was deemed to be the correct thing for a man to fall under the table from drink. We read in history that boys were kept for the purpose of loosening the neckties and collars of gentlemen who fell under the table from the effects of drink. It was then deemed to be quite a gentlemanly thing for a man to become intoxicated; whilst the man who becomes intoxicated now in any company is looked upon with disdain and contempt. I am very glad to find that the feeling is growing, and that there is not now anything like the same amount of drunkenness as there used to be throughout the civilized world.

Senator DOBSON.—Drunkenness amongst women is increasing, unfortunately.

Senator HIGGS.—I do not know that that is so. I have no knowledge of the Alexandra Club, or of the women's clubs in the old country that have licences to sell drink. We all know that there has been a

great improvement amongst the people of Australia in this respect, and though drinking is carried on to a great extent in the old country, it is not nearly so prevalent now as it was some years ago. The proposals upon which to proceed are those which will inculcate self-reliance; and the way in which we should deal with the liquor question in New Guinea is not to prohibit liquor, but to put the traffic in liquor under State control, that no temptation may be offered to individuals to sell adulterated liquor in order to fill the pockets. I hope the Government will have the courage to proceed with the Papua Bill. I am sure that a majority of the members of the Federal Parliament are in favour of trying an experiment in land nationalization in New Guinea. Senator Drake said that it was unlikely that there would be any revenue from land in New Guinea unless we allowed land to be sold, but there would certainly be some revenue derived from land under a system of land nationalization.

Senator DRAKE.—It would come in very slowly.

Senator HIGGS.—That is so. The revenue now derived in New Guinea from the sale of intoxicating liquors could be derived in another way if we undertook the control of the traffic. If honorable members in another place had had an opportunity of voting upon a proposal for the State control of the traffic before they inserted a provision for prohibition, the principle of State control would now be embodied in the measure.

Senator DRAKE.—Is not that a very good reason for further consideration before the Bill is proceeded with?

Senator HIGGS.—There is a great deal of force in that. The prohibition proposal was sprung upon honorable members in another place, and as they are about to vote before the electors they were afraid of putting themselves in a wrong light before the general public, and voted for the proposal when, if they had had an opportunity of doing so, they would have voted for State control of the liquor traffic.

Senator STYLES (Victoria).—I rise to express my profound surprise that the highly respectable Senator Walker should advocate that the liquor traffic should be allowed in New Guinea. I was never more surprised at anything which has occurred in this Chamber.

Senator WALKER.—I told honorable senators that the missionaries advocated it.

Senator STYLES.—There is only one thing more surprising, and that is to find Senator Higgs suggesting that, for their 'stomachs' sake, people require a little liquor in New Guinea. When the Pacific Island Labourers Bill was brought before the Senate it was pointed out by Senator Higgs that the reason why the white man could not work in the cane-fields of northern Queensland was his fondness for bad rum and worse whisky.

Senator HIGGS.—I never said such a thing. I have a better opinion of labour than that.

Senator DAWSON.—Senator Dobson might have pointed that out.

Senator STYLES.—Was it not pointed out that the reason why they could not compete with coloured men in the cane-fields was that they were not temperate enough? Will any one assert that any man is the better for using liquor of any kind in a hot climate?

Senator CLEMONS.—Or in any other climate.

Senator DE LARGIE.—Certainly they are.

Senator STYLES.—What is it that kills off the Britishers who go to India? We know that it is drink. In two or three years some of them become perfect wrecks as the result of drink. Here we have had the use of drink advocated by many honorable senators; and the most painfully respectable honorable senator of the lot has strongly advocated the use of liquor by natives of New Guinea.

Senator WALKER.—The honorable senator has no right to say that. I said that the Bishop of New Guinea and the missionaries said it was necessary.

Senator STYLES.—The banking instinct in the honorable senator got uppermost, and he said we should make some money out of it. Surely it is not a good reason for allowing the liquor traffic to be carried on in New Guinea that we should derive revenue from it! I quite agree with Senator Pearce in what he has said with respect to the nationalization of land in New Guinea. If I had my way I should not sell an acre of land in that territory. I should prefer to allow people to occupy it for a generation for nothing, in order that they might open up the country. I do not know that any Act which we can frame will keep liquor out of New Guinea, and if a rich gold-field is discovered there many means of getting

liquor will be devised, notwithstanding any prohibition we may pass; but it is the duty of members of this Parliament to, as far as possible, keep it from the aboriginal natives of the country.

Senator STANFORTH SMITH (Western Australia).—I am very glad that Senator Pearce has made a proposal for a reduction in this vote as a protest against the action of the Government. When we come to analyze the motives which have actuated the Government in withdrawing the New Guinea Bill, we shall find that they do not redound to their credit. They introduced the Bill with the full intention of carrying it, but because honorable members of the House of Representatives, directly representing the people of Australia, carried two amendments providing for the prohibition of the liquor traffic and the nationalization of land in New Guinea, the Government withdrew the Bill. I say, unhesitatingly, that their action has been an unwarrantable misuse of the functions of a representative Government. The Government have no right to flout the will of the people. The people's representatives decided that the Bill should be amended in a certain way, and the Government have snapped their fingers in the face of the people of Australia. We are placed in an anomalous position with regard to New Guinea. We have passed resolutions, in both Houses of the Federal Parliament, declaring that New Guinea should be taken over as a Territory of the Commonwealth. At the present time it is a Possession of Great Britain, and we are paying the whole of the expenses of the Administration, though we have not the power to appoint a Lieutenant-Governor, or to control in any way the management of this alleged Territory of the Commonwealth.

Senator DRAKE.—The agreement is that we shall pay £20,000 in aid of the Administration.

Senator STANFORTH SMITH.—We are paying the whole of the expenses required to meet the deficiency between revenue and expenditure. Great Britain has declined to pay a penny. I have always expressed the opinion that it would have been better if we had not taken over New Guinea. The Government, however, intend to take over the territory, but because the people of Australia, through their representatives, expressed an opinion in regard to certain issues, they decline to enact a Bill.

Senator PLAYFORD.—He has shown himself a good organizer.

Senator O'KEEFE (Tasmania).—We have heard the name of a certain individual frequently mentioned, and, it seems to me, that we are rather losing sight of the main question. I intend to vote on the item, and not on any individual. I never heard of Colonel Owen before; and the only question which I ask myself is whether it is necessary for us to create an office of the kind. If I can satisfy myself that such an appointment will tend to economy, I shall vote for the item; on the other hand, if I could be convinced that Senator Dobson's view is the correct one, I should support him. I do not suppose, however, that Senator Dobson monopolizes the desire in this Senate for economy, but rather that all senators wish to see the Commonwealth works carried out as economically as possible. I do not care whether or not Colonel Owen is fitted for this office. The responsibility for his appointment must rest on the Government, and all we have to do is to pass the item if we think it is necessary in the interests of the Commonwealth. If the Government appoint Colonel Owen, and he proves not to possess all the qualifications which were painted in such glowing colours by the Vice-President of the Executive Council, it will be for Parliament to bring the Government to book.

Senator STEWART.—Oh!

Senator O'KEEFE.—I am afraid that in the eye of Senator Stewart it is unfortunate that "Colonel" comes before "Owen." As to the absolute necessity for the office I have some doubt; at the same time I do not believe in divided control. I dare say there is a great deal in what Senator Playford said, namely, that it will be at least as economical to carry out the work by means of officers solely responsible to the Federal Parliament.

Senator STANFORTH SMITH (Western Australia).—There is some little misunderstanding with regard to this matter. Lt.-Col. Owen occupies the position of Assistant Adjutant-General of the Engineer Services and his duties cover the construction, maintenance and repair of fortifications, barracks, and store buildings; preparations of designs of all military works; military telegraphs; custody of plans of works; custody of lands in occupation of troops; questions of engineer and submarine mining stores and equipment;

personnel and stores; technical instruction of engineers, submarine miners, &c. I am informed on the best authority that Lt.-Col. Owen has carried out his duties in an exceedingly able manner, and by his splendid supervision has saved thousands of pounds to the Government. It has been said that we are asked to vote £1,000, but I do not think that that is the case. I understand that there is a proposal to amalgamate the office of Assistant Adjutant-General with that of the Inspector-General of Works.

Senator DOBSON.—That has not been told us by the Minister.

Senator STANFORTH SMITH.—I never get up to speak unless I have something new to tell honorable senators. Lt.-Col. Owen at present receives £650 per annum, so that if the offices be amalgamated—and I believe they will, because both the Defence Department and the Public Works Department want his services—the increased expenditure will be only £350. Lt.-Col. Owen has knowledge of the erection of fortifications and buildings, and the suggested amalgamation would result in a saving. The Commonwealth has transferred services and buildings to the value of about £12,000,000, and if we are going to spend £180,000 per annum on new buildings, it would be foolish and false economy not to have some qualified person to supervise the work. A commission of 6 per cent. on £180,000 means £10,800 per annum.

Senator STEWART.—But we shall have to pay the commission in addition.

Senator STANFORTH SMITH.—But the expenditure under the supervision of this gentleman will be very much lessened. It seems a paltry cheese-paring idea to say that there shall be no Inspector of Public Works when we are possessed of such an enormous amount of property, and are continually erecting buildings. I believe that it will be in the interests of the true economy if this appointment be made.

Senator STYLES (Victoria).—Is it intended to establish a Department to design and carry out all works without the assistance of the officers of any of the States, or is it intended to continue paying the commission of 6 per cent. in addition to the proposed expenditure? If Colonel Owen, of whom I should not have known anything but for the remarks of the Attorney-General,

has been trained in one particular line, he cannot be a "jack of all trades."

Senator FRASER.—It does not require much knowledge to design a post-office.

Senator STYLES.—But when a man does not happen to have that little knowledge, the post-office would not be likely to be very well designed, as would be the case if the plans were prepared by a man who was familiar with that work.

Senator FRASER.—A man who can design a fort can design a little building.

Senator STYLES.—I do not find fault with Colonel Owen, except that I am told that he is a military engineer. What I want to know is whether the 6 per cent. which has been paid to the States is to continue after the Public Works Department is called into existence, or whether the Department itself is to do all the work? If the States officers are to do the work, and we are at the same time to have a Department of our own, it seems to me that matters are being duplicated. We had better constitute a proper Department, and not have a half and half thing like this. We already have a Department with several officers, costing several thousand pounds a year.

Senator STANFORTH SMITH.—When the States officers send in plans to the Commonwealth Government who is going to approve of them?

Senator STYLES.—The men who designed the public buildings before Federation can continue to do it, and can do it better than a man who has had no experience of this kind of work. I object to the reflections cast upon States officers. I do not believe that an officer holding a high position in a State would, merely for the sake of spending money, become extravagant. It does not matter to the officers whether the States or the Commonwealth pay their salaries. These arguments did not hold good when the High Court Bill was before us. We were then told that we required to have our own Judges to do Commonwealth work, and that we could not trust the States Judges because they would be influenced by the States which paid them. What is really intended?

Senator PLAYFORD.—There are some people who will not understand.

Senator STYLES.—I want a straight answer.

Senator PLAYFORD.—The answer which the honorable senator will get is such as my knowledge will enable me to give. The Commonwealth Public Works Department is already in existence. It is not a new creation. Over £4,000 was voted for its purposes last year. The Department having been in existence, it is now found to be highly necessary that it should have a proper head. A sum of £750 was voted last year to pay the salary of a head for the Department, but there has been some delay in making the appointment. The gentleman whose name has been so frequently mentioned is an officer whom the Defence authorities do not care to give up if they can help it. The Department of Home Affairs wishes to secure his services, and has had some trouble in obtaining them. The chances are that he will be able to work for both Departments, and by that means save a considerable sum.

Senator CLEMONS.—Does the honorable senator really mean that?

Senator PLAYFORD.—Yes, that is the information supplied to me, and I believe that it is absolutely accurate. We hope to make the appointment very soon. It is necessary to have at the head of the Public Works Department a highly intelligent officer of good organizing powers; and we have in view a gentleman who has been tried and proved.

Senator STYLES (Victoria).—My question has not yet been answered. The Vice-President of the Executive Council has not told the Senate whether it is intended that this officer and his department shall do all the work, or whether the 6 per cent. is still to be paid to the States?

Senator DRAKE.—It will be paid when the States do work for us, of course.

Senator STYLES.—Are we to create a Commonwealth Public Works Department to do the whole of the work for the Commonwealth?

Senator PLAYFORD.—The Department cannot be expected to do all the work of the Commonwealth, but it will do a considerable amount—as much as possible. The chances are, that in the two great centres of Melbourne and Sydney, the Department will do a considerable amount of the work, but in the outlying portions of the Commonwealth we shall have to trust, to a certain extent, to State officers.

Senator CLEMONS (Tasmania).—I wish briefly to ask the Vice-President of the

Executive Council if he deliberately accepts full responsibility for the statement that the officer in question, who has been in the employment of the Defence Department at a salary of £650 a year, is to continue to discharge the same work for the Defence Department, and also to discharge the duties for which the salary of £1,000 appears upon the Estimates?

Senator PLAYFORD.—He will not do the whole of the work; it would be impossible for him to do it. But he will do work for the Defence Department as well as work for the Home Affairs Department.

Senator CLEMONS.—Am I to understand that this officer will receive £1,000 a year for discharging duties for the Public Works Department, and will also continue to do the work for the Defence Department which he has hitherto done efficiently? Will the Attorney-General accept responsibility for that undertaking? It is a fair thing that the Committee should understand the position.

Senator PLAYFORD.—The position will be that the officer will be Inspector-General of Works in connexion with the Home Affairs Department, and will at the same time be advising engineer to the Defence Department.

Senator CLEMONS.—Then another appointment will have to be made in the Defence Department.

Senator PLAYFORD.—The officer will leave the Defence Department, but his services will be utilized as an advising engineer in connection with those military works of which he has a special knowledge.

Senator CLEMONS.—That is rather an evasive answer. It is obvious, from what the Vice-President of the Executive Council has said, that, when this officer is transferred from the Defence Department to the Public Works staff, a vacancy will be created that will have to be filled at some expense to the Commonwealth. While I have been anxious to assist the Government, I cannot recognise in this appointment any economy whatever. It may be a good appointment so far as the officer is concerned, but the plea of economy has disappeared. I do not suppose that the Vice-President of the Executive Council will any longer maintain that this is an appointment by way of amalgamation. Practically, he now admits that it is not.

Senator CHARLESTON (South Australia).—We are indebted to Senator Smith

for having presented the case on behalf of the officer in question as he has done. He has certainly thrown a good deal of light upon the subject. Now we are told that the officer to be appointed is to be Assistant Adjutant-General and adviser to the Minister for Defence, and we are to add £350 a year to his salary, so that he may also be Inspector-General of Public Works for the Home Affairs Department.

Senator PLAYFORD.—It is not intended to fill the vacancy on the Head-quarter Staff due to the transfer of Colonel Owen.

Senator CHARLESTON.—That means that this officer will have to do very important work for the Defence Department. Should the Minister for Defence require his services as an adviser, and should his services at the same time be required by the Minister for Home Affairs, which Minister is Colonel Owen to serve? Are public works in the States to remain in abeyance while Colonel Owen is serving the Minister for Defence? Instead of this appointment leading to economy, as we were led to believe would be the case, it will lead to greater expense and to less expedition. I trust that the Senate will support the motion, because it seems to me that we are going to create a very costly Department, and to bring about a great deal of duplication work.

Senator PLAYFORD.—We have the Department now, and we want a head for it.

Senator CHARLESTON.—The honorable senator states that States officers will be anxious to erect buildings of a magnificent character so that they may say, "Look at what fine buildings we have designed." What nonsense that is if it is analyzed. When a post-office is required the Deputy Postmaster-General will know what services it is wanted for. He will know how many rooms are required, and will pass judgment upon the design. He will be able to say whether it is too expensive, and whether it fulfils requirements. To suppose that a States officer is going to put up a building with twelve rooms when only five are necessary, is to endeavour to put the case in a way that the Committee will not accept. We are asked to authorize an unnecessary expenditure. The State officials are prepared to do this work, and I am quite sure from the reports I have read that it has been done very economically in the past. Considering that the Commonwealth would be called upon to provide a special plant for



making a few repairs here or there, a charge of 6 per cent. for the loan of a plant and the supervision of the repairs by a State official is, I think, very low. I am sure that the work could not be done so cheaply under the proposed system.

Senator DOBSON (Tasmania).—I wish to point out to the Committee that the Estimates condemn the policy of the Government. If honorable senators will refer to page 24, they will see that a sum of £8,000 a year is paid to States officials for their services in connexion with the erection of Federal works, and to that sum we are asked to add £6,685, making a total of 14,685. As we construct new buildings to the value of about £180,000 a year, a charge of 5 per cent. on that sum would amount to £9,000. If we decided to employ the services of the best professional man in a State, and had no Public Works Department, we could get the construction of £180,000 worth of public buildings supervised by architects for an annual charge of £9,000. I was startled by the statement of Senator Playford that it is the intention of the Government to continue the policy of paying States officials. They have not indicated that the annual expenditure of £8,000 for this purpose can be reduced in any way, and they intend to have the construction of £8,000 worth of work supervised by States officials, and the construction of £6,000 worth superintended by Federal officials. In my opinion the Government have taken an utterly wrong view of this matter. I do not believe in paying the States 6 per cent. for the services of their officials. I think that an arrangement could be made with the States to pay a fair proportion of the salaries of their officials. It would be very easy for the Auditor-General of each State to ascertain how many days in the year a State officer had been working for his State and the Commonwealth respectively. We may disabuse our mind of the idea which Senator Smith enunciated; namely, that Colonel Owen, or any man, is capable of doing all the work which he mentioned for the Defence Department, and supervising the construction of Federal buildings. It is quite clear that the policy of the Government is not to put Colonel Owen in that position, but to create a new office, which, in my opinion, could very safely be done without. It is my intention, by-and-by, to move a request for a reduction of the number of superintendents of works by two.

Senator STEWART (Queensland).—I do not think that very much new light has been thrown on this question since the discussion began. Senator Playford has stated in very emphatic terms, that this proposal means economy and efficiency, but he did not show us how a reduction of the expenditure is to be effected. Indeed, when Senator Styles pressed him very hard, he had, unwillingly, to admit that side by side with this new arrangement, the old 6 per cent. system would be continued. The question of creating a Public Works Department was debated very fully last session. On the one hand the late Minister for Home Affairs claimed that he ought to have direct control in these matters, while, on the other hand, it appeared to honorable senators that the Department would lend itself largely to administration by the States. I do not think it is possible for the Commonwealth to organize a Public Works Department on the scale which some honorable senators have indicated their desire to see. If that were done, what would be the result of this huge system of centralization? The wheels of administration would be slowed down until complaints of delay and inefficiency would pour in from every corner of the Commonwealth. The wisest method to follow is to place the construction of our public buildings in the hands of the Public Works Departments of the States. That appears to me to be the only workable arrangement which could be made. The charge for supervision might very well be reduced from 6 to 5 per cent. Any architect would undertake to do this work for a fee of 5 per cent. Originally the States asked for 10 per cent., and it was only after some trouble that they consented to charge 6 per cent., which I think might very well be reduced to 5 per cent. With regard to the appointment of Colonel Owen, I desire to ask Senator Playford whether it is intended to fortify all our post-offices, Customs Houses, and public buildings generally, seeing that that gentleman evidently knows more about fortifications than anything else. The only conclusion which I can come to, after listening very carefully to the debate, and trying to read between the lines, is that this is a little job on the part of the Government to find a snug billet for Colonel Owen. I never heard of the gentleman before this evening. I do not know anything

about him, except what we have all heard from Senator Playford. But I gather that he is a military engineer. Who ever heard of a military engineer being placed in the position of inspector of works? What qualification can he have for the position? However intelligent or skilful Colonel Owen may be in his own profession—and I suppose he is a skilful and intelligent man—I cannot see how he can be competent to undertake the duties of this office. The longer I listened to the debate the more convinced I became that there was an attempt on the part of the Government to foist an official, whom they do not know very well how to provide for, into a position at £1,000 a year. From the very nature of his profession, he cannot be competent to act as an inspector of works. To properly fill that position, a man requires to possess certain qualifications. He requires to have a special knowledge of one trade, and a general knowledge of many trades. For instance, carpentering and plumbing have to be done in connexion with public buildings. Does any one imagine that a handy military engineer is a proper person to put in a position of that kind? I do not think so. We ought to be provided with more information about Colonel Owen before we are asked to vote this money.

Senator PLAYFORD.—I am prepared to ask the Chairman to report progress, if the honorable senator will afford me an opportunity.

Progress reported.

#### PAPERS.

Senator PLAYFORD laid upon the table the following papers:—

Instructions to Divisional Returning Officers; Instructions to Registrars; and Instructions to Presiding Officers.

#### ADJOURNMENT.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—It is not my intention to ask the Senate to sit after 1 o'clock to-morrow, because some honorable senators desire to go to the garden party to be given by the Governor-General.

Senator CLEMONS.—We want to get on with our work.

Senator PLAYFORD.—I gave a promise to two or three honorable senators that I would not ask the Senate to sit beyond that hour.

Senator CLEMONS.—I shall oppose an adjournment at that hour. We ought to sit and do the work.

Senator PLAYFORD.—If the Senate desires to sit in the afternoon I shall be only too pleased to attend, but it is difficult at times for us to keep a quorum. It was represented to me by a number of honorable senators that they would have to go to the garden party, and I saw that the difficulty of keeping a quorum would be very great. But I shall be only too pleased if my honorable friends will assist me to keep a quorum in the afternoon. I move—

That the Senate do now adjourn.

Question resolved in the affirmative.

Senate adjourned at 10.15 p.m.

### House of Representatives.

Thursday, 8 October, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

#### COMMITTEE OF PUBLIC ACCOUNTS.

Mr. G. B. EDWARDS.—Could the Prime Minister inform us when the Government intend to give effect to their intention to appoint a Committee of Public Accounts?

Mr. DEAKIN.—It will not be possible to give effect to that intention this session, but the matter will be taken into consideration at the commencement of next session.

Mr. G. B. EDWARDS.—A similar promise was given last session.

#### OLD-AGE PENSIONS.

Mr. O'MALLEY.—In view of the fact that the Victorian Government is converting its old-age pensions into charity doles, will the Prime Minister set apart a day for the discussion of the old-age pension question during the present session?

Mr. DEAKIN.—I doubt whether it would be profitable to set apart a day during this session for the discussion of that great question. No doubt every fresh State

experiment will be of value in affording light which will assist us in considering the establishment of an old-age pension scheme, after we have escaped from the financial bonds imposed by the Constitution.

#### ATTORNEY-GENERAL AS COUNSEL.

Mr. MAHON.—I desire to ask the Prime Minister whether it is intended to continue the practice prevailing in some of the States of permitting the Attorney-General to appear for plaintiffs in cases against the Commonwealth; also if, when the Attorney-General does so represent the Crown, it is intended that he shall be allowed to charge any fees?

Mr. DEAKIN.—So far as I am aware, it would be impossible for the Attorney-General of the Commonwealth to appear against the Commonwealth. Whenever he appears for the Commonwealth he does so without fees.

#### PREFERENTIAL TRADE.

Mr. THOMSON.—With reference to the telegraphed report of the speech of the Right Honorable Joseph Chamberlain published in this morning's newspapers, I desire to ask the Prime Minister whether, in view of the fact of his having cabled his approval of that right honorable gentleman's policy, he shares Mr. Chamberlain's expectation that the Colonies will not arrange their Tariffs in the future in order to start industries in competition with those of Great Britain?

HONORABLE MEMBERS.—Hear, hear.

Mr. DEAKIN.—The policy of the Right Honorable Mr. Chamberlain, of which I have expressed some approbation, was contained in a general statement of the end which it was desired to attain. The means by which that end can be reached will be open for considerable discussion. I do not deny that even the suggestion referred to may be well worthy of discussion, and I have not the least doubt that it will be fully and effectively discussed, both by my right honorable friend opposite and ourselves within a very short time.

Mr. REID.—The Minister had better send another telegram to Mr. Chamberlain.

#### RIFLE RANGES.

Mr. McCAY.—I desire to ask the Minister for Defence what steps, if any, have been taken by him to place the rifle ranges

in Victoria upon the same basis as those in other States, so that the charge for maintaining them shall be debited against the general fund? At present that is not the case in Victoria. I refer particularly to the ranges at Williamstown and in the country.

Mr. AUSTIN CHAPMAN.—The question has been referred to the General Officer Commanding, and immediately I have his report the whole matter will be considered. The remarks made by the honorable and learned member in this House have been brought under the notice of the General Officer Commanding, and will have due consideration.

#### SMUGGLING OF ARMS, SOLOMON ISLANDS.

Mr. McDONALD.—I desire to ask the Prime Minister whether his attention has been directed to the following statement, published in to-day's newspapers:—

Mr. Woodford, Government Resident of the Solomon Islands, has forwarded to the Governor of Queensland a report stating that when the labour schooner *Ivanhoe*, stranded recently on one of the islands, a quantity of arms and ammunition was found to have been smuggled aboard, presumably from Queensland, and several natives were arrested and punished for smuggling. Mr. Woodford, in his report, says:—"The statements made by the prisoners reveal the most astounding condition of affairs, and prove that the smuggling of ammunition and arms from Queensland labour ships has become an organized business."

I wish to know if there has been any correspondence on the subject.

Mr. DEAKIN.—During the past few months correspondence has taken place with regard to the prevention of this most objectionable and dangerous practice. The State Government has agreed to use its best efforts to prevent the repetition of the offence referred to, and I have now taken the further step of asking my honorable colleague, the Minister for Trade and Customs, to specially instruct his officers that every vessel leaving with returning islanders, and especially for the Solomon group, shall be examined with especial care.

Mr. FISHER.—Has recruiting in the Solomon Islands been stopped?

Mr. DEAKIN.—I do not know, but I have seen a notification to that effect.

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**AUSTRALIAN TROOPS IN SOUTH AFRICA.**

Mr. SALMON.—I desire to ask the Minister for Defence whether his study of the report of the Royal Commission upon the conduct of the war in South Africa bears out the statement of the General Officer Commanding that the success attained by Australian troops in South Africa

was largely due to their having been attached to larger bodies of troops which were led by carefully-selected and experienced officers of the Imperial Army, and that the staff duties of the larger and more important kind in their connexion were administered entirely by officers similarly selected.

Mr. AUSTIN CHAPMAN.—That very important matter is now engaging my attention, and I would ask the honorable member to give notice of his question.

**FEDERAL CAPITAL SITES.**

Mr. CROUCH.—I wish to know whether the Prime Minister has had his attention directed to certain evidence given before the Commission of Experts appointed to report upon the Federal Capital sites. Mr. R. R. Timmis, in giving evidence at Tumut on the 26th January last, is reported as follows :—

Do you say that the Government have been granting mining leases within the reserved area since the publication of Mr. Oliver's report ?—Land has been sold by the Government within the reserved area.

What land would that refer to ?—There is some land offered now for sale; it is to be sold within two or three weeks. I bought land myself within the last twelve months after the territory was declared, and I bought it from the Government.

If the statement were made by the Premier that he was reserving the lands within all the proposed sites in their entirety, and that the Government were not parting with any of the land whatever, it would be erroneous ?—Yes; an advertisement is at present appearing in the papers offering some of the land for sale within the next fortnight.

I should like to know if the Minister will communicate with the Premier of New South Wales, and point out that the action referred to is in contravention of the distinct arrangement under which the State Government undertook that no land should be sold within the reserved areas ?

Mr. DEAKIN.—Inquiries can be made, but I should assume, until more definite information is available, that the land referred to is beyond the area reserved for the

purposes of the capital site, which does not include the township of Tumut.

Mr. CROUCH.—The witness stated that the land sold was within the reserved area.

**ELECTORAL DIVISIONS: TASMANIA.**

Mr. HARTNOLL.—I wish to ask the Minister for Trade and Customs if it is correct that the electoral division of which Launceston is the centre has been named Bass ? This House decided that the name of Northcote should be applied to it. I desire to know further whether the new name has been adopted at the request of a supporter of the Government, against the decision of this House ?

Sir WILLIAM LYNE.—In this House the constituency referred to by the honorable member was named Northcote, but the name Bass was substituted in the Senate. There is power for the Governor-General to alter the name where there is a conflict of opinion between the two Houses; but it was at the instance of the Senate that the name Bass was chosen.

**FEMALE TYPISTS.**

Mr. MAUGER.—I desire to ask the Minister for Home Affairs whether he has made inquiries as to the number of hours worked by the women typists in his Department, and whether he will see that they are paid overtime for the extra hours worked ?

Sir JOHN FORREST.—I have made inquiries, and am informed that the lady typists have been working overtime to a considerable extent. I reiterate what I have said previously, that it is not my desire that officers in my Department should work overtime to any great extent. That desire was well known to the heads of the Department before the honorable member asked his question last week. I have not since heard what steps have been taken to obviate the working of overtime, but I can assure the honorable member that I will deal as liberally as possible with those who have been compelled for any length of time to work extra hours when the work upon which they are engaged—it is in connexion with electoral business—is finished.

**PAPER.**

Sir JOHN FORREST laid upon the table the following paper :—

Electoral Act. — Instructions to Returning Officers, Registrars, and Presiding Officers.

## ELECTORAL ACT.

Mr. CROUCH asked the Minister for Home Affairs, *upon notice*—

1. Will the Minister prepare the necessary regulations under section 139 of the Electoral Act by which voters for the House of Representatives may vote at polling booths outside the division in which the elector is enrolled, and when?

2. Will such polling be permitted at any polling place, or only at selected places, and what are such selected places?

Sir JOHN FORREST.—In reply to the honorable and learned member I beg to state—

1 and 2. Regulations to afford further facilities to voters under section 139 are now being prepared by the Attorney-General's Department, and will be ready by Tuesday next for public information.

## TELEPHONES AT KALGOORLIE.

Mr. KIRWAN asked the Postmaster-General, *upon notice*—

1. Whether the following statement appearing in the press is correct:—

“Telephone Requisites.—Many intending Kalgoorlie telephone subscribers have for some time past had their applications for connexion shelved owing to no instruments being available. Though nothing definite is known, the local postmaster (Mr. Tepper) expects a supply of all the necessary requisites to arrive shortly.”

2. If correct, have the materials required at Kalgoorlie yet been supplied, and will the Minister endeavour to prevent similar delays in the future?

Mr. DEAKIN.—In the absence of the Postmaster-General, I have to say, in reply to the honorable member, that—

Inquiries are being made, and answers will be furnished in due course.

## SEAT OF GOVERNMENT BILL.

*In Committee* (Consideration resumed from 7th October, *vide* page 5832):

Clause 2—

It is hereby determined that the seat of government of the Commonwealth shall be at or near . .

Mr. CONROY (Werriwa).—When progress was reported last night, I was stating, for the information of honorable members, what I knew of the various localities submitted for the selection of the capital site. I dealt with Bombala and Dalgety practically as one. I regret that as the Bill stands we have to vote for them as two sites, because there are certain considerations affecting Bombala which, in my opinion, relegate it to the background.

For one thing, it is a well-known fact that we cannot have a gravitation scheme of water supply there. It must be a pumping scheme, and that, to my mind, is a very great objection. But in the case of Dalgety we can obtain anywhere, within a radius of 10 or 12 miles, one of the finest water supplies in Australia. I regret that the amendment of the honorable member for Richmond was withdrawn, because, in my opinion, its adoption would have given us more latitude than seems to be allowed by the terms of the Bill.

Mr. A. McLEAN. — The Prime Minister said he thought that the Bill as it stands gave quite as much latitude as was necessary.

Mr. CONROY.—I hope that that opinion is correct, but I am afraid that I cannot agree with it. Now I shall deal with the other sites on the list, and if honorable members choose they can discount, to some extent, my utterances on the subject when I remind them that the site with which I shall first deal is within my own electorate. Possibly for that reason I may be considered to speak more strongly in favour of it than I otherwise should do, although I shall endeavour not to overstate the case any more than I shall do in dealing with any of the other sites. But I quite recognise that in dealing with questions of this kind a sort of unconscious bias is apt to come in. There can be no denial of the fact that when honorable members visited the Lake George site they saw it under the most depressing circumstances possible. Lake George has been dry twice since about the year 1818—once in 1838 or 1839, when, consequent upon the long drought, it was comparatively, if not absolutely, dry for a period of some four or five years; and again, in about the year 1850, when it was dry for about a year. As far as my information goes Lake George has been dry twice in about eighty years. At the same time I would remind honorable members that by putting a dam across what is known as the Molonglo River, at a distance of only about 5 miles away, and by cutting, and, perhaps, a short and not very extensive tunnel, the whole of the waters of that river might be diverted into the lake. I think I am within the mark in saying that the catchment area of the Molonglo, or a particular part of it, embraces something like 150 square miles. I believe, indeed, that the area is even more than that. But at all events, by a

slight diversion of one of the streams we might turn a great quantity of water into the lake. When we are asked to decide that a catchment area should be reserved for the purposes of the water supply, I would remind the Committee that Liverpool, Glasgow, York, and London have not for the purposes of their water supply secured a reservation of catchment areas. While it may be very desirable to do so—and I do not question that it is wise in some cases—still there is not the absolute necessity for it that some persons appear to imagine. For instance, there are many persons living on a portion of the catchment area of the Sydney water supply. We have not carried the desire for the purity of the catchment area so far as has been done in the case of Melbourne, where practically the whole 97 square miles which comprises the catchment area of the Yan Yean and the Watts River scheme have been resumed. I should like to direct special attention to one point in connexion with the report of the Commission. In estimating the rainfall within the catchment area they have considerably understated the quantity which can be conserved. This they have set down at only 8 per cent. When I tell honorable members that in the Yan Yean reservoir, with a catchment area of only 97 square miles, nearly 80,000,000 gallons per day have been conserved, and that the rainfall within that area has been impounded to the extent of 40 per cent., they will realize how extremely low is the estimate of the Commission. In connexion with the Sydney supply too, as much as 39 per cent. of the waters falling within the catchment area have been conserved. I was somewhat at a loss, therefore, to account for the serious discrepancy between the estimate of the Commission and the quantity of the rainfall that could actually be impounded, until I was informed that the engineer responsible for this estimate had been accustomed to deal with the rainfall which is conserved within the catchment areas of South Australia.

Mr. MACDONALD-PATERSON.—Where did the honorable and learned member discover his facts in regard to the catchment area?

Mr. CONROY.—They are contained in the report of the Commissioners, who practically dealt with it last year. Of course every year the quantity of water that can be impounded varies very considerably. For example, if 25 inches of rain fell in

small quantities upon 100 days in the year, only a very low percentage could be impounded, whereas if heavy downpours occurred, practically 60 per cent. of it could be conserved. Further, a great deal necessarily depends upon whether the rain falls upon very hilly country or upon level country. The engineer who is chiefly responsible for this estimate—I refer to Mr. Stewart, of South Australia—is a very competent officer, who has proved himself to be thoroughly conversant with all the conditions which obtain in that State. Nevertheless, he has considerably underestimated the quantity of rainfall that can be impounded in New South Wales.

Mr. BROWN.—His calculation represents the minimum.

Mr. CONROY.—I do not know of any place upon the New South Wales tablelands, where such a small quantity as 8 per cent. of the rainfall has been impounded. However, it is a fault upon the right side, because in dealing with the future water supply of a city it is very much better to understate than to over-estimate the capacity of the catchment area. The one fault can be remedied, whereas the other cannot. To my mind, if the Commonwealth Government are prepared to sanction the excavation of a cutting, a great deal of water can be diverted into Lake George, at all events a sufficient quantity to make it permanent. Moreover, if we efficiently dammed the Molonglo River a very large quantity would be available for electric purposes. But even if that were not so, I need scarcely point out that at the Cotter River, which is only about thirty miles distant from the proposed site, a sufficient supply could be obtained to provide all the power that would be needed for electrical purposes, including the lighting of the city for many generations to come. If the population could absorb that supply, the Murrumbidgee would still be available, and its waters could be dammed and harnessed to our turbines. Round about Lake George there is a great deal of very fair land. Moreover, it possesses one of the advantages which I hold that any eligible site ought to possess, namely, a very good climate, and I speak as one who has lived the greater portion of his life in the back-blocks, and who has, therefore, a great aversion to the heat. In passing, I may mention that the idea that hell is a hot place originated with people who lived in very warm climates. They could



not conceive of anything more distasteful than residence in a region which was burning hot. But when some missionaries went to the north, to the land of snow, for the purpose of converting the savages there, and told them that if they did wrong they would be plunged into a burning fire, they immediately went out and killed somebody to make sure that they would get there. Personally, I should prefer to live in a temperate climate in which the extremes of temperature are rather in the direction of cold than of heat. One can protect himself against cold, but not against heat. Therefore, I ask honorable members to seriously consider whether Lake George would not prove a very desirable site. I hold that the Parliamentary party which inspected that site visited the wrong side of the Lake. It would have been better to examine it from the Willeroo side, travelling there from Currawang, over country with which the honorable member for Darling is thoroughly familiar.

Mr. SPENCE.—I have travelled over it.

Mr. CONROY.—The site could be very easily reached by an electric line from Broadalbane, and by that means honorable members could be landed at their destination within a very brief period. I am sure that anybody who has seen Lake George when it was full would be surprised to think that it could ever become dry. When I first became acquainted with it as a lad, it was the home of fish. It was also the home of snakes—indeed, I think there were nearly as many snakes upon its borders as there were fish within its waters. To sum up, I repeat that Lake George is situated upon tableland, and possesses a fairly equable climate and a reasonably good soil. In my opinion, too, it is possible to provide a very fine sheet of water there at a moderate expense. Further, water for domestic purposes could be delivered there at a very cheap rate. The Federal Sites Commissioners have calculated the cost of bringing a water supply from the Tinderry Mountains. They contemplated bringing it across the level of the Molonglo River. That fact is proof in itself that the waters of that river could easily be diverted into the lake. If an additional argument can be urged in favour of the Lake George site it is that what might possibly be its port in time to come—I refer to Jervis Bay—is a genuine port. In fact, it is second only to Port Jackson. It has an absolutely safe

anchorage, and in that respect is unlike Two-fold Bay, which, if it were to be converted into a suitable harbor, would require an expenditure of £1,500,000 or £2,000,000.

Mr. HUMR COOK.—On whose estimate?

Mr. CONROY.—I think that on the estimate supplied by Mr. Oliver, who is very much in favour of the site, that outlay will be necessary. I can speak with some little engineering knowledge of the difficulties in the way. The Commissioners' estimate of the cost of constructing the breakwater is very much less than the cost per lineal foot of the breakwaters at Algiers and Marseilles, whose ports are not so much exposed. The water supply of this site is taken from the head waters of the Queanbeyan River and Tinderry Creek, and one of the mistakes made by the Commissioners was in reckoning that only about 8 per cent. of the water would be obtainable. Knowing as I do the mountainous nature of the site, I think that a very much larger supply would be available. Sydney itself obtains 37 per cent. of the water which falls within its catchment area. The supply, of course, varies from year to year according to the nature of the showers which fall, and in some years it would run up to 40 per cent. The Commissioners estimate that it would be possible to obtain a supply sufficient for a population of something like 50,000 people, but I think that the quantity of water available would be much greater. Melbourne with a catchment area of only 97 square miles has an available supply of nearly 70,000,000 gallons per day, although it does not at the outside use more than 25,000,000 gallons daily. It will thus be seen that with a catchment area consisting possibly of 150 square miles, we should obtain still more from the Molonglo and Tinderry Creek.

Sir GEORGE TURNER.—It would be necessary to reserve a large extent of country in that catchment area.

Mr. CONROY.—It has really been reserved by nature, because the greater part of the catchment area of the Tinderry Creek consists of such mountainous country that only goats can feed upon it. It has long been open for selection for a deposit of 2s. per acre, but no one has seen fit to take it up. I would also point out that it would be possible, if necessary, to run a railway from Lake George to Jervis Bay, and by that means provide another outlet for the territory of the Commonwealth. I merely mention this matter, because we

Mr. MACDONALD-PATERSON.—If the honorable member had been in Queensland he would know something of high temperatures.

Mr. CONROY.—I have travelled many hundred miles in Queensland, and have gone right up to the Gulf. I have not been in places like Cairns, and must, therefore, take its heat records on hearsay; but I know what the temperature can be in places like Hughenden and Winton. I admit that I should infinitely prefer a temperature of 105 degrees in Queensland to a temperature of 95 degrees in Melbourne. Moreover, allowance must be made in connexion with all coast temperatures for the humidity in the atmosphere as compared with places inland. Lyndhurst possesses an excellent climate, and that is one of the factors that we can hardly leave out of our consideration. It is impossible for us to select an ideal spot, and when I consider the feelings of many of the representatives of Victoria I am bound to confess that, so far as they are concerned, Lyndhurst is a little off the line. If we were not under the necessity of allowing that consideration to influence us, I should undoubtedly place Lyndhurst first, always considering that it already possesses certain means of communication.

Mr. JOSEPH COOK.—Is the small set-off mentioned by the honorable and learned member worth considering?

Mr. CONROY.—I think that we are bound to take into account the facilities that would be afforded to honorable members to go to and from the Federal Capital in order to transact public business. Another feature connected with the position occupied by Lyndhurst relates to the fact that, as soon as the Wellington and Werris Creek railway is constructed—and we may reasonably expect that to take place by the time we are able to locate ourselves in the capital—Brisbane would be within almost the same distance of Lyndhurst as of Sydney. We cannot shut our eyes to the fact that the great trend of population is towards the table-lands of Queensland and New South Wales. The northern part of New South Wales, including the very fine coast districts, will support a very much larger population than it has to-day, and it seems to me that there is a greater scope for the energies of man in those districts than almost anywhere else in Australia. If our expectations are realized in regard to the districts referred to, Lyndhurst will be much

nearer to the great centres of population than it is to-day. Only last month fifty or sixty Victorian farmers banded themselves together to buy a property at Kyogle, in the Richmond River district. They recognised that very little country in Australia is superior to that to be found in the Richmond River district for dairying purposes. I hold that the northern districts of New South Wales and the southern districts of Queensland are absolutely unequalled for dairying purposes, because the fact that there is practically no winter insures an ample supply of feed all the year round. When all things are considered by and large, and I recognise the impossibility of securing any support for a site at Lake George, I am bound to say that Lyndhurst comes almost first in the list of eligible sites. Of course it has the drawback that it is not on the main line so far as Victorian representatives are concerned. But if we consider its claims in reference to water supply, the excellence of the soil, the large area of arable land, and the fact that it is on a main line connecting two great systems, the southern and western, and must always remain so, we must place it among those sites which are first on the list. What I have said with regard to Lyndhurst applies almost as strongly to Orange, because a radius of 40 miles from Lyndhurst would cover both sites. In regard to Tumut, I would only ask honorable members who may be carried away by their knowledge of the richness of the main valley at that site to remember that at times great heat is experienced there, and that upon one side of the site there is a large area of Crown lands of so little value that they have not been taken up by the public of New South Wales, despite the fact that they might have been secured by paying a deposit of 2s. per acre, and that there is a railway within a few miles of the place.

Mr. WATSON.—That is not true. The railway has not been nearer than Gundagai until quite recently. In fact, the line to Tumut is to be opened on Monday next.

Mr. CONROY.—The railway has been constructed to Gundagai for a good many years, and that place is only 25 or 26 miles distant from Tumut.

Mr. WATSON.—It is a much greater distance from the country to which the honorable and learned gentleman refers, which is traversed by some of the most difficult roads in New South Wales.

Mr. CONROY.—I admit that, but I am simply showing that, although the district has been settled for nearly sixty years, it has not been developed to any great extent. If the land to which I refer had been of value for grazing purposes, it would have been taken up long ago for use in connexion with far western properties.

Mr. WATSON.—The whole of that country is grazed.

Mr. CONROY.—Yes, but it is very poor grazing land.

Mr. WATSON.—Is the Gippsland country good for grazing purposes?

Mr. CONROY.—Only when it is cleared.

Mr. WATSON.—Just so; and it is exactly the same with the country referred to.

Mr. CONROY.—If the same opportunities for selection had been given in Gippsland, the whole of the country would have been taken up many years ago. I quite admit that some of the land still held by the Crown would be excellent for occupation by small settlers if it were cleared. But that does not affect my general argument. Tumut is a place which, it seems to me, must always be off the main line, and I do not consider that the Federal Capital should be situated in any such locality. In this connexion I thoroughly sympathize with those honorable members who feel inclined to vote for Albury, bad as the heat at that place may be. If I had any predilection for a site in the southern district, I should give my vote to Dalgety but for the fact that it is far removed from present means of communication, and that it must be twenty-five or thirty years before the necessary railway works are constructed to connect it with the Victorian and New South Wales systems. But the incidental expense would be enormous. It would be in addition placing a severe tax upon those honorable members whose homes are in Melbourne, because no one pretends that the amount of salary paid to honorable members compensates them in any way. The amount received is to a professional man a mere bagatelle. It is not worth considering. I would sooner receive nothing whatever and not be debited with the receipt of a parliamentary salary than receive such a sum as is paid to us. The expenses attached to membership of this Parliament are far too great. Considering that the remuneration is not sufficient to permit of honorable members entering into Federal politics, with the view of attending to that work solely, it is evident that if

we wish to retain the services in this Parliament of members like the honorable and learned member for Indi, we ought not to select a site in a comparatively inaccessible situation. I regret to say that I think we shall, to a large extent, lose the services of men possessing the learning and the legal astuteness of the honorable and learned member to whom I have referred. This is an additional reason for not selecting a place which is off the main lines of railway communication. I confess that I should like to see a site selected somewhere in the vicinity of Lake George or Yass; but I am bound to tell the Committee that such a site would be in my own electorate, and I may, therefore, be considered as to some extent speaking to order. The knowledge of that fact prevents me, I am afraid, from doing full justice to the site. I ask honorable members to recollect that the site which I advocate is on the main line, and that at a reasonable expense it can be made a place of great beauty, whilst at the same time it possesses all the necessary qualifications in the matter of soil and climate. We must recognise that it is impossible to obtain an ideal spot. If we wait for an ideal place to be recommended, we shall never choose a site. It is impossible to find anywhere in Australia a place to which everybody would be favourable. If there were such a place we should all go to live there.

Mr. BROWN.—We cannot agree amongst ourselves as to what is an ideal spot.

Mr. CONROY.—Failing the selection of Lake George, I would point out that Lyndhurst is not far from the main line—certainly no further than Tumut. What is more, it is on what will some day be the main line to Brisbane. The Tumut site never can possess that advantage. Furthermore, Lyndhurst is on what may be called the secondary main line to Sydney. The line is of a first-class character, and not a light pioneer railway like the Tumut line. There must always be a great deal of traffic and there is consequently a greater likelihood of a more frequent train service, which would enable honorable members to reach the capital more easily than would otherwise be the case. As honorable members do not seem to favour the Lake George site, I am bound to say that the next best place is, to my mind, Lyndhurst. The cost of resumption will not be too great, the climate is much better than the Tumut climate, and the soil is quite as good. The area of

good land surrounding Lyndhurst is greater, and the quality is better than that surrounding Tumut. I trust that we shall all be actuated by a desire to do the best we can in the selection of a site, looking to the future, and being determined to select such a spot as will afford the greatest scope for development.

Mr. JOSEPH COOK (Parramatta).—I had intended to speak at some length, but I have arrived at the conclusion that those honorable members who desire to see a speedy settlement arrived at will best promote that end by speaking as briefly as possible, or by saying nothing whatever. Of course, it is but right that those of us who have sites in our electorates should say something on the matter, but as honorable members have pretty well made up their minds, I do not think that any debate will influence many votes. Having in view the fact that we have almost reached the end of the session, and that this question still has to be settled in another place, I think that I shall be doing my best towards arriving at a speedy determination if I say as little as possible at this stage. With regard to what has been said in favour of Lyndhurst by the honorable and learned member for Werriwa, I would point out that one or two factors were omitted by him, and it is to supply them that I have arisen. In addition to the magnificent metalliferous country there about, some of the best copper country in the whole of Australia is situated near Lyndhurst. It is country which the mining people of New South Wales have looked upon longingly, lingeringly, and lovingly for many years past. The presence of copper and other minerals in the immediate vicinity must inevitably tend to build up a magnificent city on the site of Lyndhurst, if that site is fortunate enough to be chosen. As honorable members are aware the question of the production of iron in Australia is at present exciting a good deal of attention. It has been ascertained by the Royal Commission appointed to consider the question of paying bonuses, as was indeed known to many of us previously, that the big iron deposits in Australia are within this very site. I refer to the iron deposits of Cadia and Carcoar, which are within the site selected by the Commissioners. Therefore, with coal deposits also distant only fifty miles, there are all the elements for the production of a huge manufacturing backing to

the Capital, supposing it to be located there. I point out that in addition to the ordinary agricultural country which has been shown on investigation to be equal to the agricultural surroundings of any suggested site, there are all the elements which must inevitably create a huge city. These facts ought to be taken into consideration in contemplating the future. It is asserted by everybody that the sooner we can make the Capital site pay for itself, the sooner we can derive a substantial revenue from the land, the better it will be for all concerned. Here, then, I say, are all the elements for at once making the ground surrounding this site of a special value for all manufacturing purposes. These, in conjunction with its other advantages, to my mind, incontestably make out a superior case for the selection of Lyndhurst. I shall content myself with these very brief remarks, and I regret that time does not permit us to thoroughly discuss this important matter. I curtail my remarks for the moment in the belief that by so doing I shall best promote a final and speedy settlement of the question.

Mr. SYDNEY SMITH (Macquarie).—Like the honorable member for Parramatta, I do not intend to delay the Committee in arriving at a decision upon this subject. But before dealing with the merits of the sites, I wish to express my regret at the tardiness which has consistently characterized the action of the Government in dealing with this much vexed problem. It is unfair to the House, and to the Commonwealth, that its consideration should have been deferred until the fag end of the session, when some honorable members have been compelled to leave for their homes, and when it is impossible that the question can receive that attention which its importance demands. After Federation had been achieved, I well remember that the electors were exhorted by the late Prime Minister to return men to this Parliament who would respect the terms of the Constitution. He pointed out the danger of electing individuals who might not be disposed to adhere to the strict letter of that instrument of government. I have no desire to refer to the ex-Prime Minister in uncomplimentary terms, because I recognise that it is unfair to attack any person when he is incapable of defending himself. Nevertheless, I blame the Government for permitting two prominent

representatives of New South Wales, in the persons of the ex-Prime Minister and the late Vice-President of the Executive Council, to accept high judicial appointments before this matter had been finally disposed of. The Government promised the people of Australia that effect would be given to the provisions of the Constitution, but before Parliament had had an opportunity of determining the future seat of government two of its members were appointed Justices of the High Court.

**THE ACTING CHAIRMAN (MR. BATCHELOR).**—The honorable member will not be in order in discussing that matter.

**MR. SYDNEY SMITH.**—I contend that I am in order in commenting upon the absence of two prominent representatives of New South Wales who were pledged to see that the terms of the Constitution were respected. I have no desire to say anything unkind of either of those gentlemen, but it is very much to be regretted that they felt it their duty to accept distinguished judicial offices before this question had been finally decided. It was very important that the whole of the representatives of the State should be present while it was under consideration, so that a just determination could have been arrived at. I was exceedingly pleased the other evening to hear the references which were made by the Minister for Trade and Customs to the importance of the western site. In reply to an interjection from this side of the Chamber, he declared that if a railway were constructed from Cobar to Broken Hill, thus connecting South Australia by rail with New South Wales, and if a line were built from Werris Creek to Dubbo, or Wellington, it would be possible to consider only one site, namely, the western site. He further admitted that it is our duty to legislate with an eye to the future. That being so, I maintain that no reasonable doubt can be entertained that the two railways to which I have alluded will be an accomplished fact before the lapse of many years. The importance of the country between the points to which I have referred will compel the New South Wales Government to give early consideration to the desirableness of constructing those lines. Indeed, only a few months ago, the New South Wales Parliament sanctioned the construction of a line from Cobar to Wilcannia. The Minister for Trade and Customs admits that if these lines were built, only one site

would be worthy of the consideration of honorable members. Owing to the character of its soil, its accessibility, and its many other advantages, I hold that this House should adopt the western site. Whilst admitting the superiority of the western site, how can the Minister consistently advocate the selection of another? In speaking of the cost of resumption the other evening, the honorable gentleman pointed out that only a very small area of Crown lands was available in the vicinity of Lyndhurst. In reply to an interjection to the effect that there was a large area of church and school lands in that neighbourhood, he expressed a doubt as to whether they could be considered Crown lands. In this connexion I recollect that upon two occasions the New South Wales Parliament passed a Bill which provided for taking over the church and school lands and administering them as Crown lands. On each occasion the Royal assent was withheld. But in view of the fact that the Government had taken over the expenditure in connexion with our public school system, it was felt that they ought to administer church and school lands as Crown lands. As a result, advantage was taken of the presence of Mr. Reid in England to secure the passage of a Bill which gave effect to that object, and to that measure the Royal assent was finally given. It was clearly laid down in this Act, which was passed in 1897, that church and school lands should be dealt with as Crown lands, and should be considered as such. A considerable area of church and school lands is to be found within the Lyndhurst site, and, according to this Act, they are Crown lands within the meaning of the State law. Honorable members must recognise that it would be an advantage to select a site comprising a large area of Crown land, because, under the Constitution, Crown lands are to be granted to the Commonwealth without any payment therefor, and a large expenditure upon resumption would be avoided. Both Mr. Oliver and the Commission of Experts appointed by the Federal Government, refer in very complimentary terms to the western site. It was originally considered that Bathurst was within the 100-mile limit; but subsequently the Commissioners selected in that district, outside the limit, a site which possesses all the advantages essential for a Federal city. Honorable members who have visited the

good land surrounding Lyndhurst is greater, and the quality is better than that surrounding Tumut. I trust that we shall all be actuated by a desire to do the best we can in the selection of a site, looking to the future, and being determined to select such a spot as will afford the greatest scope for development.

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The ACTING CHAIRMAN (Mr. BATHURST).—The honorable member will not be in order in discussing that matter.

Mr. SYDNEY SMITH.—I contend that I am in order in commenting upon the absence of two prominent representatives of New South Wales who were pledged to see that the terms of the Constitution were respected. I have no desire to say anything unkind of either of those gentlemen, but it is very much to be regretted that they felt it their duty to accept distinguished judicial offices before this question had been finally decided. It was very important that the whole of the representatives of the State should be present while it was under consideration, so that a just determination could have been arrived at. I was exceedingly pleased the other evening to hear the references which were made by the Minister for Trade and Customs to the importance of the western site. In reply to an interjection from this side of the Chamber, he declared that if a railway were constructed from Cobar to Broken Hill, thus connecting South Australia by rail with New South Wales, and if a line were built from Werris Creek to Dubbo, or Wellington, it would be possible to consider only one site, namely, the western site. He further admitted that it is our duty to legislate with an eye to the future. That being so, I maintain that no reasonable doubt can be entertained that the two railways to which I have alluded will be an accomplished fact before the lapse of many years. The importance of the country between the points to which I have referred will compel the New South Wales Government to give early consideration to the desirableness of constructing those lines. Indeed, only a few months ago, the New South Wales Parliament sanctioned the construction of a line from Cobar to Wilcannia. The Minister for Trade and Customs admits that if these lines were built, only one site

would be worthy of the consideration of honorable members. Owing to the character of its soil, its accessibility, and its many other advantages, I hold that this House should adopt the western site. Whilst admitting the superiority of the western site, how can the Minister consistently advocate the selection of another? In speaking of the cost of resumption the other evening, the honorable gentleman pointed out that only a very small area of Crown lands was available in the vicinity of Lyndhurst. In reply to an interjection to the effect that there was a large area of church and school lands in that neighbourhood, he expressed a doubt as to whether they could be considered Crown lands. In this connexion I recollect that upon two occasions the New South Wales Parliament passed a Bill which provided for taking over the church and school lands and administering them as Crown lands. On each occasion the Royal assent was withheld. But in view of the fact that the Government had taken over the expenditure in connexion with our public school system, it was felt that they ought to administer church and school lands as Crown lands. As a result, advantage was taken of the presence of Mr. Reid in England to secure the passage of a Bill which gave effect to that object, and to that measure the Royal assent was finally given. It was clearly laid down in this Act, which was passed in 1897, that church and school lands should be dealt with as Crown lands, and should be considered as such. A considerable area of church and school lands is to be found within the Lyndhurst site, and, according to this Act, they are Crown lands within the meaning of the State law. Honorable members must recognise that it would be an advantage to select a site comprising a large area of Crown land, because, under the Constitution, Crown lands are to be granted to the Commonwealth without any payment therefor, and a large expenditure upon resumption would be avoided. Both Mr. Oliver and the Commission of Experts appointed by the Federal Government, refer in very complimentary terms to the western site. It was originally considered that Bathurst was within the 100-mile limit; but subsequently the Commissioners selected in that district, outside the limit, a site which possesses all the advantages essential for a Federal city. Honorable members who have visited the

Bathurst district will admit that it comprises a magnificent stretch of country, and that its surroundings are delightful. There are splendid buildings in Bathurst, which could be devoted to Federal purposes. There are, for example, two large public buildings which might be used for the housing of the Federal Parliament, while there are other structures suitable for use as public offices. A magnificent mansion, not far distant from this site, could be obtained at no great expenditure as a residence for the Governor-General, and the site possesses many other advantages which deserve consideration. A feature of the western site, which includes Bathurst, Lyndhurst, and Orange, is the presence of large coal beds within a few miles. Timber can also be obtained at no great distance. It is true that the forests are not so close at hand as are those adjacent to some of the other sites, but they would furnish an abundance of timber suitable for building purposes. We have also sandstone, lime, and marble in abundance there, while at no great distance from the sites we have the largest cement works in Australia. These are considerations which should receive the attention of the Committee, more especially in view of the scarcity of building material and of coal in the neighborhood of some of the other sites, and the cost which would be incurred in conveying fuel to them. It will thus be seen that these sites in the western district possess many advantages. The Government have practically agreed that Bathurst, Orange, and Lyndhurst shall be considered as one site, and I shall, therefore, refer to them as the western site. Lyndhurst has been very favorably reported upon, and, I am sure, will receive a solid vote, because honorable members will know that if Lyndhurst be selected its claims will be considered in conjunction with those of Bathurst and Orange. The Bill provides that the seat of Government shall be "at or near" the site selected, and therefore, if the western site were chosen, it would be within the power of the Ministry to establish the seat of Government at either Lyndhurst, Bathurst, or Orange.

Mr. HUME COOK.—When did the Government make the agreement to which the honorable member has just referred?

Mr. SYDNEY SMITH.—It will be remembered that the motion submitted by the Government to refer the several suggested

sites to a Commission of experts did not include Lyndhurst and Bathurst. I moved an amendment adding their names to the list, and the present Minister for Trade and Customs then distinctly stated that he considered that Lyndhurst, Bathurst, and Orange practically comprised one site.

Sir WILLIAM LYNE.—So they do.

Mr. SYDNEY SMITH.—All three are in proximity, and if either of them were chosen it would be within the power of the Government or of Parliament to locate the Capital at any point within their boundaries.

Mr. HUME COOK.—The Government have not agreed to take that view of the position.

Mr. SYDNEY SMITH.—The seat of government, according to the Bill, is to be "at or near" the site selected, and a fair and reasonable interpretation has been placed upon those words by Ministers and honorable members generally. When the honorable member for Richmond moved an amendment last night that the seat of government should be within a radius of sixty miles of the site selected, it was pointed out by the Minister that the word "at or near" really covered all that was desired by him.

Sir WILLIAM LYNE.—I did not make that statement; I think that it was made by the Prime Minister.

Mr. SYDNEY SMITH.—The Prime Minister said that he considered the words "at or near" meant that the Capital should be established anywhere within a reasonable distance of the site chosen.

Mr. HUME COOK.—But if Lyndhurst were specifically chosen, could the Government bring in a Bill declaring that the Capital should be established at Bathurst?

Mr. SYDNEY SMITH.—Parliament might determine that the Capital should be established anywhere between Bathurst and Orange.

Sir WILLIAM LYNE.—No great distance separates those sites.

Mr. SYDNEY SMITH.—At the most they are not more than twenty-five miles apart.

Sir WILLIAM LYNE.—I do not think that the distance which separates them is so great.

Mr. SYDNEY SMITH.—The extreme points of each site are perhaps not more than twenty-five miles apart. Reference has been



made to the question of rainfall and water supply, and I desire to briefly refer to that subject. The Commissioners estimate that the cost of a water supply for the Orange site would be very considerable, but the honorable member for Conobolas will deal with that phase of their report. It will be found that the Commissioners estimate that a water supply sufficient for the wants of 40,000 or 50,000 people could be obtained at Bathurst or Lyndhurst at a very moderate cost, and that an increased supply could be secured for a slightly increased expenditure. It is therefore impossible in this respect to take exception to the western site. The Minister for Trade and Customs said recently that, whilst he agreed that the western site would be one of the best if the railways he referred to were constructed, he was afraid that the rainfall there was insufficient. I find, however, from the information supplied by the Commissioners, that the annual rainfall in the Orange district is nearly 38 inches, compared with 31 or 32 inches in Tumut and 24 in Bombala. At Lyndhurst the records, which extend over a period of thirty years, show an average rainfall of about 30 inches. It must be recollected that the Lyndhurst site is only about twenty miles from the Canobolas, and that a large area of the land near that range, upon which the rainfall is considerable, will probably be within the Federal territory. It has been shown by the Commissioners that the western sites come out better in the matter of rainfall than the other sites. I have also pointed out that a very large supply of water could be obtained there at a very moderate cost, and that it could be increased as the requirements of the city grew. It has been the experience in connexion with Washington that a city of this kind grows very slowly; and it is, therefore, not likely that it will be necessary for many years to come to provide a water supply for a population of more than 40,000 or 50,000 people. With respect to altitude, I think the western site must also receive consideration and support. Temperature is another important factor. Honorable members have no desire to go to a place where the summer temperature will be as high as it is in some of the sites investigated by the Commissioners. The highest temperature recorded at Bombala is 104 degrees, at Tumut 106, at Lyndhurst only 98, and at Albury 117.

Mr. HIGGINS.—Once the thermometer goes above 90 degrees the differences in temperature are not noticed much.

Mr. SYDNEY SMITH.—If my honorable and learned friend had lived in places like Bourke, or in parts of Queensland, where the thermometer sometimes stands as high as 120, he would not say that.

Mr. AUSTIN CHAPMAN.—What is the lowest temperature which has been recorded at Lyndhurst?

Mr. SYDNEY SMITH.—15·4 degrees, as against 15·5 at Bombala.

Mr. AUSTIN CHAPMAN.—Then Lyndhurst is colder than Bombala.

Mr. SYDNEY SMITH.—No; it is not. At Lyndhurst they have not the terrible winds which prevail at Bombala. I did not desire to refer to Bombala, but as the honorable member has made that remark, I would like to remind the Committee of the opinion expressed by the Minister for Trade and Customs, who, in dealing with this matter, said that although two of the proposed sites were situated in his electorate, he has had no personal interest in it, but that he could not expect honorable members to live in a place like Bombala, where trees would not thrive, and only wheat of an inferior quality can be grown. Taking the average temperature for the four hottest months of the year, I find that the record for Bombala is 78·7 degrees; for Tumut, 85·7; and for Lyndhurst, 78. Contrasting the records for the four coldest months, Bombala has an average temperature of 32·7 and Lyndhurst an average temperature of 35·2, or 3 degrees higher. At Lyndhurst, in consequence of its proximity to a coal mining district, coal can be obtained for 15s. a ton, and at Bathurst it costs only 11s. 10d. a ton, whereas at Bombala the cost is from £1 6s. 10d. to £1 7s. 6d. The price of fuel will have an important bearing upon the chances of manufacturing. Close to Lyndhurst there are large deposits of ironstone, and, as the honorable member for Parramatta has pointed out, some of the best copper mines in Australia are not far distant. Looking to the future, we cannot shut our eyes to the importance of the mineral deposits of the district, and to the fact that coal can be cheaply obtained there for manufacturing and other purposes. Then, again, we have to consider the large extent of agricultural land in the district. When the Werris Creek line is constructed, as it is bound to be very soon—

Mr. CLARKE.—The New South Wales Railway Commissioners reported against it.

Mr. SYDNEY SMITH.—They reported adversely to the proposal only because they considered it a little premature. They admitted that in time—and not a very long time—the necessity would be recognised of constructing a railway from Werris Creek across to Dubbo or Wellington. Honorable members know that from Bourke and Orange across to Werris Creek there is some of the finest land in New South Wales, and the necessities of settlement will compel the Government to afford additional railway communication. If a railway be constructed between Werris Creek and Dubbo, the western site will be brought into very much closer connexion with Queensland and the northern districts of New South Wales. If honorable members look at the table of distances between Lyndhurst and the capitals they will see that, after the railway referred to is constructed, the distance between Brisbane and Lyndhurst will be only 654 miles, and between Brisbane and Bathurst about 668 miles, as compared with 841 miles to Tumut and the 977 miles to Bombala. This shows clearly that from the point of view of the representatives of Queensland the western site is deserving of the most serious consideration. There is no doubt that in the near future we shall also have a railway from Bourke to Port Darwin. I admit that some time may elapse before that work is constructed; but it is admitted that we are not selecting the Capital site in view of the convenience of the people of the Commonwealth to-day, but that we must consider the probabilities of the future.

Mr. SAWERS.—Why did not the honorable member think of Armidale?

Mr. SYDNEY SMITH.—I admit that Armidale is a very important site, but its distance from the southern States places it beyond the limit of consideration at this stage. The western site would offer a fair compromise, so far as the northern districts of New South Wales and the State of Queensland are concerned. Even in view of the distances which would have to be covered under existing circumstances in travelling from the various capitals to Lyndhurst, the western site would occupy a position of great advantage. Then, again, the area of land under cultivation is a matter that should not be lost sight of, because it indicates the character of the country in the

neighbourhood of the proposed sites. At Bombala, there are 12,513 acres under cultivation. My honorable friend the Minister for Trade and Customs says that trees cannot be grown at Bombala, and that wheat cannot be successfully cultivated there.

Mr. AUSTIN CHAPMAN.—Does the honorable member believe that?

Mr. SYDNEY SMITH.—I am simply quoting the Minister for Trade and Customs, who, although he tried to place matters before the House in an unprejudiced way, felt called upon to speak in those strong terms against Bombala. I do not wish to say anything unfriendly; but I simply desire to place before honorable members the considerations which I think should weigh with them in dealing with this important question.

Sir WILLIAM LYNE.—I stated that there were no trees at Bombala, and that the country was all open.

Mr. SYDNEY SMITH.—The Minister reiterates his statement that it is impossible to grow trees at Bombala.

Sir WILLIAM LYNE.—The only trees there are stunted in growth.

Mr. SYDNEY SMITH.—I have seen trees there, and I took it for granted that the Minister referred to the impossibility of growing trees of a suitable kind. The average area of land under cultivation in Tumut during the last eight years was 33,329 acres; whereas at Lyndhurst there were 179,303 acres under cultivation, and at Bathurst 119,485. There was about the same area under cultivation in the Orange district. Therefore, within the three western areas—practically one, according to the opinion of the Minister for Trade and Customs—about 400,000 acres of land are under cultivation. That shows, conclusively, the importance of the western sites from the point of view of their suitability for settlement.

Mr. CLARKE.—The figures quoted by the honorable member prove nothing.

Mr. SYDNEY SMITH.—My honorable friend must admit that one of the finest tracts of country in the State of New South Wales, when its area is considered, is embraced by the western site.

Mr. CLARKE.—I have said nothing against it.

Mr. SYDNEY SMITH.—I do not think that anything could be said against that country by any one who knows anything of it. It must also be admitted that when proper means of communication are provided, the

area under cultivation must be largely increased. I share the regret of the Minister for Trade and Customs that the New South Wales Parliament have not long since recognised the importance of providing means of communication to these districts. I feel sure that if a railway had been extended from Werriis Creek to Dubbo, and from Cobar to Broken Hill, the western site would receive a much larger amount of support than it now goes. The Minister of Customs admits that under circumstances such as I have mentioned the western site would be the only one in the running; but because the railways have not been constructed he does not regard it favourably. It is admitted that these railways must be constructed very soon, and it is also recognised that we are not legislating merely for the needs of to-day—that it is our duty to so determine this important question that we shall conserve the best interests of the Commonwealth in the future. I venture to say that no other site can compare with the western site either for rainfall, character of the country, facilities for settlement, extent of mineral resources, or abundance of fuel supply. At no great distance splendid supplies of building material, in the form of sandstone, marble, lime, cement and timber are available; and when the means of communication are improved, the site will be brought within easy reach of the States capitals. I admit that important influences are weighing against the selection of this site. The representatives of Victoria will probably vote solidly against it, because it would not suit their convenience. They desire to have the capital situated in a locality within easy reach from Melbourne, and we do not expect to receive much support from them. It is a matter for regret that the consideration of this question should have been delayed until this late period of the session. The Government professed to attach much importance to the requirements of the Constitution, and they certainly should have brought their proposals before us many months ago. Considerable delay occurred in obtaining the necessary reports, and we are now driven to make a selection at a time when several honorable members, owing to their anxiety to enter upon the electoral campaign, cannot be present to record their votes. I think that the vote of every honorable member should be recorded upon a question of this kind; but that seems to be impossible at present.

Mr. KINGSTON.—It will be a very good thing to have a full vote.

Mr. SYDNEY SMITH.—Yes; but that is now impossible owing to the delay incurred by the Government.

Mr. KINGSTON.—The Government have done everything they could to bring the matter forward as quickly as possible.

Mr. SYDNEY SMITH.—My right honorable friend will admit that it is not fair that we should be called upon to decide it at this late period of the session, if it could possibly be avoided. In view of the immense resources of the western district, its splendid climate, good water supply, abundance of building material, wealth of coal measures, and its accessibility, I think that the House will act wisely in selecting that portion of New South Wales as the most suitable territory in which to establish the future seat of government.

Mr. A. McLEAN (Gippsland).—I have already entered my protest against proceeding in such an unbusinesslike manner, and in the absence of necessary information, to choose the site of the future Federal Capital. I desire once more to say that to me it is a matter of profound regret that so many honorable members—and especially the New South Wales representatives—should have made it quite clear by their speeches that they regard the saving of a few weeks in the final selection of the seat of government as of infinitely greater importance to the Commonwealth than the saving of £100,000 or £200,000 in the cost of its purchase or the securing of the best possible site. But as it has been determined that we shall proceed, in the absence of information necessary to enable us to deal with the matter intelligently, it behoves us to do the best we can with the material at our disposal, and to select the best site possible under the circumstances. If I were making a selection for the immediate future—say for the next ten or twenty years—I should not hesitate for a moment to place Albury first, because it possesses undoubted advantages. In the first place it is on the main trunk line of railway, which is the principal artery of traffic through the different States of the Commonwealth. In the second place it is situated on one of the finest rivers in Australia. In the matter of soil and climate it is about equal to most of the other inland sites. It can also

be acquired at a very moderate cost. Thus, for many years to come Albury would be the most convenient of all the sites submitted. But inasmuch as we are selecting a capital site which is to endure for all time, it would be a mistake to confine our attention too much to the present. We should look to the future. In my opinion the site which offers infinitely the greatest advantages, having regard to the future, is the Monaro site, although not necessarily the Bombala site, which has been reported upon. Personally I am of opinion that a better site is available nearer to the Snowy River. Of course, the greatest drawback to that site is the expenditure which would be involved in constructing the necessary railway communication—in extending the Victorian line from Bairnsdale on the one side, and the New South Wales line for Cooma on the other side. But I would point out that these extensions have been already advocated and the surveys made. I am convinced that, so far as Victoria is concerned, the only reason why the railway has not been extended from Bairnsdale has been the condition of her finances. There is no doubt that that railway can be justified upon its merits, altogether apart from the capital site. If honorable members will look at the map of Victoria they will see that the whole of the country from Bairnsdale to Cape Howe on the one side, and extending from the Australian Alps to the sea on the other, has not a single mile of railway, and is consequently only partially settled. In that territory there is some of the finest land to be found in the whole of Australia. In this connexion I may instance the valley of the Tambo, and the valleys of the Snowy, Buchan, and other streams.

Mr. ISAACS.—What population would be served by such a railway?

Mr. A. McLEAN.—Perhaps from 25,000 to 30,000 at the present time, but the country is capable of carrying three or four times that population. To give honorable members an idea of its character, I may mention that 100 bushels of maize to the acre is a common crop there, whereas in America, which is the great maize country, 70 bushels to the acre is regarded as a phenomenal yield. I remember some years ago meeting a maize expert who had devoted the greater part of his life to a study of that product. He had been in Scotland, had travelled through the whole of America,

and he also occupied the position of agricultural editor of several leading journals. He informed me that he had seen a few crops in America which averaged 70 bushels to the acre. I asked him what he would think of a crop which yielded 100 bushels to the acre. He replied that there was no such thing in the world. I asked him to come with me, promising that I would show him maize crops which represented 100 bushels to the acre. He consented, and the very first maize-field which we visited was a revelation to him. He admitted freely that it would yield more than 100 bushels to the acre. Subsequently he wrote several interesting articles in the *Leader* upon these maize crops, and our future possibilities in that direction. But, apart from these river valleys, a good deal of the high land partakes of the character of rich jungle, which when cleared is extremely valuable. Along the route of that line there are magnificent forests of timber. At the present time grey box is being carted to Bairnsdale, whence it is sent by rail to Melbourne.

Mr. HENRY WILLIS.—What is it suitable for?

Mr. A. McLEAN.—For piles and a variety of purposes.

Mr. BRUCE SMITH.—Does the honorable member contemplate that the Commonwealth is going into the agricultural business?

Mr. A. McLEAN.—I am not speaking of the Commonwealth.

Mr. BRUCE SMITH.—The honorable member is speaking of the seat of government for the Commonwealth.

Mr. A. McLEAN.—I am speaking of the reasons which induce me to think that the construction of this particular railway line would be justifiable, altogether apart from the Federal Capital project. Of course if the seat of government were established there, that fact of itself would form an inducement to the State Government to proceed with the construction of the line. Moreover, that line would form an alternative route to Sydney through most picturesque country. It would also constitute a trunk line which would be very useful for defence purposes. It would also be largely used by tourists. One of the great advantages which Bombala possesses lies in the fact that it is about equi-distant from Sydney, Melbourne, and Hobart. It is within easy reach of Hobart by way of Twofold Bay, and it is

the most central of all the sites submitted to our consideration. To my mind the greatest advantage of all which it possesses is that it is within easy distance of an excellent shipping port. It would be most unfortunate if the Federal Capital were far removed from the seaboard. The Boers in South Africa had a very good reason for trekking several hundred miles inland in order to secure a site for their capital. They desired to get away from British rule; but we do not wish to get away from civilization. We desire to establish our Capital in a locality in which it will be likely to attract population, and a place within a moderate distance of the coast and having reasonable access to a shipping port, is the only possible site. If we acquired a Federal territory far inland we might erect a village there, but the Capital would certainly never assume the dimensions of a city. I do not wish to say one word against Tumut or any of the other inland sites. They may have merits, but they are more of a negative than of a positive character. They certainly possess no distinctive advantage. They are far removed from the coast and their climate is very sultry. I know that the Minister of Trade and Customs does not agree with me in regard to this matter. I daresay that, as in my own case, the lumbago from which he suffers, is a little less acute when he is living under a simmering sun in the interior. No doubt the climate of Bombala, during the winter months, is somewhat cold.

Sir WILLIAM LYNE.—Cold?

Mr. A. McLEAN.—Shall I say that it is a little cool? It is, at all events, a dry, healthy, crisp climate, in every way conducive to health. The best proof of the healthiness of the district is to be gained by meeting with people who have lived there for years. I recently renewed my acquaintance with men whom I met at Bombala forty years ago, and no one would have dreamt, from their appearance, that two score years had, in the meantime, passed over them. For about eight months in each year there is no finer climate to be found in the continent of Australia than that of Bombala.

Mr. MACDONALD-PATERSON.—A lumbago climate.

Mr. A. McLEAN.—I think that my honorable and learned friend, like myself, is rather too old to be transplanted there. Our object should be to establish the capital in a district the climate of which is

conducive to health and longevity. Any competent doctor would say that the average life in the Bombala district is eight or ten years greater than the average life in any of the inland sites. Having regard to the future, that is by no means an unimportant factor. Bombala is admirably adapted for the purposes of a sanatorium, and if the capital were established there, it would be a popular health resort during seven or eight months in the year. But the great advantage which it possesses over all other sites is that it is within easy distance of a port. The Bombala district runs down to the Snowy River, which is one of the finest in the Commonwealth. It is a magnificent stream, while the waters of the Delegate are as pure as any to be found in Australia. The scenery there is delightful. The rolling downs, which meet the eye of the visitor who gazes in a westerly direction from Bombala, look like the ocean. Studded here and there with clumps of timber, they stretch away for miles, and in the far-off distance one sees Mount Kosciusko. Not one of the other proposed sites possesses such advantages. They consist of dull, uninteresting grazing country, sweltering under an intense heat, and although the climate may be pleasant in winter, it is most disagreeable during the summer months. It has been asserted that Bombala will not grow trees, or anything else; but if honorable members turn to the report of the Commissioners they will find an interesting return, obtained from the New South Wales Agricultural Department, showing the average crops grown in each of these districts during a period of eight years. The return deals with wheat, maize, oats, and barley, as well as with potatoes. When we take the aggregate figures relating to wheat, maize, oats, and barley, and divide them by four, in order to get the average yield of each crop, we find that Lyndhurst gives an average of 13 bushels to the acre; Bathurst, Lake George, and Orange, 14 bushels; Albury, 15 bushels; Armidale, 18 bushels; Tumut, 19 bushels, and Bombala, 24 bushels.

Mr. WATSON.—But for what area?

Mr. A. McLEAN.—The area is set forth in the report, and is very considerable. I know that some of my honorable friends who are banded together with a view to select one of these sweltering inland ovens in the western district are afraid of the competition of Bombala, and have combined to raise every possible objection to it.

Mr. HENRY WILLIS.—What is the quality of the grain grown in the respective districts? That is an important consideration.

Mr. A. McLEAN.—The quality is not mentioned, but I would ask my honorable friend to state what crops furnish the best test of good land. Maize will test good land more thoroughly than will any other crop, while potatoes also afford an excellent guide. I admit that cereals—in the production of which Bombala excels—will grow in very indifferent land; but while the yield of maize in that district is some 40 bushels to the acre, the yield in any of the other districts is not more than about 20 bushels to the acre.

Mr. A. PATERSON.—The maize grown in the Bombala district is cut for green fodder. That fact is distinctly stated in the report.

Mr. A. McLEAN.—But the report gives a return showing the number of bushels to the acre. How could the Commissioners show the number of bushels to the acre if the maize were cut for green fodder?

Mr. A. PATERSON.—They have made a guess.

Mr. A. McLEAN.—Bombala is not at the head of the list so far as the production of potatoes is concerned, but it is within one point of it. Without mentioning the names of all the sites, I would point out that, according to the report, the yield of potatoes to the acre, in the several districts is as follows:—1·6 tons, 1·7 tons, 1·8 tons, 2·2 tons, and 2·5 tons. Then comes Bombala, with a yield of 2·6 tons per acre, and Armidale, with a yield of 2·7 tons. Armidale is therefore only one decimal point ahead of Bombala. The return shows that in the production of crops which furnish the best test of good land, Bombala is considerably ahead in the one case, and within one decimal point of the highest in the other.

Mr. HENRY WILLIS.—What about the quality of the potatoes?

Mr. A. McLEAN.—I have eaten as good potatoes there as the honorable member has ever tasted.

Mr. HENRY WILLIS.—Obtained from Warrnambool or Mount Gambier!

Mr. A. McLEAN.—No. I have seen them dug out of the ground. I am reminded that the Snowy River would be invaluable for generating water power for use

Mr. WATSON.—If it could be shifted to Bombala it would be valuable.

Mr. A. McLEAN.—We are dealing with the whole of the territory. I do not mean to suggest that the township of Bombala should necessarily be the site of the Capital. I am dealing with Southern Monaro as a whole, and if we determine to establish the Capital in that district we shall, no doubt, be at liberty to select the best site there. I do not wish to further detain honorable members. I can only express the hope that when we come to a vote the best possible selection in the interests of the Commonwealth will be made.

Mr. KNOX (Kooyong).—My honorable friend who has just resumed his seat has given voice to a sentiment which I am sure every honorable member will re-echo, for undoubtedly we all desire that the best site shall be selected. I have ventured, at different stages in the discussion of this question, to join with the honorable member for Gippsland in entering my protest against the proposal to select the site of the Capital in this premature manner. I feel, however, that we have now to address ourselves to only one object—to secure the most suitable site for the Capital. The honorable member for Gippsland has referred to the long life enjoyed by those who reside in the Bombala district, and I have the assurance of honorable members who recently inspected that very rugged country, that whilst there they saw men cutting grain crops with sickles. There, some of the most primitive conditions of life prevail. An honorable member reminds me that they have but small crops to gather; but I have no personal knowledge of that matter. The people who live in this part of Australia, which so closely resembles Switzerland, lead such a calm, uneventful life, and have so little to excite them, that it would hardly be wonderful if they lived for ever. But the proposition that we should establish a Federal Capital in such a cold and inaccessible district cannot be seriously considered. There is one reason for which I and others who, like me, object to precipitate action in dealing with this question now, might support the Bombala site, and it is that if that site were chosen the difficulties in the way of establishing a capital there would probably be so great that nothing would be done for the next twenty-five or fifty years. The cost of making a railway to bring the district into touch with the outer world would of itself be so

enormous that Parliament could not be expected to sanction such an undertaking for many years to come.

Mr. BRUCE SMITH.—The cost of such a line has been estimated at £2,000,000.

Mr. KNOX.—Probably even the most conservative estimate would be very much below the actual cost. That is the almost invariable experience with regard to public expenditure.

Mr. JOSEPH COOK.—Will the honorable member vote for the Lyndhurst site?

Mr. KNOX.—Judging by the temper of honorable members, we are committed to the immediate selection of a site. If we select a site immediately, we must have regard to existing conditions, and to the convenience of those who will have to travel to the Capital to attend the meetings of Parliament, not only from Sydney and Melbourne, but from the other States.

Mr. FOWLER.—Is not regard to be paid to the future?

Mr. KNOX.—I have already protested against the action of honorable members in forcing on a decision of the question, instead of waiting until a time when regard can be paid to the future. I hold that we should pause, and deal with the matter more thoughtfully than is possible at the present time. The proposed sites which are situated south of Sydney, and within a convenient distance of the main line between Melbourne and Sydney, will best serve the immediate purposes of a capital, and I favour the selection of one of those sites.

Mr. KINGSTON.—Of which one?

Mr. KNOX.—I have consistently said that I believe the Albury district to be the best site for the capital, if we are forced to precipitately choose a site. To my mind, in choosing a site now, we are dealing with the question years before it is necessary to do so.

Mr. MACDONALD-PATERSON (Brisbane).—I am very disappointed with the speeches which have been delivered upon this subject. In my opinion, honorable members in discussing the proposed sites have made a sight of themselves. I do not like the tone of the debate. There has been too much parochialism and particularity. We have had the advocacy of the Tumut site, and of the Albury site.

Mr. JOSEPH COOK.—What about the Lyndhurst site?

Mr. MACDONALD-PATERSON.—The Lyndhurst site is out of the question. The

railway from Sydney to that district, in passing through Bathurst, traces on the map a dog-leg outline, of which it is the furthest extremity. I am extremely sorry that the selection of the Capital site has not been left for the future, and I express that opinion as a Queenslander, and above all an Australian. We shall all make a capital blunder if we proceed to select the Capital site to-day.

Mr. CLARKE (Cowper).—I do not know that there is much to be gained by addressing oneself to this question at any great length this afternoon; but the opportunity to take part in the selection of a site for the future capital of Australia is an unique one. I, and I think other honorable members, approach the question from a national point of view. In dealing with it, I have tried to divest myself of political and personal feeling, and to choose the site which, in my humble judgment, will be the best for the Commonwealth. When honorable members were given an opportunity to visit the proposed sites for purposes of inspection, I took advantage of it to visit each one of them, and used what knowledge I have acquired in various parts of New South Wales in making a comparison between them. But as the time for making a final choice approaches nearer, the task appears to grow in importance, because the site of the Federal Capital once chosen will probably stand for all time. I do not agree, however, with those who urge the postponement of this question, and who say that we have not yet sufficient information upon which to decide it. When they speak of a future decision, they mention no time, and do not even suggest a postponement until next Parliament. I maintained, when seeking election, and I still hold, that this question should engage the earliest possible attention of the first Parliament. I undertake to say that most of those who cry out that they have not sufficient information, made no attempt to avail themselves of the facilities offered for visiting the various sites, and that, if the question were postponed for ten years, many of them would then still be asking for a postponement. I shall not dwell at length upon the merits or demerits of the various sites. If I were to vote for that site, the selection of which would most benefit the constituency I represent, I should vote for Armidale; and if I agreed with other honorable members, that we should give consideration to the possible distribution of population

years hence, that site would have my support. There is, however, a serious objection to it, and that is, that it has no natural harbor on the eastern seaboard of Australia, nor is it near any part of the coast where an artificial harbor could be made unless by an enormous expenditure. I regard the proximity of a harbor to the Capital as one of the first essentials.

Mr. MACDONALD-PATERSON. — It would be a source of great danger.

Mr. CLARKE. — It might be a source of danger if the Capital were situated near the seaboard, but if it were fifty or sixty miles inland, and separated from the coast by a high mountain range there would be no danger whatever.

Mr. THOMSON. — Under those circumstances, the harbor would not be of much value to the Capital.

Mr. CLARKE. — The seaboard would always be open to attack, no matter where the Capital might be. It is stated that if Bombala were selected, and Eden were made a Federal port, it would be necessary to fortify it. I take it that it will be necessary in any case to fortify Twofold Bay. As this country grows, even though the capital may not be situated at Bombala, not only Twofold Bay but every other port which has a safe entrance, including Jervis Bay and Broken Bay, will have to be fortified. As I have stated, if I were to consider only the gratification of my own constituents, I should vote for Armidale; but I do not intend to do so, for the reason that that site does not control a harbor at the nearest point on the seaboard.

Mr. CAMERON. — Washington has no harbor.

Mr. CLARKE. — That is all the worse for Washington.

Mr. CAMERON. — I do not think so.

Mr. CLARKE. — I do. We have many natural harbors in New South Wales, which, owing to the policy of centralization adopted in the past, have never been put to their proper use. An opportunity is now afforded to us to open and utilize a natural harbor, and to develop a territory which has been very much neglected in the past. We have an opportunity to acquire a territory which has not been developed to any degree worth mentioning. The honorable member for Macquarie compared the quantity of wheat produced at Orange and other western sites with the quantity grown at Bombala. I interjected that there was no

value in such comparisons. Wheat is not grown at Bombala for the simple reason that it is sixty miles away from the nearest railway.

An HONORABLE MEMBER. — What about the port?

Mr. CLARKE. — The port also is sixty miles away, and the farmers could not be expected to grow wheat and cart it down sixty miles by means of horse teams.

Mr. BROWN. — In the Canobolas district they cart wheat seventy-five miles.

Mr. CLARKE. — There may be isolated cases in which the yield is so great that farmers may be tempted to do as the honorable member has described, but I venture to say that they cannot make very much out of it. So far, Bombala has been essentially a pastoral district. I do not place it in the forefront of the districts of New South Wales suitable for agricultural purposes. I flatter myself that I am too good a judge of country to fall into an error of that kind. I do assert, however, with the greatest confidence, that there is sufficient good land in the Bombala district to supply all those articles which the climate will permit to be grown there.

Mr. KENNEDY. — Every particle of earth in Bombala must be tied down to prevent it from being blown away.

Mr. CLARKE. — I have heard that and other tarradiddles before, and I am becoming sick of them. If any honorable member knows of a site which upon its merits can compete against Bombala, by all means let him advocate it; but there is no need to make misrepresentations, or to indulge in exaggeration.

Mr. WATSON. — There is no misrepresentation about the wind at Bombala.

Mr. CLARKE. — We know that there are high winds there; but will the honorable member say that there are no high winds at Bathurst, or Orange, or Lyndhurst. Every district of a high elevation must be more or less exposed to strong winds. I spent my school days at Bathurst, and I know exactly what the wind is like there. The statement of the honorable member for Kennedy that the wind blows the soil away at Bombala is on a par with the assertion that trees will not grow in the district of Southern Monaro. I regret to say that that statement was made, probably in the heat of argument, by the Minister for Trade and Customs. I find that the Minister, in 1891.



when speaking in the New South Wales Parliament, said—

I think that if there is a district in which a railway should be constructed it is from the table-land to the port of Eden. There is no finer port in the colony, and there is no finer country at the back of it.

What does "at the back of it" mean?

It is certainly to be regretted that the construction of the line has been left so long in abeyance. There is no possible doubt that Eden must become a great shipping port and a great centre of population.

It is all very well to indulge in exaggeration; but I think that this matter is too serious to be made the subject of misleading statements. Mr. W. S. Campbell, the Chief Inspector of Agriculture in New South Wales, was called upon to give evidence before the Commission of Experts appointed to report on the sites for the Capital. Here is a passage from his evidence—

The Chairman.—The districts for the Inspector of Stock and the Police have different boundaries. That for the Inspector of Stock is put down at 699,000 acres, carrying at least 400,000 odd sheep. It is carrying more than that at the present moment. What is your opinion?

Mr. Campbell.—I am allowing for seasons, taking them all round, and I think that a sheep for 2 acres is a fair estimate. I was not aware of that return. My view is from personal observation.

The further evidence given by Mr. Campbell shows that 700,000 acres in the Bombala district are carrying 500,000 sheep, or at the rate of 1 sheep to 1½ acres. If that is not good enough country, I should like to know what is.

Mr. WARSON.—It is very fair, but it is nothing extraordinary.

Mr. CLARKE.—It is very good country. Whilst I desire that every acre embraced within the Federal territory should be productive land, I do not think it is necessary that we should have the rich agricultural area which some honorable members favour. It must be recollected that if the capital were situated at Bombala the population there would be able to draw from the highly productive districts of Bega supplies of those articles which could not be produced upon the table-land. It is impossible to expect any one place, upon a table-land or anywhere else, to produce everything. One of the first considerations should be to secure a site at a good elevation. The bulk of our population is concentrated along the seaboard, and I ask

honorable members what inducements would be offered to people bent upon holiday-making or recuperation of health to regard the Federal Capital as a sanatorium if it were situated at Tumut or Albury. Tumut would be a perfect stewpan, and Albury would be worse still. I have a great respect for the capabilities of the Albury district, but we do not wish to have the Capital located in a district with such a high range of temperatures. The heat experienced there and at Tumut is, in my opinion, an insuperable obstacle to the selection of those places.

Mr. WILKINSON.—We do not want to go to Bombala.

Mr. CLARKE.—Perhaps it would not suit the honorable member's individual convenience. Probably in ten years time the situation of the Federal Capital will be a matter of supreme indifference to me; but our object should be to so locate it that the climate shall be suitable for rearing a sturdy population. The effect of the sea coast climate upon the rising generation is enervating.

Mr. THOMSON.—What about the Hawkesbury natives?

Sir WILLIAM LYNE.—The finest race of men in Australia.

Mr. CLARKE.—It must be remembered that a great many of the Hawkesbury natives live above Windsor, some considerable distance inland. Moreover it is not before a generation or two that the full effects of climate are felt. There is a good deal of imagination about some of the descriptions of the Hawkesbury natives. It used to be thought that a Hawkesbury native was a prodigy, but I have seen men in other places quite as stalwart and as powerful. If scientists were appealed to they would with one voice attest that those who are born and reared in localities at a considerable elevation, and in a cool climate, are hardier than are those of the same race brought up in the humid climate of the sea coast. A change from one climate to the other is good at all times, and that is one of the reasons why I wish to have a Capital site from which easy access may be had to the sea coast. When I speak of Bombala, I mean Southern Monaro. I do not bind myself to Bombala, particularly, because, as a matter of fact, I regard the site at Dalgety as possessing in some respects advantages beyond those to which Bombala can lay claim.

Another passage from Mr. Campbell's evidence reads as follows:—

What is your opinion of the soil in this district for agricultural purposes?—It is excellent soil, but the cultivation areas will be limited. It is essentially a pastoral district, and always will be. Compared with Riverina and about Cootamundra the areas for agriculture will be found comparatively small.

I admit that readily. Mr. Campbell goes on to say—

I doubt whether wheat-growing here could compete with those larger areas where they have miles of land already fit for the plough. I think they could grow a better quality of wheat here, like that from Manitoba, which brings a very high price in Sydney, and reaches a price as high as £3 a ton more. It is imported purposely to mix with our poorer wheat. I should think the average here would be from 20 to 25 bushels if carefully cultivated, and it would be used chiefly for mixing with the lighter flour wheats. The land about here is difficult to work, compared with the lighter soils in other parts of the State and other countries. It should come out pretty well the same as in England, where they have an average of about 28 to 30 bushels per acre, which is the highest average in the world.

No honorable member says "hear, hear" to that.

Mr. KENNEDY.—Because it is prospective.

Mr. CLARKE.—It is the opinion of an expert. The same witness proceeds—

They cannot compete with the wheats grown in these States, America and Russia, and other large countries where a great deal of machinery is used, and they work very cheaply.

Mr. Campbell was also asked his opinion with regard to the suitability of the soil for tree-growing, and, in reply, he says—

I think a great variety of trees, including pines, should grow there. The pine chiefly grown is *pinus insignis*; the timber is of no value. It should grow there, and other pines should succeed. Oaks, elms, and poplars should grow well also. The black walnut should do well, and many varieties of oaks. There should be no difficulty at all about ornamental trees.

That is the evidence of a gentleman who is quite disinterested in this matter, and I hold that it entirely refutes the opinions which have been expressed by honorable members concerning Bombala. I should like to place before the Committee a few figures which will show the comparison which the land around Bombala bears to that in the immediate vicinity of the other sites. I shall give the official valuation of the lands in the different districts—valuations which have been compiled by the officers of the Lands Department. According to these, the cost of resuming 100

square miles of territory in the neighbourhood of Albury would be £252,800, or £3 19s. per acre. The value of a similar area at Armidale is set down at £317,420, or £4 19s. per acre. The cost of acquiring 64,000 acres at Bathurst is estimated at £1,354,065, or £21 3s per acre. Of course that estimate includes the cost of resuming a portion of the city of Bathurst. The value of a similar area in the vicinity of Bombala is calculated at £361,730, or £5 13s per acre. Considering the fact that Bombala possesses no railway facilities, and is not accessible to market, surely the land in that neighbourhood compares favorably with the land surrounding the other sites.

Sir WILLIAM LYNE.—But that estimate includes the town of Bombala itself.

Mr. CLARKE.—That is so. But the improved value of the land within the township of Bombala, according to the municipal returns, is £72,565, and the area embraced in it is approximately 6,000 acres, or three miles square. Deducting that area from the 64,000 acres, it will be seen that the actual value of the land works out at £4 19s. per acre. The land outside the municipal area of Bombala is valued at £5 per acre, as against £3 19s. in the case of Albury. The value of the land at Bombala and Armidale is, therefore, about equal.

Mr. KENNEDY.—That proves the absurdity of the whole of the estimate.

Mr. CLARKE.—Even if the estimate will not bear analysis, the soil at Bombala cannot possibly be as inferior as some honorable members wish to make it appear. I take it that that estimate has been made either upon the basis of the rents which the Crown is receiving from the land or upon its productiveness. Even at Tumut, where admittedly there is some very good soil indeed—the best in New South Wales—its average value is only about £4 19s. per acre. Although Tumut is not upon the main line of railway, I should be disposed to vote for it but for its climate. It is too hot. Moreover the area of productive land—I do not refer to agricultural land—which can be acquired in a compact and symmetrical block, is comparatively limited. I will undertake to say that if we selected a territory twenty miles square at Tumut we should embrace a lot of mountainous country which would not

feed a goat. That is not the sort of land that we require.

Mr. WATSON.—Wherever we go we shall get that. We can get mountainous country at Bombala.

Mr. CLARKE.—We can, if we choose to go up into the mountains. At Tumut, however, we have no alternative. Are we going to take over a straggling area of country, comprising 100 square miles, which shall be four miles long by twenty-five miles wide, and which shall extend only along the river valley? No sensible man would ever seriously entertain a proposal of that kind.

Mr. WATSON.—There is poor country within a mile or two of Bombala.

Mr. CLARKE.—But we need not take it. We can easily select a tract of country twenty miles by twenty near Bombala, which will contain very little bad land.

Mr. CONROY.—I was there upon one or two occasions, when the temperature was below freezing point.

Mr. CLARKE.—I will undertake to say that if the honorable and learned member will visit Lyndhurst, Orange, or Lake George, upon some occasions when the weather is capricious he will also find the temperature below freezing point. I attach no importance to that statement.

Mr. ISAACS.—But the report of the Commission says that the mean temperature for four months is 32 degrees.

Mr. CLARKE.—Personally, I think that Parliament should sit there during the summer months.

AN HONORABLE MEMBER.—Why not in winter too?

Mr. CLARKE.—I hope that we shall not take the present Parliament as a standard of what future Parliaments will do. I pity the future of this country if honorable members are to be compelled to sit as continuously as we have sat during the currency of the present Parliament. Some one has raised the question of accessibility. I admit that that raises one of the most serious objections which can be urged to the Southern Monaro site.

Mr. ISAACS.—It is insuperable.

Mr. CLARKE.—I do not admit that. The distance from Cooma to Southern Monaro is about 60 miles, and the New South Wales Railway Commissioners have already recommended the construction of that line. I think it will be admitted that they are about the most conservative body

that we could possibly meet in a matter of this kind. They would not recommend the construction of a line of railway unless they were thoroughly justified in so doing.

Mr. CONROY.—They propose to take it round by Nimitybelle.

Mr. CLARKE.—Yes. They have already recommended the construction of the line. The honorable and learned member for Indi declares that the inaccessibility of Bombala constitutes an insuperable obstacle to its selection. If he will read the evidence of the Victorian engineers upon that point, he will change his opinion. Not only is it possible to construct a railway there, but the engineering reports are by no means unfavorable to the prospects of that line.

Mr. JOSEPH COOK.—Who will construct it?

Mr. CLARKE.—I presume that the Victorian Government will be in a position to undertake the work. We must not assume that because money is tight at the present moment it will always remain so.

Mr. JOSEPH COOK.—I was speaking of the extension of the railway on the New South Wales side.

Mr. CLARKE.—The New South Wales Government will construct that. If the Railway Commissioners have already recommended its construction upon a commercial basis, there will be a still stronger incentive to undertake the work if the Federal Capital is established there. Honorable members must understand that even up to date the surveys have not been very complete with regard to railway construction on the Victorian side, I understand that the last survey was made more carefully, that more time was spent upon it than on any of the previous surveys; and I take it, therefore, that the latest cost is the most reliable.

Mr. WATSON.—I think that the last estimate was more than £1,000,000.

Mr. CLARKE.—I have already mentioned the figures. One estimate for the construction of a line from Bairnsdale to the New South Wales border is £816,000, and I think that the highest is about £1,250,000.

Mr. JOSEPH COOK.—£3,000,000 for the three routes.

Mr. CLARKE.—The honorable member is adding the cost of all the alternative routes all together.

Mr. WATSON.—The estimate of £816,000 for the construction of the line from Bairnsdale, is a ridiculous one.

Mr. CLARKE.—If the honorable member is prepared to say that he knows more about these matters than do the experts, I can say no more.

Mr. WATSON.—The evidence given before the New South Wales Public Works Committee shows that it would be ridiculous to expect to have the work carried out for £816,000. One of the Victorian Commissioners gave evidence before the committee as to the several routes.

Mr. CLARKE.—I am simply stating the approximate figures. I have no desire to weary honorable members by reading lengthy extracts from the printed evidence.

Mr. JOSEPH COOK.—We have read it.

Mr. CLARKE.—That should be sufficient. The evidence shows that the engineering difficulties in the way of the construction of this line are not insurmountable. I admit that, owing to the nature of the country to be traversed, the cost would be heavy, but still the line could be built.

Mr. JOSEPH COOK.—Neither of the Governments would offer to construct it.

Mr. CLARKE.—The honorable member speaks with the greatest assurance, as if it were possible for him to foretell what they would do. A mere assertion of that kind is of no value.

Mr. JOSEPH COOK.—It is as valuable as is the honorable member's statement that the State Governments would construct the lines.

Mr. CLARKE.—I have made no such statement. I have simply put the estimates before the Committee, in order that honorable members may judge for themselves whether there is any probability of the construction of the line. I quoted these figures because the honorable and learned member for Indi said that there were insuperable difficulties in the way.

Mr. WATSON.—I would ask the honorable member to take note of the fact that the lowest figure quoted by him relates only to the construction of the line from Bairnsdale to the Victorian border. It is an estimate of the cost of constructing the line to the low lands below Bombala and near the coast.

Mr. CLARKE.—There would be a still further rise to Bombala?

Mr. WATSON.—Yes.

Mr. CLARKE.—Perhaps that is so. I have no desire to mislead the House. I wish now to refer to the evidence given by a Sydney engineer as to the possibilities of the water power of the Southern Monaro site. We might well consider the great advantage that would be derived from the selection of a site in connexion with which it would be possible to utilize to its fullest extent the enormous water-power now running to waste.

Mr. G. B. EDWARDS.—That is the honorable member's strongest point.

Mr. CLARKE.—It is a good one. No other site has the same volume of water-power running to waste. I do not suggest that we shall be able to bring everything into working order at the wave of the magician's wand; but one estimate prepared by this gentleman for a temporary scheme shows that water-power equal to 20,000 horse-power could be secured. Another scheme provides for water-power equal to 19,200 horse-power, and a still further scheme for 68,000 additional horse-power, making a total of over 100,000 horse-power available. Are we going to lightly turn aside from this consideration? Are we to pay no regard to the fact that a perfect water supply can be obtained for Bombala? It is true that pumping would be necessary, but as it could be carried on by electric power—by utilizing energy now running to waste—it would make very little difference whether a supply were secured by means of a pumping or a gravitational scheme. The Federal Capital, if established in this district, will have ample water-power to provide for its lighting by electricity. By putting the Snowy River in harness, as the people of the United States have done with the Niagara, we should be able to secure ample power for lighting the capital by electricity, and we should also secure a fine water supply. I wish now to say a few words in relation to the Lake George site, which I visited in company with other honorable members. I was sadly disappointed with it. I went there expecting to see a lake or something worthy of the name; but instead I found a marsh. It might be possible to construct an artificial lake there. I understand that, according to the opinions of engineers who have made the necessary surveys, it is possible to restrict the area of the natural lake, and to obtain a supply of water from the Molong River sufficient to make a permanent lake.

It would take some time to carry out a work of that magnitude. I would ask honorable members who object to the Bombala site because of the difficulties of connecting it by rail with Bairnsdale—difficulties which I candidly admit—how long it would take to reclaim Lake George, and to convert it into a picturesque and attractive feature of the Federal area.

Mr. BROWN.—No longer than it would take to construct a railway to Bombala.

Mr. CLARKE.—I should not like to make such an assertion. The honorable member knows perfectly well that the country between Cooma and Bombala presents no engineering difficulties, and that the Railway Commissioners of New South Wales have already recommended the extension of the railway from Cooma. The only objection that can be urged against Bombala is that, owing to the engineering difficulties, there would probably be great delay in connecting it by rail with Bairnsdale. I can draw my own conclusions from the evidence, and I repeat that those difficulties are not insurmountable. They certainly should not deter us from selecting Bombala when we believe it to be the best site. The honorable member for Macquarie and the honorable and learned member for Werriwa held out as a bait to this Committee the statement that there was a considerable area of church and school lands in the vicinity of Lyndhurst. Let me assure honorable members that that is not the case. The holders of the church and school lands to which my honorable friends referred were permitted, under the very Act from which the honorable member for Macquarie quoted, to apply for a new tenure under certain provisions of the Land Act. Those tenants are to-day in possession of most of the land.

Mr. THOMSON.—They have leaseholds.

Mr. CLARKE.—But what is a homestead selection? Is it not a perpetual lease? Why should the honorable member quibble in this way?

Mr. THOMSON.—There are other leaseholds.

Mr. CLARKE.—I admit that some of the land was offered to the public under other classes of leases, such as settlement or improvement leases; but I venture to say that all land of suitable quality in the district, with the exception of the reserves, has been taken up under homestead selection, and that there is not an acre

there which would be worth acquiring. It is unfair to mislead the Committee into the belief that we could immediately obtain possession of a considerable area of Crown land at Lyndhurst.

Mr. BROWN.—In one case, we should have to buy back the fee-simple, and in the other we should not.

Mr. CLARKE.—We should have to acquire the vested interests which these tenants have secured. I wish to clearly put the position before the Committee, because honorable members might reasonably have inferred from the statement made by the honorable member for Macquarie that we had merely to take possession of this land from the State of New South Wales.

Mr. JOSEPH COOK.—There are no difficulties in the way?

Mr. CLARKE.—If we tried it, a considerable sum would have to be paid to the tenants. Unfair comparisons have been made of the areas of land under cultivation at Tumut, Orange, and Bombala. I think I have already pointed out that there is no inducement to grow wheat in Bombala.

Mr. KENNEDY.—They cannot grow it there.

Mr. CLARKE.—I have a very great respect for the opinion of the honorable member; but when he asserts that wheat cannot be grown in Bombala, and asks me to believe that statement, he makes too great a demand upon my credulity.

Mr. JOSEPH COOK.—Are there any iron or coal deposits at Bombala?

Mr. CLARKE.—The honorable member for Macquarie pointed out that Bathurst was not far distant from the Lithgow coal and iron mines; but if we established the Capital at Bombala, we should not require coal. We should do all our lighting and heating by electricity, and should drive our machinery by electricity.

Sir MALCOLM McEACHARN.—How should we generate our electricity?

Mr. CLARKE.—By water power. Mr. Pridham, one of the witnesses examined by the Commissioners, stated that in three and a quarter miles the Snowy River fell a distance of some 200 feet. The Southern Monaro district offers us an opportunity to develop what is practically a new province. I have already lightly touched upon its advantages as a sanatorium; and I would point out that unless we establish the Capital in a locality which will be popular as a health resort, many years will elapse before it will attain

that degree of success and importance that it ought to achieve. If we erect the Capital in a basin—in a stifling climate—it will be absurd to expect people to go there.

Mr. JOSEPH COOK.—Where can a better climate than that of Lyndhurst be obtained?

Mr. CLARKE.—I have nothing to say against the climate of Lyndhurst, but, weighing the advantages of the Bombala site against those of each of the others, I say that it is undoubtedly the best. It is a good thing that we are to be allowed a free hand in voting upon this national question, and it will grieve me very much if any other site than Bombala is selected.

Mr. BROWN (Canobolas).—I know that if this matter is to receive anything like fair consideration at the hands of honorable members, it must be dealt with at an early stage, and that the longer the decision is delayed the less the possibility of obtaining a representative vote upon it. Several honorable members have already left for their constituencies in the other States, so that we cannot to-night obtain the full voting strength of the Committee. If a vote is taken to-night the number of members voting will be less than the number of those who would have voted last night, but it will be larger than the number of those who will be here to vote next week. That being so, I have to choose between shortening my address as much as possible or discussing the subject at length, and risking the loss of considerable support. It is for this reason that I again feel called upon to protest against the delay in dealing with the matter. I strongly supported the Conciliation and Arbitration Bill, and assisted the Government as much as possible in regard to it. Apparently, however, they were only playing with the measure. That being so, they should have dealt with the Capital site question earlier, so that we could devote a reasonable amount of time and attention to it. No doubt one of the reasons why it has not been dealt with earlier is that the Government have not been in a position to place all necessary information before honorable members. Some of that information—such as copies of the minutes of the Capital Sites Commission, and certain exhibits to which reference has been made—is not available even now, while we have not yet

been supplied with the statement which Mr. Oliver, in the report in which he so severely criticised the recommendations of the Capital Sites Commission, says he is preparing for publication by the Government Printer of New South Wales. This question is important, not only to the Commonwealth, but to the State of New South Wales, one of whose constituencies I represent, and, therefore, I am justified in entering this protest. Furthermore, the voting power of that State has been reduced by the resignation of the late Prime Minister. He pledged himself to honorable members and to the people of the State of New South Wales to carry the matter through, but he abandoned the undertaking directly a difficulty occurred between the two Houses. Surely there was no great hurry for the constitution of the High Court. That matter might have been allowed to stand over for a few weeks longer. Had Sir Edmund Barton remained in Parliament, the State of New South Wales would have had the advantage of his influence and vote. However, that is a matter which cannot be remedied now, and it is one to which I shall not, in view of the limited time at my disposal, refer to at greater length. If honorable members will look at the map of New South Wales they will see the relative positions of the proposed sites. On the southern table-land there are two sites—Bombala and Dalgety—which are so near the Victorian boundary that a considerable portion of the catchment area of one of them is within the State of Victoria. Further west, on the banks of the Murray, and practically toppling over into Victoria, is the much advocated Albury site. Northward of it lies Tumut, and still nearer Sydney, the Lake George site. Then, west of the Blue Mountains and on the high table-land of the Canobolas, there are clustered together, within thirty miles of each other, and practically forming the three points of a triangle, what are known as the western sites. It is on behalf of those sites that I intend to speak. I wish to urge their claims upon the consideration of honorable members. In dealing with this matter we must not confine our attention to any one particular feature, but view the possibilities of the sites from several standpoints. The members of the Capital Sites Commission were directed to report upon the general suitability of each site for the purposes intended, with respect to such matters as climate, productiveness of soil,

availability of building material, possibility of an adequate water supply for a city of at least 50,000 inhabitants, accessibility present and prospective, cost of resumption—not only of the actual city site, but also of the catchment area—and other matters. Their report deals with all these subjects, and my intention is to briefly place before the Committee a comparison of the advantages of the proposed sites. The difference between the western sites is not very great. Their proximity makes their climatic conditions, accessibility, and most other features, with the exception of water supply and cost of resumption, practically identical. While I shall quote certain figures relating to the Canobolas, or more particularly the Orange site, it is to be understood that my remarks apply practically to all three sites. The whole of New South Wales was open to examination by Mr. Oliver, whose recommendations formed the basis of the investigation made by the Capital Sites Commissioners, but the western district is the only one in which he found three sites so close to each other that he was led to make a special recommendation with respect to them. As I have said, these sites practically form the three points of a triangle, and within them is what is known as the Calvert site, which is near Mullthorpe and was also reported upon by Mr. Oliver. I ask honorable members to bear that fact strongly in mind. The table-land of the Canobolas is the only district in New South Wales which contains three, if not four, separate sites within thirty miles of each other. With regard to the climatic conditions of the various sites, various figures appear in the report of the Commissioners, and have been quoted this afternoon. I propose merely to make a convenient comparison of the sites I advocate with some of the others which seem most favoured by the Committee. Orange, the first of the three western sites, has a maximum temperature of 102 degrees, a minimum temperature of 21·3, and a mean temperature of 54·9 degrees. At Lyndhurst, the maximum temperature is 98·4, the minimum 15·4 degrees, and the mean, 52·2 degrees. At Bathurst the highest temperature on record is 110·5, the lowest 13 degrees, and the mean temperature 57·6. That is almost an ideal climate. At Bombala the maximum is given as 104·1, the minimum as 15·5, and the mean as 53·3 degrees. At the other

much favoured site, Albury, the maximum is given as 117·3, the minimum 20·2, and the mean 61·3 degrees. When the members of the Commission were visiting Albury the shade temperature stood at something like 110 or 111 degrees. For Tumut the maximum is stated to be 106 degrees, the lowest reading 27 degrees, and the mean 62. When the Commission were making their inquiries at that place, the thermometer registered 100 degrees in the shade. It will be noticed upon reference to the figures that the temperature at Orange and Lyndhurst is more equable than in the case of the more favoured sites. Orange has in recent years become a summer resort for residents upon the western plains. Females and children and others in delicate health; to whom the hot, dry climate of the plains proves detrimental, almost invariably go to Orange during the summer months. I am told by friends who live in the Monaro district that instead of remaining there during the summer they make it a practice to go away. I know of one resident in the Monaro district who regularly sends his wife and family down to the sea coast during the winter to escape the severity of the climate at that time of the year. If honorable members will refer to Mr. Oliver's report, they will find that he makes reference to the superior climatic conditions that prevail at Orange. At page 13 he says:—

The climate of Canobolas, from the superior altitude of its site, and its position on the fall of the plateau towards the Great Western Plains, is preferable to that of any western site, and I believe that the comparatively high rainfall of Canobolas is climatically beneficial, and in no way injurious to health.

In his criticisms of the report of the Commission of Experts, at page 10, he says:—

What the evidence before the Commissioners under each of these heads, apart from the official records of temperature, may have been, we have nothing to show, but those who have had long personal experience of the various climates brought into comparison by this report, will not easily be convinced that Orange is worse off for a climate than Lake George, Bathurst, or Lyndhurst.

These are the conclusions at which Mr. Oliver has arrived after a very long inquiry and close personal observation. The rainfall figures given in Mr. Oliver's report show that, taking the average for the last thirty years, the record for Orange is 39·50 inches, Tumut comes second with 33 inches, Lyndhurst third with 31 inches, Bombala fourth with

29 inches, Albury fifth with 28·82, and Bathurst sixth with 24·75. This return shows the heavy rainfall that takes place in the Canobolas district, and this should be a matter of very grave consideration in connexion with the question of water supply. All the western sites have strong claims on the score of their healthy situation and equable climate. No less an authority than Sir Hercules Robinson, who was then the Governor of New South Wales, stated that the Canobolas district would eventually become the sanatorium of New South Wales, and that prediction is gradually being realized. A reference to the altitudes of the different sites may convey to honorable members some idea of their suitability as to climate. The Orange site is situated at an altitude of 2,880 feet above sea level. Albury is only 800 feet above sea level, or in other words, is 2,080 feet lower than Orange. Lyndhurst has an altitude of 2,280 feet; Bombala, 2,400 feet; Bathurst, 2,200 feet; and Armidale, the highest of all, 3,450 feet. Tumut is 1,050 feet above sea level, or 1,830 feet below Orange. If honorable members are acquainted with the contour of the country round about Tumut they will know that it is situated in a very deep valley, surrounded by high hills. The area within that valley contains perhaps some of the richest country in New South Wales, and the fact that the best tobacco and maize can be grown there is sufficient to show that the climate is semi-tropical. Honorable members will do well to bear these facts in mind. We know that all elevated localities are liable to be wind-swept, and so far as Bombala is concerned it is specially exposed. Honorable members who experienced the cold and bitter winds which prevailed in Melbourne during the winter of 1901 may gain some idea of the fate that would be in store for them if they went to Bombala. The Monaro country is exposed, first of all, to the moist breezes which are borne up to the table-land from the east, and then to the cold westerlies from the snow-clad heights of Kosciusko. Albury is swept by the hot winds of the west, whereas Tumut is to some extent sheltered by the surrounding hills. Orange and Lyndhurst are sheltered by Mount Canobolas, and therefore escape from the high winds to which Bathurst is to some extent exposed. So far as the question of accessibility is concerned, both in the

*Mr. Brown.*

present and in the future, the western sites are already in touch by means of railway communication with the principal centres of civilization in the Commonwealth. The Armidale site is eleven miles distant, and it requires the construction of a deviation, which it is estimated will cost £75,000, to bring it in contact with railway facilities. The Bathurst site is six miles distant, and to connect it with the railway would necessitate an expenditure of £45,000; whilst the Lake George site is situated on the main line of railway. Lyndhurst and Orange are upon the main line of railway, and require no further extension. Tumut, if the Lacmalac site be chosen, would be six miles distant, and would require a further expenditure of £50,000 to connect with the railway. When we come to the much-belauded Bombala site, we find quite a different state of affairs. It is distant from Cooma, which is the nearest railway station, some 57½ miles. The estimated cost of constructing a line of railway to connect the two places is £337,000. To extend the line from Bairnsdale, which is 176 miles distant, would involve an outlay of, at least, £1,180,500. But the through line would not give the whole of the facilities which are necessary to develop the site in question. One of the strong arguments which have been used in favour of the Monaro site is that it is near a port, which it will be necessary to connect it with the Capital by rail. Therefore, an additional 54½ miles of railway would require to be constructed at a cost of £934,000. In order to provide the Monaro site with railway facilities which the Commissioners deem to be necessary, a total of 288 miles of new railway will require to be constructed at an estimated cost of £2,450,000. Then, if the harbor is an essential—as some strong advocates of the Bombala site seem to think—at least another £1,000,000 will need to be expended to make Twofold Bay a safe port for shipping. In addition, a further outlay of £200,000 or £300,000 will be involved in providing the necessary wharfrage accommodation. These figures are based upon a report which was furnished by Mr. Darley, upon page 41 of Mr. Oliver's first report. Mr. Darley who, at the time, was the Engineer for Harbors and Rivers in New South Wales, and a very able officer, estimates the cost of constructing breakwaters at £1,028,000. This information was conveyed to Mr. Oliver in



a letter which is dated Sydney, 4th September, 1900. It reads thus—

I am afraid there has been too much delay in answering your letter of 20th ult. re Twofold Bay. I enclose you a small hand map showing the breakwaters I would propose. The northern is 4,700 feet long, and southern, 4,850 feet long; width of entrance, 1,800 feet. The area enclosed would be  $6\frac{1}{2}$  square miles, and area of water, over 24 feet deep,  $3\frac{1}{2}$  square miles. This would form a most commodious and well sheltered harbor. I estimate the cost at £1,028,000. This allows a liberal price for stone. It might be much less if really good stone can be obtained at each headland; but I doubt if the local stone is good enough. I would not recommend overlapping breakwater; they are more costly. They have really no advantages, but have some disadvantages.

That is the testimony of an expert officer who supplied Mr. Oliver with this information for the purpose of enabling him to compile his report.

Mr. AUSTIN CHAPMAN.—Has the honorable member seen the revised estimate?

Mr. BROWN.—I have seen a revised estimate of Mr. Oliver's criticism in which the cost is reduced to approximately £120,000. But if honorable members look at the revised estimate, they will see that only temporary provision is made for present requirements, and that it does not contemplate carrying out the larger work which was reported upon by Mr. Darley, and which was considered by him to be necessary if Twofold Bay were to become a Federal port. I would further point out that our experience of breakwaters along the coast of New South Wales is not very encouraging. We have expended very large sums in that direction, and we now realize that that money could have been expended much more satisfactorily in the construction of a coastal railway. Difficulties were encountered which were not foreseen when such undertakings were commenced. That is a matter which cannot be overlooked in the consideration of this question. Moreover, if Twofold Bay is to become a Federal port, a further expenditure will be necessary to provide it with a proper system of defence. I do not agree with those who hold that a Federal port is necessary for Commonwealth territory. Even if the Bombala site is selected, I very much question whether the Government of New South Wales will be disposed to transfer to the Commonwealth the control of the port of Twofold Bay. It is also worthy of notice that the Bombala site is not the only site which lends itself to a

Federal port. The Lake George site has been condemned because the lake itself became dry during the last drought; but according to expert opinion it could be converted into a permanent lake at a very much less cost than would be involved in providing the Southern Monaro site with transit facilities. Equally as cheap, from the point of view of the cost of railway construction, is the port of Jervis Bay, which is directly east of Lake George, and which from every stand-point is a superior port to that of Twofold Bay.

Mr. SKENE.—How far distant is it?

Mr. BROWN.—About sixty-five miles. It can be brought into touch with that port, and the expenditure necessary to make it accessible from Lake George will be represented solely by wharfage accommodation. But if a port is required for shipping purposes, any of the three western sites are within six hours by rail of one of the best ports in the Commonwealth—Port Jackson. From the point of view of harbor facilities and wharfage accommodation, it is one of the best equipped ports in the world. Then let us take the Lyndhurst site. Some honorable members have objected that the Blayney-Harden line of railway is not constructed upon a scale which will permit of heavy traffic being carried. If they will take the trouble to look at the evidence, which was given by the New South Wales Railway Commissioner, they will find that that assumption is not borne out by fact. There is no reason why that line should not be used by travellers between Melbourne and any of the western sites, for it would bring the people of this city into much closer touch with the Federal territory. The Orange site is especially well served by railways. It is at the junction of the line running from Dubbo to Bourke and the line extending from Molong to Condobolin. The site lies in the angle of the two lines, the one running to the north, and the other directly to the west, and it possesses features which would be specially advantageous to a city of the character which we propose to build. We must also consider the prospective advantages. Reference has been made to the fact that the journey from Brisbane to the western site would be considerably reduced by the construction of a line from Wellington to Werris Creek. That line would bring Queensland into much closer touch with the site. South Australia would also be brought

into direct communication with the site by the construction of a line from Cobar to Wilcannia, and by the extension of that line to Broken Hill we should also bring the western districts of New South Wales into closer touch with the east. If the Minister for Home Affairs succeeded in persuading the House to carry out his project for the construction of a Federal line to Western Australia, it would also bring that State into more direct communication with the site. I wish to impress upon honorable members the fact that the construction of a line from Wellington to Werris Creek is engaging the serious attention of the State Parliament, and that sooner or later, whether the Federal Capital is established in the western district or not, it will be laid down. The construction of a line from Cobar to Wilcannia has already been sanctioned, and the work has been entered upon, but the proposal to construct a line thence to Broken Hill has yet to receive parliamentary sanction. Let us see what the construction of these lines will mean in hard cash. According to the report of the experts, the Wellington-Werris Creek line would be 157 miles in length, and would cost £514,566; the Cobar to Wilcannia line would be 164 miles in length, and it is estimated that it would cost £510,927; the Wilcannia to Broken Hill line would be 120 miles in length, and it is estimated that it would cost £388,426, while a line from Broken Hill to Cockburn would be 34 miles in length and would cost, it is estimated, £219,986. These lines would extend over a distance of 418 miles, and it is estimated that their construction would involve an expenditure of £1,119,339. In other words they would cost less than would the lines from Cooma to Bombala, and from Bombala to Eden, to say nothing of a line from Bombala to Bairnsdale, which would involve a further expenditure of over £1,000,000. These western-district lines, 418 miles in length, would cost less than half the amount—namely, £2,450,000—that would have to be expended upon the construction of the 288 miles of railway necessary to make Bombala accessible. I believe that the Bombala-Cooma line will, in any event, be constructed for the purpose of opening up the district; but unless Bombala be selected as the site of the Capital, there will be no incentive to the States Governments to make the other railway extensions to which reference has

been made. On the other hand the western lines, to which I have alluded, are essential, apart altogether from the question of the Capital, for the development of the State, and they will be constructed in the near future. Let me show the travelling facilities which would be afforded honorable members if the western site were selected. Those who were prepared to live in Sydney would be able at the close of their day's work to go to the theatre and at midnight catch a train, which would land them at the capital after a journey of six hours. Honorable members living in Melbourne might board the train which we are accustomed to catch at 5 p.m. and arrive at the Capital in time for breakfast. They would reach their destination about 8 a.m. If the Wellington to Werris Creek line were constructed the distance between the Federal Capital and Brisbane would be reduced by 300 miles, and the journey shortened by eleven hours. Instead of members from that State being called upon, as at present, to travel for thirty-four hours in a train in order to go from Brisbane to the seat of government, they would have to undertake a journey which could be covered in twenty-three hours. By the construction of the lines which I have mentioned, the distance from Adelaide to the seat of government would be reduced by 176 miles, and the time of travel decreased by six hours, while the journey from Perth would be reduced by 199 miles, and the time occupied on the trip shortened by forty-five hours. Another proposal is on foot for the construction of a transcontinental railway from Bourke, through the western district of Queensland, to Port Darwin. The suggestion is that it should connect with the railway systems of Queensland, which would admirably lend themselves to such a project. It would connect with the Brisbane-Cunnamulla-Charleville line, the Rockhampton-Longreach line, and the Townsville-Winton line, and passing through what, for the most part, is rich country, well adapted for stock-raising, would go on to Port Darwin. That line would not only develop a very rich territory, but would bring us into much closer touch with Europe. These are matters which should have some weight with honorable members when they are considering the question of accessibility. I wish now to draw attention to the cost of conveying goods to the several sites. Let us take, for example, the cost of

coal. According to the Commissioner's report, Helensburg coal could be delivered at Tumut for 27s. 6d. a ton. Exeter coal, which is of inferior quality, and has very little control of the market, could be sent there for 20s. per ton, while Eskbank coal could be delivered for 22s. 6d. per ton. The cost of delivering coal at the Albury site would be as follows:—Eskbank, 25s. 6d. per ton; Exeter, 22s. 9d.; Helensburg, 29s. 6d. Bombala is more favorably situated, inasmuch as coal can be sent there by sea, and Coolongong coal, according to the report, can be delivered there for 19s. per ton. On the other hand, Eskbank or Lithgow coal can be delivered at the western site at from 10s. 10d. to 15s. 1d. per ton, so that in this respect the latter site has a distinct advantage over all others. What applies to the carriage of coal applies also to the carriage of the material which would be necessary for construction of the capital. Reference has been made to the productiveness of the land in the vicinity of the various sites, and effort has been made to show that Bombala should be selected for the reason, among others, that it is especially adapted for the cultivation of potatoes. In support of this position, the average yield of potatoes per acre in the Bombala district has been given. In order to test the productiveness of any district, we must have regard not to the yield obtained from some small fancy patch of land, but to the yield for the district as a whole. After listening to the very eloquent remarks made by some of the advocates of Bombala, more specially when comparing it with the western site, honorable members will perhaps be surprised to learn that the Commissioners state that at the time of their report there were only 790 acres under potatoes at Bombala, whilst at Lyndhurst there were 8,229 acres, at Lyndhurst, 954 acres, and at Orange 8,522 acres. I think these figures fully answer the objections made by the supporters of the western site.

JOSEPH COOK.—They are conclusive that the cultivation of potatoes are con-

BROWN.—They should be. Reference has also been made to the average yield of wheat and other cereal crops. The Albury site stands first so far as the country under wheat cultivation is concerned. According to the report, in round figures, 120,000 acres of wheat, Armidale has 5,000 acres,

Dalgety 1,700, Bathurst 51,000, Bombala only 972, Lake George 6,000, Lyndhurst 100,000, Orange 56,000, and Tumut 14,000. Out of a total of 423,582 acres, the three western sites, which are practically within view of each other, have an area of 208,783 acres under wheat. This phase of the question deserves special consideration. If we are to build a city that will have a population of 50,000 and upwards—and the estimates furnished by the Commissioners are based on a minimum population of 50,000—we must take care to provide some means for the subsistence of the people. The immediately adjacent territory must provide a means of livelihood. It is not to be assumed that the people of the Capital will be able to make a living out of Federal governmental expenditure; and, therefore, one of the matters to which we should give our attention is the capacity of a district and its surroundings to supply the wants of a large population. If honorable members will look at the map they will see that after passing the Dividing Range and the high tablelands, level country is reached, which, among New South Welshmen, is known as the Central Division, which is the granary of New South Wales. Up to last year that part of the country not only supplied the needs of the State but produced a surplus for exportation to the Home market.

Mr. CROUCH.—Is it still suffering from drought?

Mr. BROWN.—No. Since the late rains the outlook has never been better.

Mr. MAUGER.—How long will it be before New South Wales gets another drought?

Mr. BROWN.—New South Wales is no more subject to drought than is Victoria, which has suffered as much in the past as has her sister State. The Central Division of New South Wales is tapped by the railway from Sydney which passes through Wellington and Dubbo, and goes on through Nyngan to the Darling, and by another line from Orange to Molong, and on to Condobolin, while the cross line from the southern to the western systems also passes through it. The Albury site stands in a better position than the other sites, with the exception of those on behalf of which I am speaking, in that it commands one of the best agricultural districts in the State, a district capable of growing wheat and producing wine, and of supporting a large population.

Mr. MAUGER.—Cannot the same be said of the Tumut district?

Mr. BROWN.—No. Tumut is not an agricultural district in the sense in which we in New South Wales understand the term. It is rather a cattle district, and if sufficient facilities were given, might become a dairying district; but it will never grow wheat to compete with districts like that extending north, west, and south from the foot of the Canobolas. This is a matter which should have considerable weight with honorable members. As an evidence of the richness of that district, I would point out that during the late drought it not only supplied a considerable quantity of fodder, but for a large part of last summer carried four or five times the usual number of stock, starving sheep being sent there from other districts. The district I speak of, and the north coast, are the only districts in New South Wales, with the exception of the high tablelands which are not subject to drought. The question of defence should also receive consideration in connexion with the selection of the Capital site. At the present time our means of communication lie open to the assault of an enemy. The railway line from Sydney to Brisbane could easily be destroyed if a hostile expedition landed on the Hawkesbury. But when the railway from Wellington to Werris Creek is made, Inter-State communication will be almost beyond the possibility of attack. The Minister for Defence will agree with me that it is essential for effective warfare that our forces should be able to readily attack the foes of Australia, and to render themselves practically immune from attack. As a position from which to conduct warlike operations, the locality of which I am speaking is probably the best in the State. The gentleman who occupies the distinguished position of Chief Justice of the Commonwealth of Australia, writing in 1896, laid down these conditions for a Federal capital—

The Federal Capital should be central, easily accessible, not unduly exposed to the risk of war or invasion, and its climate should not be such as to render it an undesirable place to live in.

I have been to all the sites, and have studied the reports upon them, and I unhesitatingly say that I know of none to which those conditions apply so completely as to the western sites. The Minister for Home Affairs who has inspected some of the sites, and who is an authority on the subject, says that he would not select any of them, but I am

sorry that he has not viewed the Lyndhurst site. I ask him, however, to listen to the following description, which appears at page 46 of the Commissioners' report—

The country is well adapted for the laying out of a fine city, which would occupy an imposing and conspicuous position. Beautiful park-like undulations rise frequently into elevations offering great advantages for the display of fine buildings. There is ample and suitable space for the extension of a city, and for the creation of pleasant suburbs.

This site has various aspects, a proportion of the slopes facing the east.

From all portions of the site charming and interesting views meet the eye. In the distance, and in some cases forming the horizon, are mountains, such as the chain of the Canobolas, the Weddin Mountains, the Nangar Cliff, and the distant mountains at Sunny Corner. To the south-east distant ranges, such as the Bulger Mountain, limit a panoramic view of the tableland.

I trust that the Minister will give due weight to the report upon the Lyndhurst site. Although the selection of the Capital is being made under considerable disadvantages, and very late in the life of the Parliament, I hope that it will be made before we return our trust to our masters, the electors. I hope, too, that in choosing a site honorable members will not be influenced by what they conceive to be the interests of Victoria or New South Wales, or even their own personal interests, but that they will study the welfare of the unborn generations, so that the site selected shall be one which will serve the Commonwealth for all time.

Mr. AUSTIN CHAPMAN (Eden Monaro—Minister for Defence).—I have listened with a great deal of pleasure to many of the speeches which have been made during the debate, and have thrown so much light upon this important subject, and I regret that force of circumstance has prevented us from being in a better position to deal with it. It has frequently been said by members of the Opposition that the delay in connexion with this matter is the fault of the Government, but those who are acquainted with the history of this Parliament, and know the legislative work which the Government have brought forward, are aware that the matter is being considered at the earliest moment possible. I hold the opinion that, if there is not now time for us to make a careful selection, so as to do justice to the people of the Commonwealth, if it is thought that we have not before us all the information

which is necessary, it will be better to delay the matter still further than to hurriedly come to a conclusion merely to suit our own convenience, or to please a few of our constituents. History shows that the selection of a capital site has in the case of most Federations, been a difficult and troublesome matter, and that the jealousies which have arisen in connexion with the subject now under consideration have had their counterpart in similar differences and troubles elsewhere. Furthermore, the site chosen has generally been, not that which has been the best, but the result of a compromise, and the probability that the site we shall choose will be the result of a compromise. I believe that the one which honorable members will eventually select will receive but a few votes at the first ballot. That, in itself, shows the difficulties which surround the settlement of this question, whose importance is magnified by the fact that the decision once made is to hold good, not for a week, or a year, but for all time. Once we have fixed upon the site, we cannot make a change. If the Federal Capital is what we all hope, one of the principal cities in this country; if it is to be the pride of our race, and a city to which we can point with the same satisfaction that the people of other countries feel in pointing to their capitals, we should not allow the expenditure of a few pounds, or a few thousands, or even a few millions, to stand in the way of the realization of our ideal.

**HONORABLE MEMBER.**—The honorable member has now overdone it.

**AUSTIN CHAPMAN.**—Every man considers this question with an earnest desire to do the best thing for Australia. I know that if we are to spend millions upon the Capital our expenditure will extend over many years. The fact

that a water supply could be obtained more cheaply at one site than another should not weigh with us. We should first demand those essentials which money cannot buy, such, for instance, as a good climate. After all, the question is whether a climate is good or not depends upon one's tastes and opinions. I prefer the breezy climate of Monaro, where the men from Snowy River live, to the climate of that part of North Wales to which the people of London could repair to recuperate after the terrible heat of the coastal

cities. Other honorable members might prefer a warm climate where the tobacco would grow, where the maize would top the fence, and where, also, the fogs would hang around in the winter time. It is all a matter of opinion and taste. But I take it that the majority of honorable members will agree that it is desirable that we should have a bracing climate. The temperatures recorded will give us some idea of the climate at the various sites. It is very easy for some honorable members to say that the winds blow cold on Monaro, and that the ice is thick, and all that kind of thing; but it is necessary for us to pay attention to the real facts of the case. First of all, let us consider the altitude of the sites which appear to find most favour with members. Albury is situated at an elevation of 800 feet above sea level, whilst Lyndhurst has an altitude of 2,280 feet. The latter has a good situation, because, apart from our preferences, we know that perfect health is to be found only at an elevation of something over 2,000 feet. Tumut has an altitude of 1,050 feet. I have no personal knowledge of Tumut, and I have no desire to say one word against it. I am not here to malign any particular site. At the same time I must say that any site that is only just a little over 1,000 feet above sea level is not high enough for the Federal Capital. Bombala has an altitude of 2,400 feet. At this point, I should like to say that when I speak of Bombala I refer to the Southern Monaro, to that broad expanse known as the tableland of Monaro, which includes Dalgety. We are not called upon to select a particular site to-night. The Prime Minister has pointed out that the Bill is framed in such a way as to offer a fair amount of latitude. Lake George has an altitude of 2,300 feet, and we know that it has a good climate. The elevation affords a very good indication of the climate. Dalgety has an altitude of 2,650 feet, and Armidale is situated at a height of 3,450 feet. Unless honorable members desire to make a compromise for the sake of some particular centre of population or some particular State, they must pay the closest attention to climatic considerations. I do not care a scrap for those who say that I ought to be called a Victorian representative. I came here for Federal reasons, and with the intention to legislate in a Federal spirit. I thought that all the old lines of demarcation would be wiped out; but judging

from some of the views expressed by honorable members, a broad Federal spirit is not yet universal. If there is one subject which we should approach in a Federal spirit, it is the selection of the Federal Capital site. What does it matter if the site is nearer to Melbourne than Sydney, or *vice versa*? Of what importance is it that it is accessible in the sense in which some honorable members understand the term? It seems to be thought in some quarters that the term "accessible" can be applied only to places which already have railway communication, and at which there is as much settlement as is likely to take place for many years to come. Instead of taking that narrow view of the matter, should we not rather select the Capital site with a view to the possibilities of the future, and to the possible concentration of population in localities now sparsely settled. We can only judge as to the probabilities in that regard by taking into account the nature of the country. Now let us consider the temperatures. At Albury the highest temperature recorded is 117, the lowest 20, and the mean 60. That is a very wide range, and those honorable members who show their preference for Albury will do so with their eyes open so far as the climate is concerned. The temperatures at Armidale range from 13 to 105 degrees, with a mean of 56. At Bombala the temperatures range from 15 to 104 degrees, Lake George from 21 to 105, Lyndhurst from 15 to 98, Tumut from 27 to 106, and Dalgety from 14 to 104. Now as to the temperature at Lyndhurst, regarding which site some honorable members entertain a highly favorable view, we find that the highest record is 98 degrees, the lowest 15.4 degrees, and the mean 55 degrees. At Bombala, the highest temperature is 104, the lowest 15.5, and the mean 54. Any reasonable man must admit that these two climates are practically on all fours. No one has told us about the cold, biting winds which range over the site at Lyndhurst, and yet it is shown by the figures that the temperature is, if anything, lower than that at Bombala. The mean annual rainfall registered at the various sites is a matter for consideration. Next to climate comes water supply. I do not attach so much importance to the latter as to the former, because money can secure a water supply, whereas it cannot purchase a good climate. Albury has an annual rainfall of

*Mr. Austin Chapman.*

28.14 inches; Armidale, 32.65; Bombala, 24.09; Lake George, 26.72; Lyndhurst, 29.54; Tumut, 31.8; and Dalgety, 26.37. Honorable members must admit that there is a good rainfall in all these places, and if we had to depend wholly upon rainfall, no great advantage could be claimed for Bombala over the other sites. We all know, however, that although there may be a good rainfall within a given locality, provision must be made for a time when there will be no rain. We know what a drought means, and we have seen most of our rivers stop running. It was recently said, and with a good deal of truth, that there was but one river in New South Wales, and that was the Snowy River, not fed by rainfall, but from the snow-capped peaks of Kosciusko. That river does not dry up in the summer time, but under the genial influence of the summer sun, the snows upon the mountain tops melt, and the river, swollen by the snow waters, overtops its banks in the middle of summer. That is the kind of water supply that we require. If we had to depend on rainfall, most of the sites might be provided with a reasonable water supply. But we cannot rely upon rainfall altogether in Australia. I ask honorable members who say that Bombala is too cold to consider that while the mean temperature at Bombala is 54 degrees, that of London is 50 degrees, Paris 52 degrees, and Washington 56 degrees. How is it that some of the largest capitals in the world have a climate colder than that of Bombala? The figures show that Bombala is a place very different from that described by some honorable members. Let us go further and look at some of the large cities in the world from which people fly in the summer time, which they are afraid to approach on many occasions on account of fever and other sickness. Take the case of Rome, which has a mean temperature of 54 degrees. The mean temperature at Tumut runs up to 61, and that of Albury to 60 degrees. There are the figures, and honorable members can draw their own deductions. It is not for me to force my conclusions upon honorable members. It proves that there is not much in the climate-trap which has been talked about the other side that is experienced at Bombala. It has been urged that trees will not grow there, and that the country will not produce wheat. During the course of his speech

he Minister for Trade and Customs informed us that nobody can live at Bombala. In this connexion I desire to quote the views of a gentleman who for many years led the New South Wales Parliament—I refer to the late Sir Henry Parkes—to whose opinions, as the father of Federation, some credit should surely be attached. Speaking of Eden, or Twofold Bay, he says—

It does not follow that because this very fine port has, from one cause or another, been neglected, that it will continue to be neglected. When that district is opened by railway communication, to which, in my judgment, it is richly entitled, Eden, which has a very fine harbor, will become the site of a very important maritime city. . . . I have that faith in the progress of this country that I have long foreseen that, although retarded by unfavorable circumstances, this result is certain by the very force of growth from without. . . . Twofold Bay has been the victim, if I may so term it, of singular neglect. I do not say whose fault it is. It is very difficult to distinguish; but, certainly, before many years, Twofold Bay, where the town of Eden is situated, . . . will become one of the most important places in New South Wales. I have no doubt whatever of that. As far back as 1873 I advocated the construction of a railway to the port, to bring the traffic of Monaro to the bay.

These words seem to me prophetic.

Mr. A. McLEAN.—Can the honorable member quote the opinion of the present Minister for Trade and Customs?

Mr. AUSTIN CHAPMAN.—As honorable members are aware, I always pay a great deal of respect to the utterances of my colleague, who in speaking upon this very question, said—

I think, if there is a district in which a railway should be constructed, it is from the table land to the port of Eden.

These are the views of the Minister for Trade and Customs, and I am prepared to indorse his judgment. He said—

There is no finer port in the colony, and there is no finer country at the back of it. It is certainly to be regretted that the construction of the line has been left so long in abeyance. There is no possible doubt that the port must become a great shipping port, and it will become a great centre of population.

These remarks are to be found in the New South Wales *Hansard* for the year 1891. I believe that the honorable gentleman went even further, because a local newspaper reports him as having said that at Bombala there were to be found the loveliest women and the finest men, and that it would be the home of a great race. As honorable members will see by reference to page 21 of

Mr. Oliver's report, that gentleman, in speaking of Twofold Bay, says—

If the seat of government were to be located on the Monaro table-land, and connected by rail with the harbor such as Twofold Bay, the Commonwealth would acquire an invaluable naval base, situated nearly half-way between the two State capitals, that offer the greatest temptations to an enemy—Sydney and Melbourne. The eastern States of Australia would acquire a harbor of refuge, or for refitting ships in distress, or for coaling. If the Commonwealth is to have a navy of its own, or even a training ship, Twofold Bay would be a convenient station, particularly for gunnery practice, and suggests itself as the convenient head-quarters of the Naval Commandant. As the breakwaters would be fortified, the breakwaters of Eden could be made practically impregnable. With such a harbor the Commonwealth would have two routes for reaching the various State capitals—one by sea, the other by land—and for facilitating the collection, mobilization, and despatch of troops, munitions, and equipments. The lumber cargoes from the other side of the Pacific could be discharged direct on the Eden wharf, and the same facilities would exist for cargoes of coal, stone, iron, roofing slates, tiles, cement, and all other kinds of building material; and thus every State of the Federation would have a common commercial heritage in a harbor second only to Port Jackson.

I place this testimony against the wild statements which have been so freely uttered concerning this port. He goes even further, and tells us that an expenditure of £150,000 will provide a sufficiently safe anchorage for the whole of the British Navy. These are hard facts which cannot be controverted. Then I invite honorable members to consider for a moment the question of the cost of providing a water supply at the various sites for a population of 50,000. At Albury the cost would be £512,000, at Armidale £391,700, at Bombala £531,090, at Lake George £380,500, at Lyndhurst £427,400, at Tumut £200,280, and at Dalgety £328,000. In the case of Bombala, however, it is pointed out by the Capital Site Commissioners that—

If electricity, generated by water-power obtained from the Snowy River, as hereinafter referred to, were used for pumping from the Delegate River instead of steam, there would be a considerable saving on the annual expenses, and the total cost would then be reduced to £417,600 for water supply for a population of 50,000.

I hold that there is no question of "if." We know that it will be utilized. We recognise that electricity is the coming power. What is the use of honorable members talking about the price of coal when we are assured upon the authority of experts that in the Snowy River more electric power can be generated than is

now in circulation. I have no right to condemn or criticise honorable members, and I recognise that I am simply responsible for my own vote. I am sure that every honorable member will vote for what he believes to be the best site; but if we bring State jealousies into play, we shall lay ourselves open to the charge that we are not good Federalists. Let me deal with some of the charges which have been levelled against Bombala. That site has been subjected to a tirade of abuse to which I have had to listen in silence, and surely I have now a right to answer some of the assertions which have been made? We were told first of all by the Minister for Trade and Customs that timber can not be obtained there. I wish to show my honorable colleague that he is in error, and I am satisfied that he will be the first to recognise his mistake. If honorable members turn to page 24 of Mr. Oliver's report, they will find that he states there that—

For possession of or vicinity to any useful deposits of building stone, clay for brickmaking, &c., I do not think that Southern Monaro has any advantage over other southern sites; but the inexhaustible forests of useful hardwood timber on the slopes of the coast range and elsewhere within or close to the proposed Federal territory give this site advantages over any other western, south-western, or southern, if local timber should be much used for building material.

At page 59 of the minutes of evidence taken before the Royal Commission we find a statement by Mr. W. S. Campbell that a great variety of trees, including pines, should grow on the proposed site, and that—

Oaks and elms and poplars should grow well also. The black walnut should do well, and many varieties of oaks. There should be no difficulty at all about ornamental trees.

That is the evidence with regard to ornamental trees. It is unnecessary for us, however, to turn to the report in order to learn what may be grown at Bombala. I would ask honorable members who saw Mr. Ronald Campbell's magnificent homestead what they thought of the trees which surrounded it.

Mr. HUGHES.—We did not see a tree there; they were only shrubs.

Mr. AUSTIN CHAPMAN.—It is all very well for the honorable member to make a mere assertion of that kind. I am prepared to accept the statement contained in Mr. Oliver's report as to the growth of timber at Bombala. It is well known that some of the trees felled in the inexhaustible forests of Bombala yield as many as 400 and 500 rails each.

Mr. A. McLEAN.—Tons and tons of opossum skins are sent away from Monaro. If there are no trees there, where do the opossums come from?

Mr. AUSTIN CHAPMAN.—I suppose some honorable members will say they must be ground opossums. Honorable members from New South Wales are acquainted with Mr. Maiden, and I would direct their attention to the memorandum written by that gentleman, and published at page 31 of Mr. Oliver's review of the report presented by the Royal Commission. In that memorandum Mr. Maiden states—

I append a list of plants I found flourishing at or about the Bombala site. The list speaks for itself to those who know how to interpret soil and climate by means of the vegetation. On the tops of the hills it is undoubtedly bleak; but the site, as a rule, contains such excellent soil, and water is so readily available, that I believe that I could grow any temperate plants upon it, and grow them well. No landscape gardener would experience difficulty in raising shelter belts of trees. I must say I was much impressed by the Bombala site, and believe it could be turned into a garden city. The so-called English fruits thrive admirably. The district grows excellent grasses. I doubt whether there is a better all-round turf in any other part of New South Wales. I am much surprised to see at page 78 that our Director of Agriculture looks upon Bombala as inferior to productiveness to Bathurst. While it is difficult to place a number of sites in order of merit as regards soil productiveness, I should like to see the evidence on which Bombala was given this low place.

Mr. Maiden then proceeds to give a list of pines and all kinds of English trees which he considers would do well there. His conclusions are based on an experience of New South Wales extending over a quarter of a century, and we have to bear in mind that he is familiar with what is grown at Bombala. Those who visited the site must have seen the magnificent pines which shelter Mr. Ronald Campbell's residence. I think I have completely answered the assertion that there is no timber in the vicinity of Bombala. I wish now to say a word or two as to the evidence given by Mr. Pridham. Mr. Oliver, in dealing with the question of water supply, and speaking of Mr. Pridham's report, says—

According to that report the Delegate River, though not available by gravitation for the site originally marked out at Lord's Hill, yet would be sufficient for a pumping scheme, the lift being a very moderate one of about 230 feet, for a population of 50,000. Further, Mr. Pridham states in evidence, at the inquiry held at the Public Works Department on the 7th inst., that a better site for utilizing the water supply than Lord's Hill could be obtained, and the same witness



more divine right to the trade of the Federal Capital than Melbourne will have. Why should there be so strong an objection to the proposal that the Capital should be near a port? Why should it be said that it is unreasonable to expect New South Wales to hand over a large extent of country to us? Evidently the New South Wales Government have never attached much value to this district. We must have a large territory, and it can be obtained in Southern Monaro. It is true that the site does not comprise any great extent of own land of value, but the fact that a site comprises a large area of Crown lands—in the case of Tumut—does not recommend it to me. I am prepared to take the dict of the honorable and learned member for Werriwa, who is a surveyor. He tells us that, in the course of the practice of his profession, he has travelled all over the mallee country, and that much of the land there is not worth more than 2s. per

acre. CONROY.—I said that it had been left open for selection, and that, though a deposit of only 2s. per acre was required, it had not been taken up.

AUSTIN CHAPMAN.—Then I beg the honorable and learned member's pardon. Were worth £1 per acre it would have readily been taken up. I do not wish to say anything against Tumut. I do not wish to make my case by trading on the demerits of other sites. The average value of the land in the neighbourhood of the Bombala is stated to be about £4 per acre, and no one would dare to say that, on the establishment of railway communication, it would not be practically doubled. I think that we should acquire a territory not more than 20 square miles, but of 2,000 or 3,000 acres. We could obtain such a territory in Southern Monaro, and it would then be open to us to introduce the system of land reclamation which many of us have advocated. There are no vested interests to be dealt with in that district; there are no extensive towns or large cities to be removed. The country for the most part consists of virgin prairie land. It has an abundant supply of water; it is close to the sea, and I ask honorable members to consider these facts. There is such a thing as a natural port, and I invite honorable members to consider whether acute difficulties may not arise in regard to them. In these

cases, should we select a site which can be approached only by the leave of some State Parliament, in connexion with which we should have no naval base, and, at the same time, be subject to any disadvantage attaching to jealousy and bickering on the part of two or three State capitals? Or should we select a site on the borders of two States, which might be reached by a direct line from the two principal cities of New South Wales and Victoria, and which possesses a magnificent harbor? That is a fair question, and we should put it to ourselves before we record our votes. I do not wish to deal further with this phase of the subject, because I think that the advantages of Bombala as compared with other sites must be obvious. It may possess disadvantages, but, if so, it is open to other honorable members to point them out. I desire now to deal with some of the other statements which have been made with reference to this site. Nearly every honorable member seems to have had a tilt at it, and it is remarkable to learn that a solid phalanx of representatives of New South Wales intend to vote as one man against it. It is common rumour that a solid block vote will be cast by a number of honorable members from New South Wales against the selection of the Bombala site. What is the reason for this? If honorable members think that the selection of that site would be unjust to Sydney, they are well within their rights in giving expression to that opinion. But I contend that we should cast aside all provincial feeling. We should ask ourselves, not which is the best site for the capital from the stand-point of Sydney or Melbourne, but which is the best site in the interests of the Commonwealth. Neither Sydney nor Melbourne has any divine right to all the advantages flowing from the situation of the Capital. Why should not Perth, Adelaide, and Hobart be taken into consideration? Why should there be objection to the trade of Bombala going to its natural port? Why should not the trade of Riverina, for example, filter to Melbourne when that city is nearer to it than is Sydney? Why should not the trade of any part of the Commonwealth find its way to its natural market? Any one who joins in a block vote against this particular site will lay himself open to the charge of provincialism, and it will be interesting to note whether the result of the ballot will prove the truth of the rumours which are

has been made by the Commissioners. The maximum number of points allowed by him is 100, and I ask those who speak of the high winds prevalent at Bombala to take Mr. Oliver's table and analyze it. Let them ask themselves what sort of man Mr. Oliver is. I have nothing to say against any of the Commissioners, because all of them have held high positions in the States to which they belong; but the Minister for Trade and Customs, who appointed Mr. Oliver to make his investigation, will bear me out in the statement that for experience and knowledge and the ability to obtain and sift evidence, no better man than Mr. Oliver can be found in Australia. He stands high in the estimation of the people of New South Wales, and there is no question as regards his impartiality. I ask those who visited the Bombala site to disprove Mr. Oliver's statements regarding it. Notwithstanding the talk about the high winds and rigorous climate there, it is well known that the Monaro district is a health resort to which delicate people go from Sydney to spend the winter, and come back much better in health for their stay there. Moreover, there are many rich families who live all the year round in the district, though they could live elsewhere if they liked, and would do so if the climate were as severe as it has been represented to be. Mr. Oliver, estimating the value of the various sites so far as water supply, climate, accessibility, acquisition of territory and capability of expansion and general suitability are concerned, allots to Bombala 80 marks, to Tumut 71, to Lyndhurst 67, to Orange 73, to Lake George 52, to Dalgety 69, to Bathurst 58, to Armidale 48, and to Albury 35. Was it a fair thing for the Commissioners to put Bombala, with its twenty running streams that cross the hills like so many streaks of silver, and its great Snowy River, fourth on the list in regard to water possibilities? So far as climate is concerned, the Commissioners put Tumut first; but Mr. Oliver gives Tumut 12 marks and Bombala 18, and the Commissioners based their opinion, not upon official records, but upon information given to them by a private individual. It has been said that wheat will not grow in the Bombala district; but I know many places where it has been growing there for years. I know a paddock of 40 acres which has been under crop for forty years, and gives an

*Mr. Austin Chapman.*

average yield of 40 bushels to the acre. The reason why wheat is not largely grown there is that the district is too far from market to make agriculture profitable. The best wheat in the world for the making of flour, the Manitoba wheat, grows in a climate colder than that of Bombala. Furthermore, we have no typhoid at Bombala. That cannot be said of the other sites. If honorable members will look at the evidence which has been printed, they will see that local witnesses speak of typhoid epidemics in the other sites, and of rivers drying up until they become mere chains of water-holes. Bombala has a good climate, a magnificent water supply, a large available expanse of land, and a central situation. It possesses everything necessary for the building of a large city. I maintain that it would be better for us to select a site so centrally situated that it would be exactly half-way between Melbourne and Sydney, almost half-way between Brisbane and Adelaide, and readily accessible from Hobart and Western Australia. We have been told that there is some doubt regarding the construction of the railway from Cooma to Bombala. In New South Wales both the Parliamentary Standing Committee of Public Works and the Railway Commissioners have to report upon proposed new lines, and in nineteen cases out of twenty the Railway Commissioners are averse to the construction of new railways, and especially pioneering lines, which are not likely to pay from the outset. They desire to work their railways upon commercial principles, and do not care about new lines, unless there is a prospect of their returning a profit.

Mr. JOSEPH COOK.—They are more often right than wrong.

Mr. AUSTIN CHAPMAN.—They err on the side of being too cautious. However, that strengthens my argument, because the proposed railway from Cooma to Bombala has been recommended by both the Railway Commissioners and the Public Works Committee. This railway would open up a large tract of valuable country, and there is no doubt that it will be constructed irrespective of the location of the Federal Capital. I do not propose to deal further with the statistics relating to the sites because time will not permit of it. Mr. Oliver, the Commissioner for inspecting sites for the Federal Capital, two or three times in his report mentions the desirableness of the Federal

admitted that Bombala was entitled, in respect of water supply, to be placed immediately after Tumut; the class, however, assigned to Bombala by the Commissioners is no higher than a fourth.

It is remarkable that the Capital Sites Commissioners placed Bombala fourth on their list. Whatever honorable members may have to say about Bombala I do not think that they will indorse the finding of the Commissioners.

Mr. O'MALLEY.—They were bulldozed.

Mr. AUSTIN CHAPMAN.—I should be sorry to say that about gentlemen whose reputations are so good. Mr. Oliver continues—

It will be seen from Mr. Pridham's report that the Snowy River, at a distance of about 15 miles from the proposed city site at Lord's Hill, affords a supply obtainable by pumping equal to the requirements of a population of 500,000. But that is not all, for the same river, at a point near the junction of the McLaughlan, gives a fall of less than 200 feet in three and a quarter miles, thus affording sufficient water-power, according to Mr. Pridham, not only for pumping all the water required and for electric lighting and tram traction, but also for operating the proposed railways from Cooma to Delegate and from Bombala to Eden by electricity, the transmission lines for the current being very much shorter than many in use in the United States. The power thus obtainable from the Snowy River he estimates at 400 horse-power, and this Mr. Pridham disposes as follows:—

	h. p.
for electric lighting ... ..	600
for pumping water supply from Delegate River ... ..	700
for electric trams ... ..	2,700
for operating trains, four each way, on two lines—16 trains per day, at, say, 1,000 horse-power each ... ..	16,000
Total, say ... ..	20,000

In addition to this 20,000 horse-power, at a fall of 100 feet lower down the same river, at about 10 miles from the city site, 68,000 additional horse-power could, if required, be obtained.

Honorable members are aware, the Snowy River runs through the proposed site, and, if the sites were selected, the Capital might be sited upon its banks. That river drops 100 feet in about sixty miles, so that honorable members can understand its wonderful possibilities in supplying horse-power, not only on the Victorian side of the

I wish now to compare the order as given by the Commissioners with that given by Mr. Oliver. The Commissioners, however, made the admission

that no attempt has been made to determine the relative order of merit of the sites. This could only

be done by assigning values to the respective headings, and this, as we understand it, is outside the scope of the Commission.

The Commissioners were not asked to express a definite opinion as to which, in their opinion, was the best site. They were asked only to furnish certain information, so that honorable members could judge for themselves. But, while they had regard to the quality of soil, accessibility, climate, and other such matters, they paid no regard to the possibility of expansion. If, however, there is one feature which is more desirable than another in connexion with the site for a Federal territory it is the possession of an area which will allow of the expansion of the city as the population grows. The Commissioners, in dealing with the climate of the various sites, place Tumut first, Lyndhurst second, Bathurst and Lake George an equal third, Orange fourth, Albury fifth, Armidale sixth, and Bombala seventh. That grouping of sites, however, is only an expression of the personal opinion of the Commissioners. They evidently do not like a bracing climate. I have not seen Tumut, but I have been told that it is a very pretty place, and that there is wonderfully good land there, land so good that it will cost £20 per acre to resume. Some honorable members say that that does not matter, because we shall get value for our money. But why should we pay £20 an acre for land which closeness of settlement, proximity to market, and constant tillage has made worth £20 an acre, when we can obtain equally good land in another district for practically nothing? I know as much of the Monaro district as most men know, and I could take honorable members to places where there are large areas of good land, not merely 20 or 30 acres of it. At places like Bibbenluke and Cambalong you can get 50,000 or 60,000 acres in one piece, all of which is good. That land is used for pastoral purposes now, because it is too far from a market to make it profitable to grow grain there. There are, however, hundreds of thousands of acres of good land there. Lyndhurst and Tumut cannot compare with Bombala for possibility of expansion. They can never be more than mere overgrown villages. But if a railway were taken through the Monaro table-land, and a market given, a great city would spring up there, even if it were not made the location of the Capital. Mr. Oliver has made a much better comparison of sites than

has been made by the Commissioners. The maximum number of points allowed by him is 100, and I ask those who speak of the high winds prevalent at Bombala to take Mr. Oliver's table and analyze it. Let them ask themselves what sort of man Mr. Oliver is. I have nothing to say against any of the Commissioners, because all of them have held high positions in the States to which they belong; but the Minister for Trade and Customs, who appointed Mr. Oliver to make his investigation, will bear me out in the statement that for experience and knowledge and the ability to obtain and sift evidence, no better man than Mr. Oliver can be found in Australia. He stands high in the estimation of the people of New South Wales, and there is no question as regards his impartiality. I ask those who visited the Bombala site to disprove Mr. Oliver's statements regarding it. Notwithstanding the talk about the high winds and rigorous climate there, it is well known that the Monaro district is a health resort to which delicate people go from Sydney to spend the winter, and come back much better in health for their stay there. Moreover, there are many rich families who live all the year round in the district, though they could live elsewhere if they liked, and would do so if the climate were as severe as it has been represented to be. Mr. Oliver, estimating the value of the various sites so far as water supply, climate, accessibility, acquisition of territory and capability of expansion and general suitability are concerned, allots to Bombala 80 marks, to Tumut 71, to Lyndhurst 67, to Orange 73, to Lake George 52, to Dalgety 69, to Bathurst 58, to Armidale 48, and to Albury 35. Was it a fair thing for the Commissioners to put Bombala, with its twenty running streams that cross the hills like so many streaks of silver, and its great Snowy River, fourth on the list in regard to water possibilities? So far as climate is concerned, the Commissioners put Tumut first; but Mr. Oliver gives Tumut 12 marks and Bombala 18, and the Commissioners based their opinion, not upon official records, but upon information given to them by a private individual. It has been said that wheat will not grow in the Bombala district; but I know many places where it has been growing there for years. I know a paddock of 40 acres which has been under crop for forty years, and gives an

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average yield of 40 bushels to the acre. The reason why wheat is not largely grown there is that the district is too far from market to make agriculture profitable. The best wheat in the world for the making of flour, the Manitoba wheat, grows in a climate colder than that of Bombala. Furthermore, we have no typhoid at Bombala. That cannot be said of the other sites. If honorable members will look at the evidence which has been printed, they will see that local witnesses speak of typhoid epidemics in the other sites, and of rivers drying up until they become mere chains of water-holes. Bombala has a good climate, a magnificent water supply, a large available expanse of land, and a central situation. It possesses everything necessary for the building of a large city. I maintain that it would be better for us to select a site so centrally situated that it would be exactly half-way between Melbourne and Sydney, almost half-way between Brisbane and Adelaide, and readily accessible from Hobart and Western Australia. We have been told that there is some doubt regarding the construction of the railway from Cooma to Bombala. In New South Wales both the Parliamentary Standing Committee of Public Works and the Railway Commissioners have to report upon proposed new lines, and in nineteen cases out of twenty the Railway Commissioners are averse to the construction of new railways, and especially pioneering lines, which are not likely to pay from the outset. They desire to work their railways upon commercial principles, and do not care about new lines, unless there is a prospect of their returning a profit.

Mr. JOSEPH COOK.—They are more often right than wrong.

Mr. AUSTIN CHAPMAN.—They err on the side of being too cautious. However, that strengthens my argument, because the proposed railway from Cooma to Bombala has been recommended by both the Railway Commissioners and the Public Works Committee. This railway would open up a large tract of valuable country, and there is no doubt that it will be constructed irrespective of the location of the Federal Capital. I do not propose to deal further with the statistics relating to the sites because time will not permit of it. Mr. Oliver, the Commissioner for inspecting sites for the Federal Capital, two or three times in his report mentions the desirableness of the Federal

Territory embracing an area considerably exceeding the proposed minimum of 100 square miles; and, in his description of his favourite Southern Monaro site, he advocates the inclusion of about 1,200 square miles. Recent debates in the Federal Parliament on the same subject indicate that an area of not less than 1,000 square miles is thought by a good many members to be little enough. And there appear to be weighty reasons for thinking that even a territory of this size would be too small. Let us suppose the Southern Monaro site to be the one selected. It has been estimated that about 7,000 workmen would be employed in erecting the public and private buildings which would be at once required in the city. Many of these workmen would have wives and families residing with them. In addition to these, several hundred men would be needed for the railways wanted to connect the Capital with Sydney, Melbourne, and Twofold Bay. At the latter place, also, many men would be employed on the railways in connexion with the Federal port. Altogether, a population of certainly not less than 10,000 would need to be provided from the start. With Capital and Port finished and in working order, the initial population would probably be more than that named, but the annual increase would be considerable, and in ten or twenty years our Capital would probably rival any inland town in its number of inhabitants. Future generations may expect the Federal metropolis second only to Melbourne and Sydney. A necessary effect of this rapid and great increase of population will be to create a great stimulus to the producing industries of the south-eastern corner of New South Wales. Besides the railways just spoken of would give which has long been wanted in the Southern Monaro—access to the great sea of the Commonwealth. The proprietary on the tableland comprises about 100 square miles of basalt country, black or chocolate soil, lightly timbered, and well watered. Hitherto, owing to the lack of railway communication, sheep-raising has been the prevailing industry, and the high prices that its fat stock have fetched in the Sydney and Melbourne markets is sufficient testimony to the value of the grazing properties of the natural pastures of the Southern Monaro. The holdings are of a large size—10,000 to 60,000 acres—improved and sparsely populated.

The tableland is well adapted for close settlement, and, if cut up into blocks, suitable for dairying, combined with farming, fruit and vegetable growing, and stock fattening, must attract a large number of settlers, and prove a remunerative asset for the Commonwealth. This portion of the territory, though not embracing much Crown lands, could be acquired cheaply, as it contains only one town of 600 or 700 inhabitants—Bombala—and two or three small hamlets; and, as has been said, being lightly improved pastoral country, it would cost, on an average, from £2 to £3 per acre to resume. The establishment of the Federal city in the midst of land fit for agriculture must certainly greatly increase land values from the first. The population, consisting at the beginning chiefly of officials and their families, may reasonably be expected, from the pleasant and healthy situation of the town, to increase rapidly in numbers. The place will also be the home of many wealthy and leisured Australians, and the impetus afforded to production over a large radius must give the city a certain business importance, which nearness to a busy port will augment. The resumption of such an area as that now proposed would afford an admirable test of the principle of land nationalization on a small scale. There are good reasons for expecting that the result of such an experiment would, in this case, prove successful. Large sums must be spent in buildings, railways, and harbor works; and, as the expenditure will result in increased land values far beyond the immediate neighbourhood of the Capital and its port, the Commonwealth may fairly ask to share the benefits conferred on the whole area by this expenditure. Whether the Federal territory be large or small, the amount spent by the Government on works from which it can receive no direct return, must be much the same; therefore, the larger the territory, within certain limits, the greater the profit, and the smaller the share of cost to each taxpayer for building the city. Among other advantages the area proposed affords, these may be briefly mentioned. The producing capabilities of the coastland and the tableland are absolutely different, but combined, they may be said to include nearly everything that can be required in the way of foodstuffs. English cereals, fruit and other trees, and flowers flourish within sight of semi-tropical citrus fruits, grapes, figs, maize, &c. As a health

and pleasure resort, there is nothing in the State to compare with Southern Monaro and its coast district, which, when rendered more accessible, will attract many visitors from all parts of the Continent—those from the torrid interior and the steamy heat of our northern sea-board, to spend the summer on the cool highlands; and those from colder regions, to find on the shores of Two-fold Bay the most delightful winter climate Australia affords. The scenery is unique. From every eminence on the coast range may be seen on one hand the whole length of the snow-clad Australian Alps, and, on the other, a corresponding stretch of the waters of the Pacific—a combination nowhere else to be found—and the intervening landscape is of the most charming description. The coast district is the natural complement of the tableland. Within this compact area of 3,500 square miles we should have a self-contained and self-supporting Federal State, with its own gateway to the sea, embracing mountains and valleys, plains and rivers, highland and lowland, and enjoying a delightful, healthy and diversified climate. In the January number of *United Australia* an article appeared which set forth a practicable scheme by which the Commonwealth might acquire a large Federal territory without borrowing a single penny. The main features are these. In Canada a law requires the banks to keep 40 per cent. of their reserves in State legal tender notes, and that the banks do not object to this arrangement is shown by the fact that they keep 50 to 60 per cent. of their reserves in this form. The average amount of gold lying idle and useless in Australian banks is about £25,000,000. Were 40 per cent. of this exchanged for Federal notes, the Government would be placed in possession of £10,000,000 for which they would pay no interest, the banks would be no worse off, and most of the gold would still remain in their hands. For much less than £10,000,000 the area I have sketched could be acquired, and the State, as ground landlord, would possess an asset yielding a handsome return from the outset, and one which would increase year by year. To resume an area barely sufficient for the future limits of the Capital would be a crime; to take only 1,000 or 1,200 square miles, when the benefits arising from the establishment of the Federal City and resulting in increased land values would be felt far

beyond this area, would be a mistake. The acquisition of a territory sufficiently large to cover all land favorably affected, is the only wise and statesmanlike course to pursue. Any objections that New South Wales might offer to parting with such a large block of her territory, on the score that she would lose the land, income and other taxes derived from it, might be met by showing that the very large revenue the Commonwealth would receive from the Federal State, would enable her to hand back a much larger proportion of Customs dues than would be possible without such a revenue. I think that I have justified the claim that Bombala possesses the main essentials for a Capital site. I desire to read to honorable members the following extract from the *Sydney Bulletin* :—

1. The site selected should be far away from any great centres of population, partly because there is no sense in further congesting districts which are already congested; partly because it is necessary to find a place where a great extent of land can be acquired cheaply, and that cannot be done where population is large.

2. It should have around it a large area of comparatively vacant land. Then the Commonwealth can acquire 5,000 square miles of country, of which it will be the perpetual ground landlord, so that the increase of land values caused by the construction of a Federal Capital will belong to the nation—not slop over the narrow limits of the Federal territory on to private land outside. The suggestion to restrict the Federal territory to 100 or 200 square miles is mere foolishness.

3. It should be on elevated country, where the new population that must needs grow up round the new city will be a hardy race of highlanders of the kind that Australia requires for its defence—and for many other purposes.

4. It should have good scenery, healthy surroundings, and the best water supply procurable. It is not long since the Snowy River on Monaro and its affluents, comprised the only river system that could be said to be actually running in New South Wales. The rest were crawling, or trickling, or dry.

5. The capital itself should be easily defensible and at the same time it should, if possible, have a port of its own on its own territory. Australia can do with another port, and Monaro and Eastern Riverina want a nearer sea-outlet than Sydney or Melbourne.

These are good enough reasons why Australia should regard the Bombala site favorably. Unfortunately, they are reasons which don't tend to the grinding of any commercial axes in Sydney or Melbourne; they don't show how any grist may be brought to the warehouses of York-street or Flinders-lane; and they aren't calculated to appeal to any banks or land syndicates or to any of the big Sydney or Melbourne papers. They are merely based on the general interests of Australia, and the weak point about them, when they appear for a fair hearing, is that they don't start on

the assumption that the *Herald* and the *Argus*, and the bell-topped city magnate, are Australia.

I think honorable members might very well take these matters into consideration before recording their votes. We have been told that there are sometimes great falls of snow at Bombala. I know Bombala well, and I have no hesitation in saying that heavier falls of snow take place at Lyndhurst than at Bombala. Snow is never more than one or four inches deep upon the ground at Bombala. Such falls rarely occur more than once a year and the snow remains upon the ground for a few hours only. Honorable members are apt to confuse the Bombala site with the Australian Alps, away to the west. The Alps are snow-clad all the year round, that fact, to my mind, forms one of the recommendations of the Bombala site. These snow-capped hills form the only really picturesque range in Australia, and there is no doubt that they would attract tourists. If the Federal Capital were established in the neighbourhood, and cheap and easy means of communication were provided, the number of the visitors to Australia would be increased there. They would not care to come to a clammy, humid hollow, but they would resort to a site which combined beauty with utility. I do not propose to say anything further with regard to a site at Monaro except that I hope that the Federal Territory will embrace 2,000 square miles. I do not anticipate any difficulty in securing such an area, and the Parliament of New South Wales and the electors of the State will do what is right in regard to this. There may be some difficulty, as has been suggested by the leader of opposition, but I am sure that it will overcome if we go to work. If a site were selected in Monaro at once, the thousands of men who would be employed would have a plentiful supply of water on the spot. The future contemplated in connexion with the provision of a water supply cannot be made upon within the first year, or the second year. In the meantime there will be no difficulty as to water at the capital city might be situated on the banks of the Snowy River itself, a river which is ever flowing, and which will be the best water supply in Australia. A large expenditure would be required in that regard for the present.

It was stated last night that it was all moonshine to talk about the unearned increment of the land outside the Federal area, and that 64,000 acres would be sufficient for the purposes of the Federation. Are honorable members prepared to adopt a site which shall not extend beyond five miles from the centre of a city placed in the middle of the territory? Would they allow the private land-owner beyond that radius to derive the benefit of the unearned increment which would accrue from the expenditure upon the Federal Capital? I am not prepared to do so, because, by adopting any such course, we should simply play into the hands of a number of land speculators. I hope that, whether the Capital be located in Southern Monaro, or elsewhere, we shall not permit land speculators to rob the public. We might as well allow Mr. Campbell, of Cambalong, to put his hand into the public Treasury as build the Federal city in the centre of his estate, and tell him that he might retain all the lands beyond five miles from the centre of that city and derive the benefit of the unearned increment. The idea is positively absurd. The honorable member for East Sydney said that 64,000 acres would be a sufficiently large area, and his statement has been supported by some of the Sydney newspapers, who have asserted that we were endeavouring to establish a toy State. I contend that it would be better to found a toy State than to submit to conditions such as I have described. I am afraid that I have already detained honorable members too long. My excuse is that this subject is very dear to me, and that I desire that honorable members should have the fullest information placed before them. I have not endeavoured to force my opinion upon honorable members, but I have preferred to lay before them the facts of the case. I believe that each site should be allowed to stand upon its own merits, and therefore it was not necessary for the advocates of the western sites, or for the Minister for Trade and Customs, to attack Bombala. I ask those honorable members who have made assertions unfavorable to Bombala to support them by evidence from the reports. I know that it is inconvenient for honorable members to remain here, but this question is too big to be scamped over, and, even at the risk of wearying them, I must continue my remarks for a little while longer. I do not often trouble them,

because I have spoken less than any other honorable member in this Chamber.

Mr. REID.—And the honorable member has done the most.

Mr. AUSTIN CHAPMAN.—I do not know about that, but I have tried to do my best in an honorable way. If I desired to criticise the report of the Commission of Experts, there would be ample room for me to do so. I ask honorable members whether it was fair for the Commission to spend twenty minutes only in inspecting Twofold Bay, and to confine their remarks regarding that harbor, which should become a magnificent asset of the Commonwealth, to the statement that "it is possible to get from Bombala to Twofold Bay." I do not wish to criticise at length the work of the Commission, because most honorable members have visited the sites for themselves, and will be able to form their own conclusions. I should like to give a few reasons why the Federal Capital should be situated in Southern Monaro—

1. It is half-way between Melbourne and Sydney, Brisbane, and Adelaide, and is accessible to all the States either by land or sea.

2. Should the enlarged area scheme be adopted a greater extent of good land is available there than at any of the other proposed sites.

3. Being on the borders of the two principal States, it would not be surrounded solely by New South Wales territory as all other suggested sites would be.

4. It would offer the advantage of a seaside resort for the inhabitants, easily reached by train in two or three hours.

If rich country be required we need not go to a place where tobacco will grow so rank as to be almost useless for commercial purposes, or the corn will grow over the fence. I would ask honorable members to turn their attention to Bega, thirty miles from Bombala, which is one of the most productive localities in Australia, and in which almost everything required for comfort and luxury can be grown. If Bombala were found to be too cold, honorable members by travelling fourteen or fifteen miles towards the coast, could reach a climate warmer than that of Tumut. Land suitable for cultivation at Bega brings the high price of £100 per acre, but it would be absurd for us to think of acquiring such land for the purposes of erecting a Federal Capital. My statement in support of Bombala proceeds as follows:—

5. The Snowy River Falls would supply horsepower sufficient for generating electrical power for lighting purposes, pumping, railways, tramways, &c., &c.

6. All descriptions of building material are found in the vicinity of the site.

7. The site itself is admirably formed for the laying out of a large city, and the facilities for drainage are perfect; the soil suitable for parks and gardens.

There can be no question with regard to drainage. There are no difficulties in the way, and scarcely any attention has been directed to this subject because it is obvious that a perfect scheme could be adopted.

8. It would possess a port of its own for the purpose of trade, and as a home for the Federal Navy.

9. All necessary food supplies can be produced in Southern Monaro.

10. It has a great variety of beautiful scenery.

11. It is less subject to severe droughts than any part of the State.

12. It could very easily be made impregnable.

Upon every one of these points one might enlarge considerably, but time does not warrant the adoption of that course.

13. The climate is the healthiest in Australia and no kind of epidemic disease has ever occurred. The winters are much milder than those of Orange, Bathurst, Goulburn, and many other places in the State, which doubtless is on account of its proximity to the sea, and its elevation being less than Northern Monaro. As a proof of the mildness of the winters, the most delicate persons do not find it necessary to leave the district during the colder months, and fat stock are seldom sent from the market until late in the winter, as they hold their condition until stock in other parts are falling off, which they could not possibly do if the winters were severe.

Further, both the Melbourne and Sydney auctioneers will tell any one who chooses to inquire that the cattle from Southern Monaro realize the highest prices in the market. The records will prove that. The stock are sent to those cities at the end of the winter, showing that they hold their condition all through the season which has been described as being so severe.

The climate of the majority of the largest and certainly healthiest capitals and towns of the world is much colder than any part of Southern Monaro, for instance, London, Liverpool, Glasgow, Brussels, Hamburg, Paris, New York, Quebec, Washington, Wellington (New Zealand), and many others. The inhabitants of cool or temperate climates have more robust constitutions and a better physique than those reared in warm, enervating ones, particularly in towns. In the young generation of Sydney we have a marked example, as we find the majority of them undersized, puny, or stunted looking as compared with their more sturdy forefathers.

If we wish to judge of the climate of Southern Monaro, we have merely to look at the men who come from that district, and compare them with the inhabitants of any of our State capitals.



14. It would be on the alternate line of railway between Melbourne and Sydney.

Even if we do not establish the Federal Capital in Southern Monaro, will any one suggest that for defence purposes we shall not require to construct a railway round that neighbourhood close to the sea shore? I think so.

14. The cost of the construction of the line from Cooma to Bairnsdale, or to Eden, should not be debited to the Bombala capital site, as they are very necessary works for the development of the country, and are therefore national works which should have been carried out years ago.

16. The situation of the capital should not be chosen for the convenience of the politicians of the present day only.

To say that we shall not go there unless this thing or that thing is done is to display a miserable spirit. Rather let us defer the selection of the future seat of Government ten or twenty years than commit a mistake which must endure for all time. As far as I am aware there is no feverish desire on the part of the people of Sydney that undue haste should be exhibited in this matter. If honorable members will divest themselves of all party feeling, they must admit that the representatives of Victoria are quite as anxious that the compact which is embodied in the Constitution shall be faithfully carried out as are the representatives of New South Wales. I appeal to honorable members not to be unduly prejudiced, and thereby to make a mistake which we shall regret for all time.

Therefore, a site should be selected which is a part of its own, and which has rich country adjacent, such as Bega, with a climate where all the tender products could be raised for supplying the city. Should the financial position of the Commonwealth make the building of the capital being proposed with immediately, still the Federal Parliament could acquire possession of a large area of land in Monaro and hold it in trust for posterity.

It is not fair to say that to do so would be even more than to select a place merely because it is in the neighbourhood could be done cheaply. When we can obtain a site cheaply it is generally nasty. We have to fear the expenditure which will be involved in the selection of a good site, and it will require to be distributed over a long period of years. I am obliged to honorable members for the attention and advice with which they have listened to my remarks, and I regret exceedingly that time does not permit me to deal with the matter in an exhaustive way. I believe that

I could supply many particulars which would be of interest to honorable members. Unless an attack is made upon Bombala, I have no desire to institute comparisons between that site and the other sites, because, so far, the debate has been conducted in a very good spirit. No effort has been made to decry any site with the exception of Bombala. The fact that every one considers it fair to cast a stone at that site suggests that it must stand pretty high in general estimation. To those who wish to criticise it, I say—"Take these facts and pull them to pieces, but do not make merely bald assertions." I hope we shall not hurriedly settle this question simply to placate a few people who desire to make something out of the Commonwealth. No doubt if we possessed landed property in the vicinity of one of these sites, we should be anxious to have that site selected, because the price of our land would be immediately enhanced. If we imagine that landowners intend to levy blackmail upon the country it behoves us to go slowly. In many of the sites the price of property has already gone up considerably. What will be the result if to-night the news goes forth that this House has selected Tumut? I appeal to honorable members not to be swayed by any personal considerations in recording their votes. I fear there will be a little of that. I believe that if the Minister for Trade and Customs did not represent an electorate which includes Albury and Tumut, honorable members would not be so strongly in favour of the selection of one of those sites. But he has so industriously, cleverly, and carefully placed certain figures before honorable members that he has convinced many of them that the sites in question are alone worthy of consideration. If, later on, we find that one site which was very low upon the list has crept up to first place, we shall naturally ask ourselves whether those sites which were frozen out early were not the victims of some combination? I urge honorable members to make haste slowly. The people of New South Wales know very well that the compact which is embodied in the Constitution will be given effect to. There is nothing in the cry of delay which has been raised because the records of this Parliament will show the work which has been done. As far as I am concerned, I hope that the best site will be selected, and that it will be one of which we may

be proud, and which will in the future form the home of a good sturdy race. I trust that it will be the greatest modern city of the world. Great opportunities lie before it. If the authorities at Washington had great opportunities, and if they have made good use of them, how much superior to the Capital of the United States ought to be the Capital of Australia? I trust that in the time to come Australians will thank the men who were careful to see that the best possible site was selected. To my mind the Capital of Australia should be unique in its beauty and utility. Other nations have fixed their capitals in the crowded urban centres of commerce, and they possess the splendours that opulence has gathered round them. Our Capital will show the reverse side on a better principle. Its broad avenues intersecting its regular squares, its frequent reservations of grass, flowers and fountains; its parks and trees; its substantial business houses and sightly dwellings; its schools, colleges, universities, galleries, and museums; its monuments and public buildings; its noble rivers and picturesque landscape; its rugged mountains and fertile plains, with Kosciusko in the distance piercing the sky and lifting itself like a heavenly dome; these and many other natural advantages will offer a noble panorama, and a more inspiring contemplation than can possibly be afforded by any other city in the world. Our Federation will live and grow, and with that growth we shall have a Capital expanding with every turn of the prodigious wheel of which it will be the axle. Plans for its improvement will abound. One can contemplate here the erection of halls like those of the ancients, where the eye may behold, revived, the architectural creations of bygone nations. Many schemes are worthy of consideration; but the essential must come first. We must have new railways; the means of communication with other great cities; necessary public buildings; suitable accommodation for Parliament, press, and people—no renting of rooms in which our public servants are to carry on the business of the nation, no placing of them in dingy lodgings like transient visitors, or postponed claimants. This will be a city that will live for all time, and it consequently demands provision for health and comfort, and all that is becoming to its importance. Whatever we do in building should be the best of its kind in plan, material and execution. All our public buildings should be of good

*Mr. Austin Chapman.*

design, and as to the Capital itself, it should be such as will express to the beholder the stability, the dignity and the grace, of the Australian nation. In science will find a fitting home. In the inventive genius, which in the past has so largely added to the comfort of the poor man's cottage, will be sheltered, and, while discharging other useful functions, will assist to give precedence to our products in the markets of the world. It is our desire I take it, that the inventor shall have every scope in a city which will one day loom large among the great cities of the world. We also require a city that will be a fitting place in which to receive the official representatives of every civilized nation, and men of high standing in the political and social life of the people they represent. In it those who make and interpret our laws will assemble. There also will be the great Departments in which the nation's affairs are transacted, where public policy, internal and external is determined, and from which the national progress is directed. Where, if not in the city of the future, can the stranger expect to find adequate representations of our people, of our institutions, and of all things that go to fill the measure of a nation's wealth and civilization?

Mr. REID (East Sydney).—I think I interpret the feeling of the Committee correctly when I say that there is a strong desire that this debate should come to a termination as soon as possible. At one time I did not intend to take part in the discussion, but I have come to the conclusion that I ought to do so. At the same time, I intend to make only a very few observations. In the first place, we all give the Minister for Defence the utmost credit for perfect sincerity in this matter. It is a fact that he has very seldom occupied the time of this Chamber, either in the House or in Committee, and nothing but an overwhelming sense of duty could have prompted him to make the very protracted appearance which he has made to honorable mention on behalf of the site which he favours. We can only feel grateful that he has not two such sites in his electorate, because in that case we should have had two speeches of the character to which I have alluded. The Minister for Trade and Customs is in that embarrassing position. He has two sites in his electorate which are absolutely perfect for the purpose of a Federal Capital.

and it seems to be very difficult for him to decide which of the two he will advocate. However, I suppose he must be allowed to take his own course. Yesterday the Minister for Defence was perfectly satisfied with the trend of events. He seemed to enjoy a perfect state of satisfaction, and he had not the slightest doubt that the time had come when a final decision of this question should be made. Indeed, one of the peculiar contradictions which he developed in the course of his speech was that whilst in one mood he was impassioned in his demand for an immediate settlement of the question; in another, as a doubt crossed his mind, whether the choice which the Committee would make would be a wise one, he was equally impassioned for delay. That is about the position which some honorable members occupy upon this occasion. If the site is chosen according to their satisfaction, it cannot be chosen too soon; if it is not, there cannot be too much delay. I submit that the Parliament is perfectly prepared, and ought to be prepared, to come now to a conclusion upon this question. There are some things which I feel sure the Committee will avoid. I am satisfied, in the first place, that there is no desire on the part of honorable members to make the concession to New South Wales as small as possible, and it is only fair to say that I have seen no evidence of any such disposition. Then again, we must admit that no one has a right to expect honorable members to choose a site in the interests of any particular part of New South Wales, whether it be Sydney or any other part of the State. We have no right to expect that any local interest should dominate the national choice. There is another thing which I think we should also endeavour to avoid, and that is the desire expressed in some quarters that we shall bury the Capital in as remote and as secluded a part of Australia as it is possible to select. Some people appear to shrink from coming into contact, in the discharge of their legislative duties, with the healthy currents of public opinion; but I have no sympathy with any desire to bury the capital of Australia in any secluded spot. I do not wish to bring the Federal Parliament into the midst of a great city population. In determining the site of the Capital, I should rather look, if possible, to the natural resources of the surrounding territory. What is there, after all, in the history of this great Australian Commonwealth

which should induce us not to look forward, in choosing the centre of our national life, to a site blessed with the greatest abundance of natural resources? We know very well that admirable and important as is the agricultural industry, no territory which is simply blessed with agricultural resources is likely to play any large part in the evolution of the industrial destiny of any country. Whilst I should give full weight to all that has been said in favour of a number of these sites, I think that we should not overlook the aspect of the question to which I refer. I have listened to animated and more or less poetic descriptions of rivulets, water-courses, and vegetation, and as to the possibility of landscape gardening at some of the sites. I am ready to state at once that I believe it cannot be said that any one of the nine sites submitted for our consideration is not a good one. I believe that every one of them possesses a large number of recommendations, and I have no desire to utter one word of disparagement with reference to any of them. But, having given this matter careful consideration, it seems to me that there are three questions which should have the greatest weight with us in determining our choice. I agree with the Minister for Defence that the question of water supply has been magnified in a most ridiculous way. I do not feel any anxiety as to the supply of water for any population which we may have in the Federal Capital. At the same time I wish to express my sense of the unsubstantial character of the visions of a large trade and commerce which have also been associated with the selection of this site. Trade and commerce can never spring from mere political activity, nor from the presence in any particular locality of a number of gentlemen who happen to be Members of Parliament. The evolution of trade and commerce is derived from far more active and substantial sources. Deep in the heart of nature lie the springs of national development and progress, and it seems to me, with all respect to those who express different opinions, that the belief that in the future history of the national Capital we shall be able, by some mysterious process, to evolve large industrial results where there are no large resources, is due to an extravagant and unsubstantial imagination. In the industrial life of this country we know that the richness of the soil will be one great factor; but

when we consider the great hives of industry, which we hope our nation will create in days to come, we must look beneath the soil for the signs of our great future, whether of trade or of commerce, so far, at any rate, as any site which is situated in the interior is concerned. I therefore discard altogether the unsubstantial vision of wealth which is to be created by the presence of Members of Parliament on a particular Federal site. It is an absolutely unsubstantial vision, and, indeed, it would not be a good thing if it were not so. The only true guarantee of wealth and progress is to be found in the resources of a country, and where those resources are greatest there will be the greatest industrial development. I should feel rather attracted towards one site more than to the rest upon that ground. But I see in most of these sites no kind of promise of a future touch between the national capital and the national industries. We ought to endeavour to cast aside what may be the perfectly unconscious desire to bury the capital in the remotest part of Australia. One of my great objections to the Bombala site is that it comes within that category. No one can look at the map of New South Wales without seeing that that is one of the most serious defects of Bombala. I admit on the other hand that it has the advantage—an advantage which no other site enjoys—of not being too distant from a great natural port. It is useless, however, to talk of great natural ports as being factors in the development of commerce, unless natural resources lie within their range. We might have the finest harbor in the world, but if we had not the great resources which make for great industrial developments in the neighbourhood of that harbor, it would never be more than a suitable place for pleasure excursions.

Mr. BRUCE SMITH.—Jervis Bay, to wit.

Mr. REID.—That is one of the finest harbors in the world; but it is within a few miles, comparatively speaking, of Port Jackson. It does not happen to be, as is Port Jackson, a natural pathway for the development of the trade of the great State of New South Wales. I see nothing in the natural resources of the Bombala district to give the slightest foundation for the belief that its port would be an outlet for national commerce. It might serve another purpose—that of giving fresh scope for the development of our naval and military expenditure.

My own impression is, and it is not by any means an original one, that in the scheme of our future nation it would be wise for us to remove the capital of Australia a very considerable distance beyond the possibility of hostile invasion. I see in Twofold Bay an undoubtedly natural harbor—where there is excellent fishing, and I have enjoyed my opportunities there in that direction. But when one speaks of Twofold Bay as a scene for fortifications, I say that we should first invent the necessity to erect fortifications, and to incur national expenditure in that direction, by selecting such a site for the capital. We shall act more wisely if we avoid the possibility of hostile demonstrations. I wish to follow the excellent example which has been set me by refraining from entering upon any critical or unfriendly examination of the different sites. Each one of them possesses a considerable number of advantages. The question of accessibility is a matter of some importance. I do not refer to the convenience of individual members, but, believing as I do that it is our desire to place as few difficulties as possible in the way of the entrance of the best talent of Australia into the Federal Parliament, I regard the question of accessibility as being one of the very greatest importance. Any attempt to establish the national Capital in a remote part of the country would be a great mistake. Bombala unfortunately has not the advantage of railway communication, and I admit that it should have had it long ago. There are many parts of New South Wales with infinitely less claims upon the State Government which have railway communication, but I do not think that we can expect New South Wales to build a railway fifty miles in length for the convenience of the Federal Parliament. We certainly should not incur any such expenditure out of the Commonwealth funds. The absence of railway communication is one of the serious objections to the selection of the Bombala site, but I should not attach too much importance to that fact if there were not other disadvantages associated with the site.

Mr. HUME COOK.—If the statement made by the right honorable member be correct, the State will in any case build a railway to Bombala.

Mr. REID.—Unfortunately I am not the State Government, and the mere fact that I have expressed the opinion to which the

honorable member refers would not cause the railway to be built. If it would, the railway would have been constructed long ago, for I have expressed the same opinion on former occasions. I do not advance this objection, however, as sufficient to justify the rejection of the site. I admit that it is capable of being removed—that it may be only a transient one—and I do not assert that it is the most serious objection to a selection of the site. I certainly have a full appreciation of the beauties and attractions of the Tumut site as a country residence, and as one of the eminently desirable sites within the electorate of the Minister for Trade and Customs. I strongly object to Tumut, however, on grounds similar to those which caused me to unfavorably regard the Bombala site, although I admit that my opposition to Tumut is not so strong as is my objection to that site. I do not think the drawbacks in the case of Tumut are so great as are those associated with Bombala. In the first place, Tumut is very much more accessible in the sense of being a more convenient site, not only for the members of to-day, but for members of the Australian Parliaments of the future. My own feeling is that, whether we consider climate, whether we consider accessibility, or whether we consider the surrounding resources, agricultural or mineral, the Lyndhurst site is absolutely the best. It has, in one way, a disadvantage, in the fact that it is thought to be out of the track of Inter-State communication; but those who left Melbourne for Sydney would reach Lyndhurst two hours sooner if they travelled at the same rate along the line to Harden, and thence along the other line in the direction of this site. There is railway communication which would take members from other parts of Australia to Lyndhurst sooner than to Sydney. I do not attach too much weight to the opinions of the experts. I think that the information they have gathered is very useful, but we have only two or three very simple questions to consider. I do not attach much weight to the quality of the building stone found in a district, or to considerations of that sort. They are, to my mind, trivial in the light of the future destiny of Australia. But we should have some regard to climate. In founding a capital for Australia we should endeavour to obtain, remembering the climates which most of the capitals of Australia possess,

one of the best in Australia. The climate of Lyndhurst is clearly of that character. So, too, is that of Lake George. Both the Lake George and the Lyndhurst sites have greater advantages in regard to climate than have the Bombala and Tumut sites. As to accessibility, Bombala is the most remote, taking into consideration the combined convenience of the people of Australia. I find—and I have taken these figures from a report which, I understand, is reliable—that the distance from Melbourne to Bombala is 632 miles, and to Lyndhurst 443, or 190 miles less, while the journey to Bombala involves a coach ride of some fifty miles. From Brisbane to Bombala is 133 miles further than from Brisbane to Lyndhurst, and from Adelaide or from Perth to Bombala is 190 miles further than from either of those capitals to Lyndhurst. The only capital which is nearer to Bombala than to Lyndhurst is Hobart. The climate of Lyndhurst is undeniably excellent. Its mineral wealth and agricultural resources are certainly equal to those of any other district in Australia. Great stores of coal and iron ore lie within a comparatively short distance. What builds up great industrial centres in the absence of coal and iron? We have, no doubt, great agricultural towns, but a combination of rich agricultural resources with great mineral wealth suggests a district which contains all human possibilities. I am also reminded that, notwithstanding the obstacles which the policy of the State of New South Wales is said to have placed in the way of industry, we have close to this district the beginning of large iron works. Inexhaustible supplies of coal can be obtained at a nominal rate, and there is the best railway communication in Australia with the district. It is, indeed, more central than any other except Albury.

Mr. O'MALLEY.—Could we get 1,000 square miles of territory there?

Mr. REID.—As well there as in any other country district, and the existing towns are some miles away. It is a magnificent district, from the point of view of natural beauty, has an excellent climate, and possesses great agricultural resources and mineral wealth, while its distance from the capitals of the States is considerably less than that of Bombala, and about the same as that of Tumut. I ask honorable members to consider these matters. It has sometimes been imputed to our Victorian fellow

members that they have been consumed with a mad desire to rob New South Wales of as much as they can of her rights in this matter. I am very happy to say that I have seen no trace of that throughout the whole of these proceedings, and it gives me great pleasure to be able to make this public testimony. I think we are about to do the best we can for Australia, according to our different opinions.

Mr. ISAACS (Indi).—I am very glad that the leader of the Opposition has acknowledged that there has been no attempt to do anything which would even seem to deprive New South Wales of her rights under the Constitution. I think that that has been proved beyond doubt by the attitude already assumed by honorable members in this Chamber, and I am very glad at the acknowledgment which it has received, not only from the right honorable gentleman, but from other honorable members who represent constituencies in New South Wales. I am sorry that it was ever thought that Victorians are capable of taking any other position. I am quite sure that my right honorable friend has to-night properly indicated the rights of New South Wales. He said, and I thoroughly agree with him, that no endeavour should be made to, on the one hand, rob New South Wales of any rights, or, on the other hand, allow any local feeling to determine in which part of New South Wales the capital shall be placed. But this also should be taken into consideration: we should not assume that New South Wales has in this matter any rights whatever apart from the rest of Australia. It is a national capital that we are about to locate, and we should apply to all the States of Australia the same consideration that my right honorable friend has applied to the various parts of New South Wales.

Mr. REID.—My only allusion was to the condition in the Constitution that the Capital must be in New South Wales.

Mr. ISAACS.—That postulate must be accepted in the determination of this matter. I am happy to agree with my right honorable friend that the advantages of agricultural cultivation are not a very strong factor in the determination of the national Capital site. Other things being equal, it is, of course, most desirable that the Federal territory should contain soil of

a productive quality. We should endeavour to obtain every advantage, but the dominating factor must be accessibility to the populations of Australia. If we are to allow one consideration to prevail more than another, it is the situation of the proposed site with regard to the present populations of Australia, and their probable future distribution so far as we can determine it. In determining the question of accessibility, we have one factor to regard in the matter of distance. Notwithstanding the criticism which has been given to their report, I think that the Capital Site Commissioners have honestly done the work intrusted to them. The popular test of accessibility is the position of the sites in relation to Sydney and Melbourne. Sydney has been regarded by the Commissioners as the convenient point of consideration in regard to the States of New South Wales and Queensland, and Melbourne in regard to the other States of the Union. I shall not enter into comparatively minute considerations, such as the quality of the timber growing in the various localities, or the temperature registered there in certain years. I wish, however, to correct a statement which has been made by several speakers. When they were speaking of the temperature at the Albury site, they were giving the temperature of Albury itself. They forgot to add that the site chosen by the Commissioners at Tabletop has a temperature 5 degrees lower than that of Albury. I do not think that the divergencies of temperature are in the majority of cases material but I regard the Bombala site as the freezing chamber of Australia, since in the four winter months its mean temperature is very near freezing point. To use the words of the Commissioners—

The mean minimum shade temperature during the four coldest months was 32·7 degrees.

I would ask, how is the accessibility of the sites to be determined? We find already in existence certain means of communication. There is a well-established and irrevocable line of railway between Melbourne and Sydney, the New South Wales portion of which is known locally as the Great Southern Line. Situated on that line, and on another great highway which can be made still greater than it is at present, the River Murray, we find the Albury site. Some of my friends from New South Wales will say that Albury is in the Riverina, and that the

honorable member refers would not cause the railway to be built. If it would, the railway would have been constructed long ago, for I have expressed the same opinion on former occasions. I do not advance this objection, however, as sufficient to justify the rejection of the site. I admit that it is capable of being removed—that it may be only a transient one—and I do not assert that it is the most serious objection to a selection of the site. I certainly have a full appreciation of the beauties and attractions of the Tumut site as a country residence, and as one of the eminently desirable sites within the electorate of the Minister for Trade and Customs. I strongly object to Tumut, however, on grounds similar to those which caused me to unfavorably regard the Bombala site, although I admit that my position to Tumut is not so strong as is my objection to that site. I do not think the drawbacks in the case of Tumut are so great as are those associated with Bombala. In the first place, Tumut is very much more desirable in the sense of being a more convenient site, not only for the members of the Government, but for members of the Australian community of the future. My own feeling is that, whether we consider climate, whether we consider accessibility, or whether we consider the surrounding resources, agricultural or mineral, the Lyndhurst site is absolutely the best. It has, in every way, a disadvantage, in the fact that it is thought to be out of the track of future telegraphic communication; but those who would travel from Melbourne for Sydney would reach Sydney first two hours sooner if they traveled at the same rate along the coast as they would at Harden, and thence along the coast in the direction of this site. A telegraphic railway communication which would take members from other parts of the colony to Lyndhurst sooner than to Sydney. I do not attach too much weight to the opinions of the experts. I think that the nation they have gathered is very small, and we have only two or three very strong objections to consider. I do not attach much weight to the quality of the stone found in a district, or to the opinions of that sort. They are, to me, trivial in the light of the future of Australia. But we should have regard to climate. In founding a new Australia we should endeavour to remember the climates which the capitals of Australia possess,

one of the best in Australia. The climate of Lyndhurst is clearly of that character. So, too, is that of Lake George. Both the Lake George and the Lyndhurst sites have greater advantages in regard to climate than have the Bombala and Tumut sites. As to accessibility, Bombala is the most remote, taking into consideration the combined convenience of the people of Australia. I find—and I have taken these figures from a report which, I understand, is reliable—that the distance from Melbourne to Bombala is 632 miles, and to Lyndhurst 443, or 190 miles less, while the journey to Bombala involves a coach ride of some fifty miles. From Brisbane to Bombala is 133 miles further than from Brisbane to Lyndhurst, and from Adelaide or from Perth to Bombala is 190 miles further than from either of those capitals to Lyndhurst. The only capital which is nearer to Bombala than to Lyndhurst is Hobart. The climate of Lyndhurst is undeniably excellent. Its mineral wealth and agricultural resources are certainly equal to those of any other district in Australia. Great stores of coal and iron ore lie within a comparatively short distance. What builds up great industrial centres in the absence of coal and iron? We have, no doubt, great agricultural towns, but a combination of rich agricultural resources with great mineral wealth suggests a district which contains all human possibilities. I am also reminded that, notwithstanding the obstacles which the policy of the State of New South Wales is said to have placed in the way of industry, we have close to this district the beginning of large iron works. Inexhaustible supplies of coal can be obtained at a nominal rate, and there is the best railway communication in Australia with the district. It is, indeed, more central than any other except Albury.

Mr. O'MALLEY.—Could we get 1,000 square miles of territory there?

Mr. REID.—As well there as in any other country district, and the existing towns are some miles away. It is a magnificent district, from the point of view of natural beauty, has an excellent climate, and possesses great agricultural resources and mineral wealth, while its distance from the capitals of the States is considerably less than that of Bombala, and about the same as that of Tumut. I ask honorable members to consider these matters. It has sometimes been imputed to our Victorian fellow

Capital would be, for all practical purposes, entirely beyond the reach of Victorians, unless the State were prepared to incur an outlay of £1,200,000 or £1,500,000. No Victorians would be justified at present in voting for a site which would impose upon the State the necessity of incurring any such expenditure. Even assuming that we had a railway to the northern border of Victoria, we should still be twenty-five miles from Bombala, and the Government of Victoria would not have the power, even though it had the will, to bridge that distance by rail. I do not suppose that New South Wales would concern herself in constructing a railway merely for the convenience of Victorians. It has been suggested that the Commonwealth might undertake the work, but I think it would be very wrong for us to do any such thing. As to the chance of New South Wales constructing the line which would be necessary to connect the Victorian railway system with the capital, I should like to refer to the report of the Commissioners. At page 38 it is stated:—

The Chief Railway Commissioner of New South Wales states that the construction of the New South Wales portion of the Bombala-Bairnsdale line could only be justified on the ground of the necessity for connecting the Federal Capital, if at Bombala, with Melbourne direct. He also drew attention to the fact that the plans supplied showed undesirable grades and curves.

That statement indicates as plainly as possible, that so far as the New South Wales Chief Railway Commissioner is concerned, no railway would be built for the convenience of Victorians. I do not blame New South Wales. It would be unfair of Victoria to expect New South Wales to construct the line. We should, therefore, be very careful not to choose a Federal Capital from which we should practically be shut out. When I heard the honorable member for Gippsland portraying the magnificent possibilities of the eastern portion of Victoria, his words sounded strangely familiar to my ears. I have been a member of the State Parliament for many years and also a Minister of the State Government, and the honorable member's remarks reminded me of the speeches made on several occasions when railway lines were projected. In all cases glowing predictions were indulged in, but were not fulfilled when the lines were constructed.

Mr. A. McLEAN.—If the capital were placed in the proper position, the Federal territory would extend to the border, and

*Mr. Isaacs.*

New South Wales could not shut out Victorians in the way suggested.

Mr. ISAACS.—The difficulties in the way of constructing a Federal line would be hard to overcome. I do not feel justified in voting for a place which is altogether outside of vision, except at an enormous expenditure. If we consult the interests of Australia as a whole, we shall take into consideration the claims of Albury and Tumut to become the future seat of government. By way of preference, I should choose Albury, because it is the point of junction of the means of communication with three States. I should even prefer Lake George to Bombala, because it is more accessible. I trust that when we determine this matter it will be in such a way as will give satisfaction to all. I feel that it is a very momentous question, in which is bound up a great deal of the future of Australia. Above all things, we should view it from a national, and not from a State stand-point.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—The selection of the Federal Capital site is a question of the very greatest importance to every resident in Australia, and one which requires a great deal of consideration. Consequently I do not feel justified in going to a ballot without expressing my opinions upon it. I remarked the other evening that I should have been pleased if we had not been required to vote upon this matter at the present time, because, personally, I have experienced considerable difficulty in arriving at a conclusion as to what is the best site to select. Possibly I am not singular in that respect inasmuch as other honorable members must have experienced similar difficulty. I trust that the Committee will acquit me of any desire to defer consideration of this matter from ulterior motives. I wish to see effect given as soon as possible to the provision which is embodied in the Constitution. At the same time I cannot fail to confess that we have not sufficient information at our disposal to warrant us in coming to a decision. However, as it seems to be the desire of this Parliament to finally determine the matter this session, I shall have to record my vote in what I conceive to be the best interests of Australia. I propose briefly to place before honorable members my idea of the qualifications which, in my opinion, should be possessed by the Federal Capital site, and subsequently to indicate which of the



sites submitted most fully enjoys those qualifications. I agree with the honorable and learned member for Indi that the capital should be conveniently situated to the two great centres of population, and that, if possible, we should locate it fairly equi-distant between Melbourne and Sydney. I believe there is a stretch of country between the neighbourhood of Yass and Lake George to which we have not given sufficient consideration, and which would well repay a closer examination before a final settlement of this question is arrived at. It has the advantage of a reasonable altitude, and I am informed that it possesses a good water supply. From the little attention which I have been able to give to it I think that it merits more consideration than has been bestowed upon it. To my mind it is a *sine qua non* that the future seat of government shall possess a cool climate. I have already said that it should be convenient to both Sydney and Melbourne, and that it must possess a good water supply. If we can establish it upon a noble, ever-flowing river so much the better. Personally, I prefer that it should be in a fertile country and that it should occupy a position upon a commanding plateau. It should be established close to some great natural feature which will prove a source of joy not only to us, but for ever to those who visit our city. From the information which is before me I am forced to the conclusion that the most suitable site of those which have been suggested is that of Southern Monaro. I believe, however, that the site should be close to the Snowy River, which is a noble, ever-flowing stream. In point of fact it is the finest and noblest river in Australia. Moreover it lends itself to all sorts of improvements. Artificial lakes might very easily be formed by the use of its waters, which would also be employed for generating electricity. I do not favour the site which is known as Bombala, because it is not upon the Snowy River, and I hold that we should establish the capital close to that beautiful river rather than at some distance from it. I am of opinion that a site can be found upon the elevated plateau in that neighbourhood which will fulfil most, if not all, of the conditions to which I have referred. With regard to a great natural feature, I say that one cannot over-estimate its value. Honorable members are aware of the great

advantage derived by many cities of the world from the fact that great natural features are in their vicinity. We know what Chamounix is to Geneva what the Rigi and Mount Pilatus are to Lucerne, and what in our own country Mount Wellington is to Hobart. None of those cities would be the great places of resort for tourists which they are, if the great natural features to which I have referred were not so close at hand. Some of the other sites I have visited would, no doubt, be suitable, but on comparing their qualifications I could not vote for them in preference to the Southern Monaro site. I have nothing to say against any of the other sites. I admit that the climate of Lyndhurst appears to be excellent in summer and winter, and the elevation is suitable, but it does not possess the great noble and everflowing river which the Southern Monaro site possesses, nor is it so conveniently situated with respect to the great centres of population, Melbourne and Sydney. A good deal has been said about the cost of connecting Southern Monaro by railway, and in that regard all I can say is that the two States of New South Wales and Victoria have already surveyed lines for the purpose. I have no doubt they had some object in view in making these surveys. If a district similar to that of Southern Monaro existed in the State from which I come, I should not hesitate a moment about constructing a railway through it. After visiting it, I wondered that the construction of a railway through the district has been delayed so long. The soil is excellent, is capable of supporting a large population, and if a railway will not pay there I do not know where one will pay. I have, very reluctantly, to exercise my judgment in this matter, and I have not tried to influence in any way the opinion of any other honorable member. I have to make up my own mind as to the best site to select, and I do not desire to have upon me the responsibility of influencing the vote of any other honorable member when I believe that we have not exhaustive information upon the subject. I notice that the honorable and learned member for Indi told the Committee that the mean temperature of Bombala was something like freezing point.

MR. ISAACS.—No, I read the words of the report.

SIR JOHN FORREST.—I have information that the mean maximum temperature

throughout the year is about 68 degrees, and the mean minimum about 40 degrees.

Mr. ISAACS.—What I read was—"The mean minimum shade temperature during the four coldest months is 32·7 degrees."

Sir JOHN FORREST.—That is something very different. I have been speaking of the mean temperature throughout the year. I have no desire to say anything further, but I must again express my regret that I am called upon at the present time to exercise my vote. It appears that I must do so, and I shall therefore vote for the Southern Monaro site.

Mr. L. E. GROOM (Darling Downs).—I have no desire to detain the Committee at any length; but, coming from a northern State I think it only right that I should raise the point that the suitability of these sites has been regarded rather from the point of view of the present than of the future, and from the point of view of the two States of New South Wales and Victoria rather than from that of the other States. Listening to the discussion it would seem to me to have been taken for granted that, in future, the whole of the population of Australia will be located between the two cities of Sydney and Melbourne, and that, when we consider the suitability of any particular place to be the Capital of the Commonwealth, our decision must be guided by a reference to those two cities. I desire to remind honorable members that, according to the evidence furnished with the report of the Royal Commission, the bulk of the population of Australia will not in the future be located in the southern parts of the Commonwealth, but along the eastern coast. It is stated that thirty years from now the combined population of New South Wales and Queensland will be about 4,250,000, whilst the population of all the rest of the States will be only about 3,750,000. If we are to be guided by the evidence furnished by the Royal Commission, it is clear that the trend of population in Australia will be northwards, where at the present time we have almost all the unoccupied territory of Australia. Practically the whole of the territory of Victoria is occupied, and has been alienated in fee simple; nearly the whole of the territory of New South Wales is occupied; but only 4 per cent. of the territory of Queensland has yet been alienated in fee simple. All this goes to show that the trend of population in Australia will, in future, inevitably be

towards the north. I have said that I have no desire to occupy much of the time of the Committee, but I feel it is absolutely necessary that I should enter my protest against a selection of the capital of the Commonwealth solely with a view to meeting existing conditions. If honorable members will look at the natural conditions of Australia, and the position in which we are placed with respect to the great cities of the east, they will see that geographically the centre of Australian population must inevitably be about where it has been placed by the statisticians, and that is at Armidale. If Armidale is considered in the light of the tests applied to other sites it will be found to be pre-eminently the most suitable for the capital. It is on a main line of railway; it occupies an absolutely central position according to the report of the Commissioners—

Mr. A. McLEAN.—Does the honorable and learned member not think that New Guinea would supply a suitable site?

Mr. L. E. GROOM.—The honorable member for Gippsland was recently very eloquent about Bombala, and he might allow me to draw his attention to the fact that there are other States in the Commonwealth besides Victoria, and that there are other districts besides Gippsland. I would be glad if the honorable member could look at the question from a national and not merely from a Victorian point of view. If every standard of suitability applied to Bombala is applied to Armidale it will be found that Armidale is the better site. The whole producing capabilities of the Armidale district, its suitability for agriculture, dairying and fruit-growing, are admitted; and compared in every way with Bombala, it is pre-eminently a better site. I feel that honorable members have made up their minds, but if we are to choose a site which, suitable in every other way, will occupy a central position in view of the future population of Australia, the site selected should be Armidale. Next to Armidale, I consider Lysterhurst the best site to select, and I support those sites in the order of preference I have indicated.

Mr. WATSON (Bland).—I am one who has taken a considerable interest in the matter for some years past, and so anxious am I now to see it settled during this session, and so conscious am I of the short-

period at our disposal, that I do not propose to detain the Committee. I merely say that for various reasons, including those which relate to the climatic conditions and the question of accessibility, I intend to vote for the Tumut site. I do not propose to explain at length the reasons which actuate me in taking that step. I trust that those honorable members who desire to see this question settled during the present session will take the opportunity of coming to a vote to-night. I have taken the trouble to ascertain that there are no fewer than sixty out of the seventy-five members of the House who are actually in the Chamber or within the precincts of the House. In view of the fact that at present a number of honorable members are away in other States and cannot be here to-morrow, and in view of the further fact that next week a much larger proportion will be absent, I earnestly appeal to every one in favour of having the matter settled to come to an immediate decision.

Mr. O'MALLEY (Tasmania).—I have listened to honorable members for the last forty-eight hours, and I object to being told that I cannot speak because others declare themselves to be ready to vote. I am here, not as a subordinate, but as the peer of every member in this House; and, therefore, I shall talk when it suits me to talk. We have listened to some extraordinary speeches; and it appears to me as though honorable members are suddenly prepared to vote now that Bombala is apparently "out of the running." There is collusion somewhere, but I cannot get on to its rack. If ever there was a spot set apart by the Creator to be the Capital of this great Australia—the pivot around which Australian civilization should revolve—it is Bombala. The Americans, in fixing upon Washington, selected a site close to the eastern seas. The result is that to-day members of Congress have to travel 4,000 miles from Oregon, and they are paid 10 cents, or 6d. per mile, as expenses. It is a selfish and ungodly state of things when men arrive at the stage of thinking only of themselves; the curse of the world to-day is selfishness. We are legislating now for countless millions still unborn, we are legislating for centuries hence, and posterity will rise in its might and curse us if we select the wrong site. It will be a black crime against posterity if we select

any place but Bombala. A number of honorable members, including the honorable and learned member for Indi, have asked how honorable members will reach the seat of government, if it be fixed at Bombala. Why, the leader of the Opposition, for instance, could step on a steamer in Melbourne and next morning be at Twofold Bay, whence he might be wafted to the scene of his legislative labours in the buckets of an aerial railway. It is not two years since I met the leader of the Opposition fishing in the Snowy River, and it is that stream and not the Murray which is the national river of Australia. The Snowy River is fed by Heaven from the eternal snows of the mountains. In the very beginning the Garden of Eden was laid to the eastward; and when I reached the hills, after having climbed Black Jack and entered Monaro, I thought of the story of Adam and Eve. I looked back over 6,000 years, and, in fancy, I could almost see the Garden of Eden at Bombala. I could see Adam and Eve leaving after they had eaten of the tree of life—for the tree of life is growing there to-day.

AN HONORABLE MEMBER.—They must have been starved out at Bombala.

Mr. O'MALLEY.—They were not, because Eden was an irrigation colony, with the Euphrates at hand.

Mr. HIGGINS.—Did the honorable member see any snakes at Bombala?

Mr. O'MALLEY.—I saw fat snakes fit to eat, but every snake I saw at Tumut was dead. The Royal Commission seems to me to have been like some bull-dozed Commission from South Carolina or Georgia. The result is sometimes peculiar when pressure is put on a man; the pressure may not be from without but from within, and yet it has the same effect. It is extraordinary that Mr. Oliver should have given such a splendid report of Bombala. The history of the world shows that cold climates have produced the greatest geniuses, all of whom were born north of a certain degree. I have heard some remarks about a "toy State," but how big is Scotland, whose sons are all over the earth? How big is Rhode Island, whose sons can make wooden nutmegs? How big is the State of Maine? That State is not as big as Bombala, and yet it gave birth to Longfellow. How big was Greece or Sparta? There are more people to-day around Bombala than there were in Greece and Sparta when

Miltiades won the liberty of mankind on the field of Marathon. There are more people round Eden and Bombala to-day than were gathered on all the seven hills of Rome when she commenced a sway which afterwards embraced the whole earth. It is all nonsense to talk about population and size; the history of the world shows that small territories and small republics have produced the greatest men. It will be the same to-day. This is the first opportunity we have had of establishing a great city of our own, where we can experiment with our socialism, as it is called. Socialism is going to rule this earth, and to destroy the selfishness and the misery that has come into the world through the greed and avarice of humanity. In conclusion, let me say this: Look where we like, it will be found that wherever a hot climate prevails, the country is revolutionary. Take the sons of some of the greatest men in the world, and put them into a hot climate like Tumut or Albury, and in three generations their lineal descendants will be degenerate. I found them in San Domingo on a Sabbath morning going to a cock-fight with a rooster under each arm, and a sombrero on their heads. I want to have a cold climate chosen for the capital of this Commonwealth. I am glad that the Minister for Defence has put that point before us. I want to have a climate where men can hope. We cannot have hope in hot countries. When I go down the streets of this city on a hot summer's day, and see the people in a melting condition, I look upon them with sorrow, and wish I were away in healthy Tasmania. I hope that the site selected will be Bombala, and that the children of our children will see an Australian Federal city that will rival London in population, Paris in beauty, Athens in culture, and Chicago in enterprise.

Mr. McDONALD.—I desire to move an amendment before the name of the selected site is inserted in the clause.

Mr. DEAKIN.—We propose to recommit the clause. The course of procedure which we propose is this: We desire to pass the clause as it is; then to take the ballot; then when we have decided upon the name, we propose to recommit the clause, and insert the name. When we have inserted the name, it will be in order, I presume, for the honorable member to move any amendment which he wishes to have inserted.

Mr. CROUCH.—I also have given notice of a new clause. When shall I have an opportunity of moving it?

The CHAIRMAN.—It will be in order for the honorable and learned member to propose his new clause after the Minister for Trade and Customs has proposed the new clause which he intends to move.

Mr. CROUCH.—Will that be before or after the decision as to the site is arrived at by means of the ballot?

The CHAIRMAN.—It will be before the Bill goes out of Committee.

Mr. DEAKIN.—May I make a suggestion? If my colleague does not submit his new clause now, we can proceed to the ballot immediately. The clause can afterwards be recommitted in order to put in the name of the chosen site. Then we can take my colleague's new clause, after which any other new clause can be proposed.

Mr. McDONALD (Kennedy).—I may as well give notice of the amendment which I intend to propose. After the name of the site is inserted, I propose to add the following words—

And the territory granted to or acquired by the Commonwealth within which the seat of Government shall be shall contain an area of not less than one thousand square miles.

Mr. CROUCH (Corio).—I am sorry to find a large number of honorable members from New South Wales, who have occupied most of the time to-day, objecting to further debate. The New South Wales members have made most exhaustive speeches, and when a Victorian member makes an attempt to put his views on the subject before the Committee, honorable members opposite demand that a vote shall be taken. I am in favour of taking a vote, but I strongly object to those honorable members who have spoken interrupting others who desire to speak. I desire to read a few extracts from the report of the evidence taken by the Federal Commission on capital sites. In the first place, I must thank the leader of the Opposition for his very kind assurance that at no time during these proceedings have the Victorians attempted to delay the Bill. We are grateful to the right honorable member for his patronage.

Mr. REID.—I withdraw it in the honorable and learned member's case. He is a regular stone-waller.

Mr. CROUCH.—I draw attention to the fact that the leader of the Opposition has referred to me as a stone-waller.

14. It would be on the alternate line of railway between Melbourne and Sydney.

Even if we do not establish the Federal Capital in Southern Monaro, will any one suggest that for defence purposes we shall not require to construct a railway round that neighbourhood close to the sea shore? I think so.

14. The cost of the construction of the line from Cooma to Bairnsdale, or to Eden, should not be debited to the Bombala capital site, as they are very necessary works for the development of the country, and are therefore national works which should have been carried out years ago.

6. The situation of the capital should not be chosen for the convenience of the politicians of the present day only.

I say that we shall not go there unless this thing or that thing is done is to display a miserable spirit. Rather let us defer the location of the future seat of Government ten or twenty years than commit a mistake which must endure for all time. As far as I am aware there is no feverish desire on the part of the people of Sydney that haste should be exhibited in this matter. If honorable members will divest themselves of all party feeling, they must admit that the representatives of Victoria are quite as anxious that the compact which is embodied in the Constitution shall be faithfully carried out as are the representatives of New South Wales. I appeal to honorable members not to be unduly pre-occupied, and thereby to make a mistake which we shall regret for all time.

Therefore, a site should be selected which is a part of its own, and which has rich country adjacent, such as Bega, with a climate where all the tender products could be raised for supplying the city. Should the financial position of the Commonwealth make the building of the capital being provided immediately, still the Federal Parliament should acquire possession of a large area of land in Monaro and hold it in trust for pos-

sessing that to do so would be even better than to select a place merely because it is in the neighbourhood could be obtained cheaply. When we can obtain a site cheaply it is generally nasty. We have to fear the expenditure which will be involved in the selection of a good site, and it will require to be distributed over a long period of years. I am obliged to thank members for the attention and sympathy with which they have listened to my remarks, and I regret exceedingly that time does not permit me to deal with the matter in an exhaustive way. I believe that

I could supply many particulars which would be of interest to honorable members. Unless an attack is made upon Bombala, I have no desire to institute comparisons between that site and the other sites, because, so far, the debate has been conducted in a very good spirit. No effort has been made to decry any site with the exception of Bombala. The fact that every one considers it fair to cast a stone at that site suggests that it must stand pretty high in general estimation. To those who wish to criticise it, I say—"Take these facts and pull them to pieces, but do not make merely bald assertions." I hope we shall not hurriedly settle this question simply to placate a few people who desire to make something out of the Commonwealth. No doubt if we possessed landed property in the vicinity of one of these sites, we should be anxious to have that site selected, because the price of our land would be immediately enhanced. If we imagine that landowners intend to levy blackmail upon the country it behoves us to go slowly. In many of the sites the price of property has already gone up considerably. What will be the result if to-night the news goes forth that this House has selected Tumut? I appeal to honorable members not to be swayed by any personal considerations in recording their votes. I fear there will be a little of that. I believe that if the Minister for Trade and Customs did not represent an electorate which includes Albury and Tumut, honorable members would not be so strongly in favour of the selection of one of those sites. But he has so industriously, cleverly, and carefully placed certain figures before honorable members that he has convinced many of them that the sites in question are alone worthy of consideration. If, later on, we find that one site which was very low upon the list has crept up to first place, we shall naturally ask ourselves whether those sites which were frozen out early were not the victims of some combination? I urge honorable members to make haste slowly. The people of New South Wales know very well that the compact which is embodied in the Constitution will be given effect to. There is nothing in the cry of delay which has been raised because the records of this Parliament will show the work which has been done. As far as I am concerned, I hope that the best site will be selected, and that it will be one of which we may

Question—That Orange be further balloted for—resolved in the negative.

*The third ballot having been taken—*

Mr. SPEAKER.—The votes were cast in the third ballot as follows :—

Lyndhurst, 23.      Albury, 5.  
Bombala, 17.      Armidale, 1.  
Tumut, 14.

As the Armidale site has received the smallest number of votes, its name will not appear on the next series of voting papers. One of the voting papers collected was not signed, but, perhaps, it may assist the House if I mention that the cross upon it was placed against the name of Tumut.

*The fourth ballot having been taken—*

Mr. SPEAKER.—The votes were cast in the fourth ballot as follows :—

Lyndhurst, 25.      Tumut, 17.  
Bombala, 17.      Albury, 2.

The name of Albury will therefore not appear on the next series of voting papers.

*The fifth ballot having been taken—*

Mr. SPEAKER.—The votes were cast in the fifth ballot as follows :—

Lyndhurst, 24.  
Tumut, 21.  
Bombala, 16.

As the only sites left are Lyndhurst and Tumut, it may save time, and the same result will be obtained, if, instead of having a sixth ballot, the final decision is made in the usual way by taking a division.

HONORABLE MEMBERS.—Hear, hear.

Mr. REID.—I do not think we can deviate from the method of procedure laid down in the resolution passed by the House. At all events, it would be much better to follow that procedure.

Mr. SPEAKER.—I am content to take the course desired by the House. So far as giving effect to the resolution is concerned, I understood the right honorable gentleman to suggest last night that under the circumstances the course which I have suggested would be a proper one.

Mr. REID.—I am quite indifferent in regard to the matter, but I think we shall do better by continuing the balloting.

Mr. SPEAKER.—As objection has been taken to a division, the balloting will continue.

*The sixth ballot having been taken—*

Mr. SPEAKER.—The votes cast in the sixth ballot are :—

Tumut, 36.      Lyndhurst, 25.

# BALLOTS.

Sites.—1 Albury, 2 Armidale, 3 Bathurst, 4 Bombala, 5 Dalgely, 6 Lake George, 7 Lyndhurst, 8 Orange, 9 Tumut.

Ballots.	1st.	2nd.	3rd.	4th.	5th.	6th.
Batchelor, Mr. ...	9	9	9	9	9	9
Bonython, Sir J. L.	4	4	4	4	4	9
Brown, Mr. ...	8	8	7	7	7	7
Cameron, Mr. ...	7	7	7	7	7	7
Chanter, Mr. ...	1	1	1	1	9	9
Chapman, Mr. ...	4	4	4	4	4	9
Clarke, Mr. ...	4	4	4	4	4	9
Conroy, Mr. ...	6	6	7	7	7	7
Cook, Mr. Hume ...	4	4	4	4	4	9
Cook, Mr. J. ...	7	7	7	7	7	7
Cooke, Mr. Winter	9	9	9	9	9	9
Crouch, Mr. ...	4	4	4	4	4	9
Deakin, Mr. ...	4	4	4	4	9	9
Edwards, Mr. G. B.	7	7	7	7	7	7
Edwards, Mr. R.	2	7	7	7	7	7
Ewing, Mr. ...	9	9	9	9	9	9
Fisher, Mr. ...	2	2	4	4	4	7
Forrest, Sir J.	4	4	4	4	4	9
Fowler, Mr. ...	4	4	4	4	4	9
Fuller, Mr. ...	6	7	7	7	7	7
Groom, Mr. L. E.	2	2	2	7	7	7
Hartnoll, Mr. ...	7	7	7	7	7	7
Higgins, Mr. ...	4	4	4	4	4	9
Hughes, Mr. ...	7	7	7	7	7	7
Isaacs, Mr. ...	1	1	1	9	9	9
Kennedy, Mr. ...	9	9	9	9	9	9
Kingston, Mr. ...	4	4	4	4	4	9
Kirwan, Mr. ...	4	4	4	4	4	9
Knox, Mr. ...	1	9	9	9	9	9
Lyne, Sir W. J.	1	9	9	9	9	9
Mahon, Mr. ...	9	9	—	9	9	9
Manifold, Mr. ...	9	9	9	9	9	9
Mauger, Mr. ...	9	9	9	9	9	9
McGay, Mr. ...	1	1	1	1	9	9
McColl, Mr. ...	1	1	1	9	9	9
McDonald, Mr. ...	2	7	7	7	7	7
McEacharn, Sir M.	1	1	1	4	4	9
McLean, Mr. A. ...	4	4	4	4	4	9
McLean, Mr. F. E.	7	7	7	7	7	7
McMillan, Sir W.	7	7	7	7	7	7
O'Malley, Mr. ...	4	4	4	7	9	9
Paterson, Mr. ...	2	7	7	7	7	7
Quick, Sir J.	9	9	9	9	9	9
Reid, Mr. ...	7	7	7	7	7	7
Ronald, Mr. ...	4	4	4	4	4	9
Salmon, Mr. ...	4	4	4	4	4	9
Sawers, Mr. ...	9	2	9	9	9	9
Skene, Mr. ...	9	9	9	9	9	9
Smith, Mr. Bruce	7	7	7	7	7	7
Smith, Mr. Sydney	7	7	7	7	7	7
Solomon, Mr. E. ...	4	4	4	4	4	9
Spence, Mr. ...	7	7	7	7	7	7
Thomas, Mr. ...	8	7	7	7	7	7
Thomson, Mr. ...	7	7	7	7	7	7
Tudor, Mr. ...	9	9	9	9	9	9
Turner, Sir G.	9	9	9	9	9	9
Watkins, Mr. ...	2	7	7	7	7	7
Watson, Mr. ...	9	9	9	9	9	9
Wilkinson, Mr. ...	9	7	7	7	7	7
Wilks, Mr. ...	7	7	7	7	7	7
Willis, Mr. ...	7	7	7	7	7	7

NOTE.—The figures appearing opposite the name of each member indicate the sites for which he voted in the successive ballots.

*In Committee :*

Clause 2—

It is hereby determined that the Seat of Government of the Commonwealth shall be at or near .

Amendment (by Sir WILLIAM LYNE) proposed—

That after the word “near,” line 2, the word “Tumut” be inserted.

Mr. O'MALLEY.—Will Tumut be the name of the Federal Capital?

HONORABLE MEMBERS.—No.

Mr. CONROY (Werriwa).—The site of the Federal Capital ought to have been chosen as close as possible to a main line of railway, because it would be a great advantage to those members of Parliament who live in Sydney and Melbourne. We are under many disabilities at the present time in having to come here to attend to our parliamentary duties. The railway to Tumut can never be more than a branch line.

Sir MALCOLM MCEACHARN.—We can have as fast a service on a branch line as on a main line.

Mr. CONROY.—We cannot get as good a service for members of the Federal Parliament on a branch line as on a main line. I regret that, through a mistake, honorable members have not been afforded an opportunity of expressing their opinion in regard to a site near a main line, and for that mistake I blame the late Minister for Home Affairs. By the decision which has been arrived at, honorable members who live in Sydney or Melbourne will be deprived of an opportunity to attend to their parliamentary duties at the proposed site as often as they otherwise would do.

Amendment agreed to.

Mr. McDONALD (Kennedy).—I move—

That the following words be added:—“and the territory granted to or acquired by the Commonwealth within which the Seat of Government shall be, shall contain an area of not less than one thousand square miles.”

I should like the area to be 5,000 square miles, but I have no hope of carrying a proposal of that kind, and I feel that there is a chance of getting honorable members to agree to an area of 1,000 square miles. I do not wish to discuss the matter, because I believe that every one understands what we are driving at. My amendment will not preclude the Government from obtaining a larger area than 1,000 square miles if it can be secured.

Mr. A. McLEAN.—The quality and the price of the land should regulate the area to some extent. We would not take as much land at £10 per acre as at £1 per acre.

Mr. McDONALD.—It will all depend on the circumstances. Even if the land were of the very best description, I think that 1,000 square miles is the smallest area that should be obtained.

Mr. WATSON (Bland).—I do not feel satisfied that at this stage of the proceedings this proposal is likely to receive that consideration which it ought to get. I am very anxious indeed to expedite the conclusion of this business. I am very strongly in favour of the amendment, and I should like to advance reasons in favour of its acceptance when the Committee is in a more receptive mood. I do not know what the idea of the Government is.

Mr. O'MALLEY.—We can carry the amendment to-night.

Mr. WATSON.—If so, I am satisfied to go on.

Mr. REID.—I am going to strongly protest against the matter being considered at this hour. It is not our land which is being dealt with. We cannot give property to ourselves.

Mr. WATSON.—I also feel that this matter is so important that it ought to receive fair consideration.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I understand that the leader of the Opposition desires progress to be reported, and if that is the desire of the Committee I shall offer no objection.

Mr. FISHER.—Why should it be done? It will not make a bit of difference.

Mr. REID.—As we are dealing with the land of other people we had better think over the matter.

Mr. DEAKIN.—I am prepared to stop here all night.

Mr. REID.—I should not object at all if it were our own territory.

Mr. DEAKIN.—The point I was about to suggest for consideration is that the question at issue is not whether an area of 1,000 square miles at least should be taken, but whether in a Bill which we desire as far as possible to limit to the general indication of a site, it is advisable to introduce such a proposal.

Mr. McDONALD.—Exactly the same argument was used in the case of the Conciliation and Arbitration Bill.

Mr. DEAKIN.—No. Before a site can be chosen, even after this Bill has been passed, another Bill will require to be introduced describing in precise detail and with absolute measurement the particular place chosen, and the extent of the territory chosen. We shall not be able to enter into the possession of any territory, or fix a site within that territory as the Constitution requires until they are expressly authorized by an Act of Parliament, and this Bill cannot give that authority.

Mr. McDONALD.—Then what we have done is valueless.

Mr. DEAKIN.—No. This Bill will enable us to ask the Government of New South Wales to grant the Commonwealth somewhere in the Tumut district the preferred site. It will also enable a survey to be made. It will then be the duty of the Government of the day to come down to the House with a measure describing the area to be taken and marking in it the precise site. I am not opposing the amendment, because if the condition of the country permits, as it probably will in this district, I am in favour of a much larger area than the minimum fixed by the Constitution.

Mr. BRUCE SMITH.—If we have to buy it?

Mr. DEAKIN.—That may not be necessary for I am informed that in the neighbourhood of Tumut there is a very large area of Crown lands, and it may be that the Government and Parliament of New South Wales will deal liberally with the Commonwealth by placing those Crown lands at its disposal. If that be so it would be easily possible and most desirable to take over an area exceeding the minimum fixed by the Constitution. The territory acquired might even exceed the area which the honorable member proposes shall be taken over. But we require to have all information. Nothing can be done in that direction under this Bill. A second Bill will still be necessary to fix the particular area and site to be acquired. Since the amendment if carried—and doubtless many honorable members approve it—would not enable anything to be done, I wish the honorable member to consider whether it would be wise now to make a proposition which would have to be repeated at another stage before it could be made effective.

Mr. REID (East Sydney).—If the amendment had merely the force of a suggestion I should not have the slightest objection to it; but the honorable member for Kennedy knows that it means that without consulting the State which is to give the land to the Commonwealth, and to acquiesce in its transfer to us, we are to stipulate that the area shall not be less than 1,000 square miles.

Mr. FOWLER.—Is it not wise to let the State Government know what we desire?

Mr. REID.—Quite so; but there are two ways of making known our desire. We may ask for a certain extent of territory, or we may say we are going to have it. The latter course is not to be adopted in dealing with a body of equal authority. New South Wales must hand over to the Commonwealth the minimum area prescribed by the Constitution, but the taking over of any other territory would be a matter of amicable arrangement between the two Governments.

Mr. WATSON.—In the last resort we might acquire the land.

Mr. BRUCE SMITH.—We should have to pay for it.

Mr. WATSON.—Quite so.

Mr. REID.—The matter is one that should not be dealt with in this mandatory way. The amendment requires some consideration, and I do not think it should be dealt with at this hour in the morning. We might obtain much more by framing it in a more polite form.

Mr. KINGSTON.—It is only a direction to the Government.

Mr. REID.—That is so; but I seriously doubt whether it is within the scope of the Bill. The Bill is to determine the seat of government.

Mr. KINGSTON.—To determine that it shall be a certain place within a certain area.

Mr. REID.—The seat of government must be within the Federal territory; but the Federal territory and the seat of government are two different things.

Mr. KINGSTON.—The one is within the other.

Mr. REID.—But this Bill does not include the greater; it provides for the less. It provides for the seat of government,



d that Bombala was entitled, in respect of supply, to be placed immediately after the class, however, assigned to Bombala. Commissioners is no higher than a fourth.

remarkable that the Capital Sites Commissioners placed Bombala fourth on their list. Whatever honorable members may say about Bombala I do not think they will indorse the finding of the Commissioners.

O'MALLEY.—They were bulldozed.

AUSTIN CHAPMAN.—I should like to say that about gentlemen whose opinions are so good. Mr. Oliver con-

can be seen from Mr. Pridham's report that the Snowy River, at a distance of about 15 miles from the proposed city site at Lord's Hill, affords a water supply obtainable by pumping equal to the requirements of a population of 500,000. But not all, for the same river, at a point near the station of the McLaughlin, gives a fall of less than 200 feet in three and a quarter miles, affording sufficient water-power, according to Mr. Pridham, not only for pumping all the water required for electric lighting and tram traction, but also for operating the proposed railway from Cooma to Delegate and from Bombala to Sydney by electricity, the transmission lines for electric power being very much shorter than many lines in the United States. The power thus available from the Snowy River he estimates at 16,000 horse-power, and this Mr. Pridham discusses as follows:—

	h. p.
Electric lighting ... ..	600
Pumping water supply from Delegate River ... ..	700
Electric trams ... ..	2,700
Operating trains, four each way, on two lines—16 trains per day, at, say, 1,000 horse-power each ... ..	16,000
<b>Total, say ... ..</b>	<b>20,000</b>

in addition to this 20,000 horse-power, at a fall of 100 feet lower down the same river, at about 15 miles from the city site, 68,000 additional horse-power could, if required, be obtained.

Honorable members are aware, the Snowy River runs through the proposed site, and, if the sites were selected, the Capital might be placed upon its banks. That river drops 100 feet in about sixty miles, so that honorable members can understand its wonderful possibilities in supplying horse-power, especially on the Victorian side of the river.

I wish now to compare the order of merit as given by the Commissioners with the order given by Mr. Oliver. The Commissioners, however, made the admission

that the order of merit should be determined by assigning values to the respective headings, and this, as we understand it, is outside the scope of the Commission.

The Commissioners were not asked to express a definite opinion as to which, in their opinion, was the best site. They were asked only to furnish certain information, so that honorable members could judge for themselves. But, while they had regard to the quality of soil, accessibility, climate, and other such matters, they paid no regard to the possibility of expansion. If, however, there is one feature which is more desirable than another in connexion with the site for a Federal territory it is the possession of an area which will allow of the expansion of the city as the population grows. The Commissioners, in dealing with the climate of the various sites, place Tumut first, Lyndhurst second, Bathurst and Lake George an equal third, Orange fourth, Albury fifth, Armidale sixth, and Bombala seventh. That grouping of sites, however, is only an expression of the personal opinion of the Commissioners. They evidently do not like a bracing climate. I have not seen Tumut, but I have been told that it is a very pretty place, and that there is wonderfully good land there, land so good that it will cost £20 per acre to resume. Some honorable members say that that does not matter, because we shall get value for our money. But why should we pay £20 an acre for land which closeness of settlement, proximity to market, and constant tillage has made worth £20 an acre, when we can obtain equally good land in another district for practically nothing? I know as much of the Monaro district as most men know, and I could take honorable members to places where there are large areas of good land, not merely 20 or 30 acres of it. At places like Bibbenluke and Cambalong you can get 50,000 or 60,000 acres in one piece, all of which is good. That land is used for pastoral purposes now, because it is too far from a market to make it profitable to grow grain there. There are, however, hundreds of thousands of acres of good land there. Lyndhurst and Tumut cannot compare with Bombala for possibility of expansion. They can never be more than mere overgrown villages. But if a railway were taken through the Monaro table-land, and a market given, a great city would spring up there, even if it were not made the location of the Capital. Mr. Oliver has made a much better comparison of sites than

has been made to determine the order of merit of the sites. This could only

Senator PLAYFORD.—The answer to the honorable senator's question is as follows :—

The Government is still in cable communication with the Colonial Office, Canada, and New Zealand, as to the time, place, and subject of the Conference. As soon as these communications are completed they will be laid upon the table of the Senate.

It is possible that the communications may not be completed before the Parliament is prorogued, and in that case I promise the honorable senator that I shall lay all the papers on the table before the end of the session.

### GOVERNMENT BUSINESS.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I move—

That during the remainder of the present session Government business take precedence of all other business, except questions and formal business.

This course is usually taken towards the end of a session. It is my intention to allow the private business in charge of Senators Dobson and Higgs to take precedence on Wednesday next. My object in moving the motion is to avoid the delay which might be caused by any merely academical discussion of an abstract question, because I think it is the desire of the majority of honorable senators that Government business should take precedence of any business of that kind on that day.

Senator HIGGS (Queensland).—I am very much obliged to Senator Playford for the promise he has made. I can assure him that I shall not attempt during the next week or two to bring forward any academical propositions for discussion on Wednesday afternoon, because I am only too anxious for the session to be closed as early as possible, in order to allow certain honorable senators an opportunity to meet their constituents. I think that the Parliament ought to have been prorogued by this time. I desire to know if Senator Playford can see his way clear to give the Senate an opportunity of dealing with a measure relating to the Federal territory if a Bill for the same purpose is not introduced in the other House. If the Government will take up this question, I shall be only too glad to ask leave to withdraw my Bill. I believe it is really necessary to pass a Bill providing for the area of the Federal territory, and the basis of resumption. It would be a great shame if we selected

a capital site, and the value of the land were increased to such an extent as to delay the establishment of the seat of government for years. I shall be very glad if the honorable senator will give the Senate an opportunity to deal with my Bill, providing that the Government have no time to introduce a similar Bill in the other House.

Senator PEARCE (Western Australia).—I desire to ask Senator Playford what will be the value of the motion if he intends to give up Wednesday afternoon for the consideration of two private Bills.

Senator PLAYFORD.—It will prevent any notices of motion from being given for next Wednesday which would block Government business.

Senator PEARCE.—The Bills in the names of Senators Dobson and Higgs are quite sufficient to block Government business on that day. What useful purpose can be served by Senator Dobson in going on with the Post and Telegraph Act Amendment Bill, when he knows that there is not the slightest possibility of it being carried? I intend to occupy as much time as he did in discussing its second reading, and I understand that several honorable senators wish to speak to the question. The honorable and learned senator knows that even if it were passed by the Senate there would be no possibility of the other House assenting to it.

The PRESIDENT.—Has that anything to do with this question?

Senator PEARCE.—It is merely an illustration to show that Senator Playford, by the promise which he has given, has practically destroyed the value of his motion. I should like to see the Federal Territory Bill in the name of Senator Higgs passed, but, I understand, from a hint which was given by the Prime Minister, that there is a possibility of a similar Bill being introduced in another place. If so, why should we discuss the Bill in the name of Senator Higgs?

Senator PLAYFORD.—Senator Higgs has said that in those circumstances he will not go on with his Bill.

Senator PEARCE.—If the Government do intend to introduce a Bill we need not waste Wednesday afternoon in discussing the Bill in the name of Senator Higgs. I should like to ask Senator Playford to consider whether he is wise in making such a promise, and whether it

would not be better to state what the Government intend to do about the Federal territory. It is advisable that the whole of Wednesday's sitting should be devoted to the consideration of Government business on the understanding that we shall be afforded an opportunity to deal with the questions involved in the Bill of Senator Higgs.

Senator PULSFORD (New South Wales).—I was about to draw attention to the point which has been raised by Senator Pearce. It does seem to me to be an extraordinary thing that we should be asked to pass a motion to give precedence to Government business, and at the same time to be told that it may be ignored. A motion should be carried with the intention of being observed. I take it for granted, sir, that if his motion is carried you will see that no other business is allowed to be taken on Wednesday, in spite of any promise which Senator Playford has made.

The PRESIDENT.—The Government can give way if they like.

Senator PULSFORD.—I do not feel satisfied with the position.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I wish to say a few words on the subject of the usefulness of the motion. It is brought forward in order to block the discussion of academic questions which might be placed on the business-paper subsequently. I would not move a motion of this kind for the purpose of blocking any one who had one to the trouble of preparing a speech on a subject in which he took a deep interest or the purpose of moving the second reading of a Bill. I shall not make use of the motion next Wednesday for the purpose of blocking the Bills in charge of Senators Dobson and Higgs if they desire to proceed, but I trust that Senator Dobson will ask leave to withdraw his Bill. I believe that, after consideration, he will take that course, because he will see how futile it would be to proceed.

Senator Dobson.—Because I am in the right?

Senator PLAYFORD.—The honorable and learned senator may be in the right or be wrong, but he has no possible chance of carrying his Bill, so that no good object could be served by resuming the debate on its second reading next Wednesday. He must know that even if it were carried through the Senate it could not be carried through the other

House, and that, therefore, any discussion on its second reading next Wednesday would be a waste of time. I have told Senator Higgs privately, and it has been stated in another place, that the Ministry intend to introduce into the Seat of Government Bill a clause which will cover nearly all the points which he has raised in his Bill, especially that of speculation in land. I have seen a rough draft of the clause. By next Wednesday he will know what has been done, and he will then be in a position to say whether he intends to proceed with his Bill, and if he expresses a desire to that effect I shall keep my promise to him.

Question resolved in the affirmative.

The PRESIDENT.—Government business will appear first on the notice-paper in accordance with the resolution of the Senate, but the Government can give way if they desire to do so.

#### APPROPRIATION BILL (1903-4).

*In Committee* (Consideration resumed from 8th October, *vide* page 5878):

Second schedule.

#### DEPARTMENT OF HOME AFFAIRS.

Divisions 18 to 24, £213,739.

Upon which Senator DOBSON had moved—

That the House of Representatives be requested to leave out the item "Inspector-General of Works, £1,000."

Senator STEWART (Queensland).—I think we ought to have some information as to the record of Colonel Owen. This matter is of very great importance. Colonel Owen is to be paid a very high salary, and is to be charged with very responsible duties. The head of this Department should be a thoroughly competent man. Hitherto we have had nothing but a very vague statement from the Vice-President of the Executive Council that Colonel Owen is a capable man, that he is thoroughly trustworthy, a good organizer, and many other fine things. But we want to know whether he is competent to supervise the erection of buildings. If he is not why appoint him? I say without fear of contradiction that the presumption is all against Colonel Owen having the necessary qualifications for the position into which apparently the Government desire to pitchfork him. Whose particular pet is he? Is he one of Sir John Forrest's protégés, or to whom does he belong? Does the Vice-President of the Executive Council know anything ab-

him? I will be no party to agreeing to this vote until I know more about Colonel Owen. He has been in the Defence Force, and is skilled in the erection of fortifications. Do the Government intend to fortify all the Customshouses, Post-offices, and all other public buildings? It looks very like it. If not, why should they select a man who is specially qualified for erecting forts? The Vice-President of the Executive Council knows as well as any man that a civil engineer is never employed to erect buildings. That is not his work, any more than it is the work of a carpenter to do plumbing. An architect, or a man skilled in the erection of buildings, is the person to employ for such purposes. A civil engineer knows nothing about the erection of buildings, and if he is an honest man will not undertake such work. If that is the case with regard to an ordinary civil engineer, it is much more the case with regard to a military engineer. Why is this man to be appointed?

Senator PLAYFORD.—Because he is eminently fit for the position.

Senator STEWART.—How does the honorable senator know that?

Senator PLAYFORD.—From those who are intimately acquainted with him.

Senator STEWART.—That is merely one of those vague general statements which we constantly hear from the Government when they have made up their mind to put a man into a certain position.

Senator PLAYFORD.—If the honorable senator cannot show that Colonel Owen is unfit for the position why does he make these statements?

Senator STEWART.—We have no evidence. Why not give us some evidence? This is another of the jobs which the Government is continually perpetrating. We have overlooked this sort of thing quite often enough. It is high time that a period was put to this jobbery and favoritism.

Senator PLAYFORD.—There is neither jobbery nor favoritism in it.

Senator STEWART.—There is on the face of it. This man is no more competent to supervise the erection of buildings than I am.

Senator FRASER.—Yet the honorable senator says he knows nothing about Colonel Owen's qualifications.

Senator STEWART.—The presumption is that he is not qualified. The burden of proof lies on the Government. Can the Vice-President of the Executive Council

show the Committee that Colonel Owen has been engaged either in the erection or the supervision of buildings?

Senator PLAYFORD.—Yes; in connexion with fortifications. Wherever there are fortifications there have to be buildings for the soldiers,

Senator STEWART.—What kind of buildings?

Senator PLAYFORD.—Buildings for people to live in.

The CHAIRMAN.—These proceedings are becoming irregular. There are too many interjections.

Senator STEWART.—Am I to sit here and see the country's money voted away in this fashion to create a billet for somebody the Government wish to provide for? I do not wish to traverse the whole ground from the beginning, but my opinion is that the attempt to establish a Department of this kind at the present period of the existence of the Commonwealth is a mistake. Of necessity we must trust in a very great measure to the Public Works Department of the States to supervise the erection of Commonwealth buildings. We have no option. It may be desirable that the Commonwealth should have direct control over the erection of its buildings, but that is unworkable at the present stage of our existence. The Government proposes to continue the old system of paying 6 per cent. to the States, and side by side with that to appoint an Inspector-General. What is he to do? Suppose Colonel Owen to be competent, what are his duties? Will he have any control over the State officers, and the Works Departments of the States? He will have none whatever. It is simply ridiculous to suppose that one man can roam up and down the Commonwealth overlooking the erection of public buildings here, there, and everywhere. It would be much better to throw the responsibility for the erection of buildings on the States. When it is demonstrated that that method of doing the work is not practicable, evidence to that effect can be brought before Parliament, and then I claim that it will be time enough for us to establish a new departure. That consideration is, however, altogether apart from Colonel Owen's fitness or unfitness for the position of Inspector-General. I should like the Vice-President of the Executive Council to give us some tangible evidence—something more than a

mere vague assertion—of Colonel Owen's fitness. No one expects the honorable senator to admit that Colonel Owen is unfit. That would be ridiculous on our part. But what we do ask is that he shall give us some evidence of fitness. We have had none yet; and I for one expect to have some before I agree to this vote.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I hardly know how to answer an honorable senator who takes such extreme views in matters of this sort, and whose suspicions are such that he makes the assertion that the presumption is that a man of Colonel Owen's attainments is unfit for the position to which he is to be appointed. I have made inquiries respecting this gentleman. I learn that he is one of our own Australian boys. He was brought up in Sydney. He originally served at Mort's Dock, and has been for about ten years in the service of the State of New South Wales and of the Commonwealth. He has had experience as a civil engineer in connexion with the defences of New South Wales. He has designed works, buildings, forts, and so on. He has supervised their construction with eminent satisfaction to the country. He is one of those men who, although he may be technically a civil engineer and not an architect, has had such a wide experience that he is entitled to be considered as eminently fitted for the position to which the Government intend to appoint him. If we were to appoint an ordinary architect he would not have had the wide experience which Colonel Owen has had, and which will make him a very valuable officer in this position. We are not creating a new Department. The Department of Public Works has been created. We are simply proposing to appoint a head for that Department. What is that head wanted to do? He is first of all wanted to organize the works branch, with a view to securing uniformity of action and to reduce the ever-increasing demands to some regular system. It is all very well to say, "Give the work to the States to do;" but we must have some officer to supervise the work done by the States officers for us. The appointment is also needed for the introduction of a system for the efficient and economical maintenance of the transferred properties, which represent some £12,000,000. Those properties have to be looked after and

kept in order. His services are further required for the introduction of a system for uniform action in dealing with lands or properties which are being acquired from time to time, or exchanged to meet the requirements of the Commonwealth service. He is also required generally to overlook the design and specifications for all new works, fortifications, &c., and to supervise the design and specifications of all alterations and additions to existing buildings, fortifications, and works. That is one of the most important things he has to do. He is required to scrutinize and revise the estimates of expenditure for all works. Honorable senators who have had any experience will know that a competent and experienced officer can save thousands and thousands of pounds by a careful scrutiny and revision of estimates of expenditure. He is also required to open at once the "Property Register," containing a complete record and description of each property now vested in the Commonwealth. We want an officer to look after all these things in the interests of the Commonwealth. We must have a head to our Public Works Department. We cannot go on, I will not say in the blundering way in which our public works have hitherto been conducted, although we know that there has been a considerable amount of blundering in consequence of our having no proper head of our Public Works staff. I am satisfied that we shall save a large amount of money by having a competent head for this Department.

Senator FRASER.—It is a matter of "go-as-you-please" without a head.

Senator PLAYFORD.—I have looked through the Estimates carefully, and am thoroughly satisfied of the necessity for the appointment. Therefore, I ask Senator Dobson not to persist in his motion. But on making inquiries as to the absolute necessity for all the officers of the Public Works staff whose salaries are provided for on the Estimates, I find that though four superintendents of works are provided for at salaries not exceeding £600 per annum, we can do with two. If the honorable and learned senator will propose that provision shall be made for two superintendents instead of four, the Government will not oppose an alteration to that effect. It will bring about an economy. But I do press the Committee not to strike out the salary for the head of the Department. We have found that to

work without a head is unsatisfactory. Without a head it is not possible to do very much.

Senator CLEMONS (Tasmania). — I should like to offer a word of criticism upon what we have just heard from the Vice-President of the Executive Council. His argument assumes that we are convinced that a Public Works Department for the Commonwealth is required. I do not suppose that any one will object to the proposition that, if we inaugurate a Public Works Department, some one must be at the head of it. It is an insult to our intelligence to presume that we are going to have a Public Works staff, and that there shall be no head to it. We want a head if we have a staff. But, looking through the Estimates for Works and Buildings, I find that the capital expenditure in every Department is £80,000.

Senator PEARCE.—If the honorable senator looks at the end of the Estimates, he will find that the amount is £422,283.

Senator CLEMONS.—That is not the capital expenditure. The whole capital expenditure involved, which this Public Works staff, as well as the Public Works staffs now employed by the States, will be concerned with, is £80,000. The cost of supervision in connexion with that capital expenditure of £80,000 per annum is £14,600. Is Senator Fraser, as a business man, prepared to sanction that kind of thing?

Senator PLAYFORD.—The total proposed expenditure is £422,283, and not £80,000.

Senator CLEMONS.—Where does the honorable senator get that?

Senator PLAYFORD.—The honorable and learned senator will find that on page 5 of the Estimates, in the abstract of expenditure there given.

Senator CLEMONS.—We are not dealing with the Estimates, but with the Appropriation Bill.

Senator PLAYFORD.—We are certainly dealing with the Estimates.

Senator CLEMONS.—We are discussing the Appropriation Bill, and if honorable senators will look to the vote for works and buildings, at page 21, they will see there the total amount of capital expenditure proposed in connexion with works and buildings in every State. A total expenditure is given there of £74,000, and on the next page the total expenditure is given at £80,807.

Senator PEARCE. — The honorable and learned senator is overlooking expenditure connected with the Defence Department.

Senator CLEMONS.—That will not be supervised by the Public Works staff. Senator Pearce surely does not suppose that the Public Works staff will look after the disbursements of pay to men in the Defence Force? The total capital expenditure proposed is £80,807, and we are asked to spend £14,600 in supervising it. I shall vote against the whole of this vote.

Senator PLAYFORD.—That is a more sensible plan than the proposal to knock off the head.

Senator DOBSON (Tasmania).—Senator Clemons has been enlarging upon an important point which I raised yesterday, in referring to the amount of capital construction which will pass through the hands of the officers of this Department. The honorable and learned senator, however, overlooks the fact that work is carried over from one year to another. At the present time there are so many new buildings going on, so many additions being made, and so many new buildings proposed, and, according to a return shown to me by the Vice-President of the Executive Council, the capital expenditure proposed amounts to £137,000. There is a vote of £40,000 for repairs and maintenance, which will not require other superintendence than that which can be given by local officers. There is a vote also for office fittings, which does not require the supervision of the Public Works staff, and 5 per cent. on the expenditure proposed will give £7,000 a year as the cost of supervision. We can go into the market and get the best professional assistance in the Commonwealth, paying ordinary prices, and still save a large part of this expenditure. Members should take that into consideration. The Vice-President of the Executive Council has said that if we let this item pass the Government will dispense with two superintendents of works. If that is so, the discussion has resulted in some economy. I admit that there must be a head of this Department, and the objection, in my opinion, is not that there will be a dual command, but that we shall continue a dual system. It is proposed that we should continue to pay £8,000 to States officials for doing the greater part of the work, and at the same time have a separate Commonwealth Department costing £6,685. I am not prepared to support the little party who

desire to strike out the first item; but I think the salary of the Inspector-General of Works should be reduced from £1,000 to £800. I regret that there should have been so much talk of the efficiency of the officer. It is not a part of the duty of honorable senators to discuss that. The responsibility for that rests with the Government. But if this officer has in the past been getting £650, and we give him £800 to start with in this position, he will do very well.

Senator CLEMONS.—The honorable and learned senator is now doing what he objects to in others; he is interfering with the Government in the selection of an officer.

Senator DOBSON.—No. I think that £1,000 a year is a very good salary. to pay a man who has been in office for some time, and has given proof of his efficiency. I do not care who the officer is. I think he should commence at £800 a year. If the proposal to strike this item out is not carried, I shall move in that direction. I should like to hear what honorable senators have to say on the compromise suggested by the Vice-President of the Executive Council.

Senator PEARCE (Western Australia.)—My object in rising is to point out that it is not advisable to have State officials carrying out Federal public works. I have had some little experience in this connexion, and it has not been a very pleasant experience. With States Public Works Departments Federal works have to take a back seat every time.

Senator CLEMONS.—Yet the honorable senator is prepared to vote £8,000 for the payment of States officials.

Senator PEARCE.—Because we cannot help it. The Government are not prepared to carry out the whole of the work with a separate Commonwealth staff, though I think it would be true economy if they did so.

Senator DRAKE.—We shall do that by degrees.

Senator PEARCE.—The States officials are paid by the States Governments, and they will look after the interests of the Governments by whom they are paid before those of the Federal Government, who pay merely a commission for the work done under their supervision. That commission does not go into the pockets of the officials, but into the State Treasury. Senator Charleston criticised the qualifications of a civil engineer to look after ordinary

building construction, and then the honorable senator, who is a marine engineer, made a startling statement about an architect being sent hundreds of miles up country to look after a leak in a country post-office.

Senator CHARLESTON.—I said that one of the public works staff was sent.

Senator PEARCE.—I am sure the honorable senator cannot mention a single instance in which an officer of either a State Public Works staff or the Commonwealth staff has been sent 100 miles to inspect a leak in a post-office. Although there is a lot of red tape in Government Departments, there is some common-sense as well. I can give an illustration from Western Australia to show the disadvantage of leaving Federal public works in the hands of State officials. The Postmaster-General sanctioned the building of two post-offices in that State, and the Home Affairs Office communicated with the Public Works Department of Western Australia, asking that plans should be got out. The Public Works Department of Western Australia kept the Home Affairs Department waiting for months before they got out plans to enable the work to be proceeded with. Then the Lands Department of Western Australia assisted other States Departments to hinder the construction of these post-offices to the utmost extent. If there had been an officer of the Commonwealth in charge of public works in Western Australia, the whole of this work could have been done in a fortnight. Under the system at present adopted of getting States officials to do work of this kind, there is a delay of months before two post-offices, which would cost about £500 each, can be constructed. The reason is that the Public Works officers of the States have plenty of their own work to do, and in every instance they will do it first.

Senator DOBSON.—I do not think that that can be proved.

Senator PEARCE.—If the honorable and learned senator will refer to the Home Affairs Department he will find that what I have stated is correct. The post-offices in question were those at Brown Hill and Trafalgar. The difficulty is that the States Governments are spending their own money, and are not anxious to push on with the work of the Federal Government, when they know that they will not get the discredit if Federal works are in arrear.

Senator O'KEEFE.—They may be extravagant with Federal works.

Senator PEARCE.—That is so. The States Governments will not worry themselves to see that Federal works are carried out economically, because they will not be discredited if there is extravagance in connexion with those works.

Senator PLAYFORD.—The illustration which the honorable senator has given, is not a solitary instance.

Senator PEARCE.—I am quite aware of that, and I wish that the Government could enlarge the Public Works staff of the Commonwealth. I think we could get a competent man as Inspector-General of Works for less than £1,000 a year. Senator Clemons has been a little astray in dealing with the capital expenditure upon public works. If the honorable and learned senator will look at another Bill which is before the Senate, he will find that the expenditure upon public works is given at £194,000. The honorable and learned senator has overlooked expenditure connected with the Defence Department. I give the honorable and learned senator the instance of the construction of a fort at Fremantle. Who is to get out the plans and supervise the construction of that fort?

Senator CLEMONS.—The officers of the Defence Department, and not of the Public Works staff.

Senator PEARCE.—The officers of the Defence Department will not undertake the construction of works. This is work which must be done by the Department for Home Affairs, and I understand that it is to be supervised by the officer whom it is proposed to appoint as Inspector-General of Works.

Senator FRASER (Victoria).—I cannot possibly see how the Commonwealth can get on without a head of this Department. Where a large expenditure is made there must be a supervising officer. A large amount of money, £8,000, is spent in commission to officers of the States Public Works staffs, and that expenditure must be supervised. The Minister cannot supervise, because he has to remain in his office to attend to political matters. There ought to be economy in every branch of Federal administration.

Senator STYLES (Victoria).—I should like to point out that the head of this alleged Department will receive a salary of £1,000 per annum for supervising the work

of eleven officers. I shall not discuss the qualifications of the gentleman whose name, it is to be regretted, has been introduced into the discussion.

Senator FRASER.—But the Inspector-General will have to supervise State expenditure.

Senator STYLES.—That will be done by the Inspector-General's officers, amongst whom, so far as I can see, there is not an architect. If the Inspector-General is not an architect he will be bound to depend, in a multitude of matters of detail, on the architects representing the State. Senator Clemons pointed out that in this schedule £80,807 is provided for works and buildings; but of this, £22,994 is for rent, and £11,790 for furniture and fittings. Will the Inspector-General be expected to supervise the purchase and repair furniture and fittings?

Senator PEARCE.—Will furniture be bought without supervision?

Senator STYLES.—Is it expected that the Inspector-General will condescend to ascertain whether the table legs are all of one length? That is work which is carried out by a mechanic, as Senator Pearce, who is a mechanic himself, must know.

Senator PEARCE.—I know that wherever a number of men are employed there is always a foreman.

Senator STYLES.—It is the foreman who looks after the furniture and fittings, and that work is carried out in the Public Works Departments of the States by mechanics at salaries of £3 a week. Then, in the £80,807, some £43,471 is for repairs and maintenance, which has reference to the plumber, of whom we have heard, and to the painter, carpenter, and glazier. If we deduct the three items I have mentioned, there is left £2,552 as the cost of the work which the Inspector-General will have to supervise so far as this schedule shows.

Senator STANFORTH SMITH.—In another part of the Estimates, £422,283 is provided for works and buildings.

Senator STYLES.—I am dealing with the schedule which is before us, and to which my attention was particularly directed.

Senator CLEMONS.—There is a second supplementary Appropriation Bill.

Senator STYLES.—I do not know what the additional expenditure may be, but, in my opinion, the charge of 6 per cent. ought to cover all costs. Although,



as it were, it is a matter of taking money out of one pocket and putting it into another, I think the work might be supervised for 5 per cent. I recognise that 6 per cent., or even 20 per cent., might not be found to be enough in the case of a lot of small works; but in reference to large works, the ordinary charge of 5 per cent. made by architects and engineers ought to be sufficient. For that commission architects make all plans and exercise supervision, and in some cases take even less remuneration. This particular schedule seems to be misleading, if there are other works which the officers will have to supervise. But I object to the whole system proposed. We are told that the system which has prevailed hitherto is not satisfactory, and yet it is proposed to continue it, and to still further increase the burden on the Commonwealth taxpayer. If we are to have a Department, let us have one thoroughly organized with a man of recognised ability at the head.

Senator PLAYFORD.—That is what we want.

Senator STYLES.—But apparently that is not what we are to get. It is said that the proposal for a Federal Public Works Department is premature, and perhaps it is; but as a practical man, I do not like the present hybrid arrangement. I do not believe for one moment that the State officers would run the Commonwealth into any undue expenditure. I know several of the States officers personally, as, no doubt, other honorable senators do; and I am certain that those officers, who hold responsible positions, would not stoop to such conduct as has been suggested. It is most unfair that on behalf of the Government the sweeping assertion should be made that the States officers would, in the absence of supervision, cause money to be wasted. We know that money has been wasted, and is being wasted in all the States every day, and that cannot very well be avoided; but it is unjust to say that the States officers would by their carelessness or indifference involve the Commonwealth in unnecessary expenditure.

Senator PLAYFORD.—Reference was made to only some of the States officers.

Senator STYLES.—There are "black sheep in all flocks."

Senator CHARLESTON.—And there will be in the new Department.

Senator STYLES.—Of course; and if the supervision of buildings is to be part of the work, I cannot understand why an architect is not included in the staff. Provision is made for a chief draughtsman at £300 per annum, but it does not say whether that officer has to be an engineering draughtsman or an architectural draughtsman. In my opinion the proper course would be to appoint an architect, and, as one having practical acquaintance with public works, I throw out the suggestion that if the Government do appoint two officers, they could not do better than select skilled architects.

Senator CHARLESTON (South Australia).—The delay which Senator Pearce has condemned arose very largely from the fact that nearly eighteen months elapsed from the meeting of Parliament before the first Estimates of 1901-2 were passed. The authority for the erection of the buildings had been passed by the States

Senator PEARCE.—They never came before the States Governments.

Senator CHARLESTON.—Some of the works were agreed to by the States Parliament; but it was arranged that they should be carried out by the Federal Government. The then Minister for Home Affairs, Sir William Lyne, sent instructions to South Australia for work to be carried out, but no answer was given to the question by the State Government as to on whom they should draw for the necessary funds. The work was delayed because the necessary money was not placed at the disposal of the Treasurer of South Australia.

Senator PEARCE.—I never mentioned South Australia.

Senator CHARLESTON.—The honorable senator attributed the delay to the States officers; but in South Australia the delay was not because the State officers or the State Government were unwilling to carry out the work. It was, as I say, because the necessary money was not placed at the disposal of the Treasurer. We have now, however, got into smooth running, and may expect the Estimates to be passed in proper time, so that the works will in future be carried out by the States officers without delay or unnecessary expenditure. I am afraid that the proposed re-organization of the staff will prove expensive, and have the effect of duplicating work.

Senator O'KEEFE.—They may be extravagant with Federal works.

Senator PEARCE.—That is so. The States Governments will not worry themselves to see that Federal works are carried out economically, because they will not be discredited if there is extravagance in connexion with those works.

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as it were, it is a matter of taking money out of one pocket and putting it into another, I think the work might be supervised for 5 per cent. I recognise that 6 per cent., or even 20 per cent., might not be found to be enough in the case of a lot of small works; but in reference to large works, the ordinary charge of 5 per cent. made by architects and engineers ought to be sufficient. For that commission architects make all plans and exercise supervision, and in some cases take even less remuneration. This particular schedule seems to be misleading, if there are other works which the officers will have to supervise. But I object to the whole system proposed. We are told that the system which has prevailed hitherto is not satisfactory, and yet it is proposed to continue it, and to still further increase the burden on the Commonwealth taxpayer. If we are to have a Department, let us have one thoroughly organized with a man of recognised ability at the head.

Senator PLAYFORD.—That is what we want.

Senator STYLES.—But apparently that is not what we are to get. It is said that the proposal for a Federal Public Works Department is premature, and perhaps it is; but as a practical man, I do not like the present hybrid arrangement. I do not believe for one moment that the State officers would run the Commonwealth into any undue expenditure. I know several of the States officers personally, as, no doubt, other honorable senators do; and I am certain that those officers, who hold responsible positions, would not stoop to such conduct as has been suggested. It is most unfair that on behalf of the Government the sweeping assertion should be made that the States officers would, in the absence of supervision, cause money to be wasted. We know that money has been wasted, and is being wasted in all the States every day, and that cannot very well be avoided; but it is unjust to say that the States officers would by their carelessness or indifference involve the Commonwealth in unnecessary expenditure.

Senator PLAYFORD.—Reference was made to only some of the States officers.

Senator STYLES.—There are "black sheep in all flocks."

Senator CHARLESTON.—And there will be in the new Department.

Senator STYLES.—Of course; and if the supervision of buildings is to be part of the work, I cannot understand why an architect is not included in the staff. Provision is made for a chief draughtsman at £300 per annum, but it does not say whether that officer has to be an engineering draughtsman or an architectural draughtsman. In my opinion the proper course would be to appoint an architect, and, as one having practical acquaintance with public works, I throw out the suggestion that if the Government do appoint two officers, they could not do better than select skilled architects.

Senator CHARLESTON (South Australia).—The delay which Senator Pearce has condemned arose very largely from the fact that nearly eighteen months elapsed from the meeting of Parliament before the first Estimates of 1901-2 were passed. The authority for the erection of the buildings had been passed by the States

Senator PEARCE.—They never came before the States Governments.

Senator CHARLESTON.—Some of the works were agreed to by the States Parliament; but it was arranged that they should be carried out by the Federal Government. The then Minister for Home Affairs, Sir William Lyne, sent instructions to South Australia for work to be carried out, but no answer was given to the question by the State Government as to on whom they should draw for the necessary funds. The work was delayed because the necessary money was not placed at the disposal of the Treasurer of South Australia.

Senator PEARCE.—I never mentioned South Australia.

Senator CHARLESTON.—The honorable senator attributed the delay to the States officers; but in South Australia the delay was not because the State officers or the State Government were unwilling to carry out the work. It was, as I say, because the necessary money was not placed at the disposal of the Treasurer. We have now, however, got into smooth running, and may expect the Estimates to be passed in proper time, so that the works will in future be carried out by the States officers without delay or unnecessary expenditure. I am afraid that the proposed re-organization of the staff will prove expensive, and have the effect of duplicating work.

Senator O'KEEFE.—They may be extravagant with Federal works.

Senator PEARCE.—That is so. The States Governments will not worry themselves to see that Federal works are carried out economically, because they will not be discredited if there is extravagance in connexion with those works.

Senator PLAYFORD.—The illustration which the honorable senator has given, is not a solitary instance.

Senator PEARCE.—I am quite aware of that, and I wish that the Government could enlarge the Public Works staff of the Commonwealth. I think we could get a competent man as Inspector-General of Works for less than £1,000 a year. Senator Clemons has been a little astray in dealing with the capital expenditure upon public works. If the honorable and learned senator will look at another Bill which is before the Senate, he will find that the expenditure upon public works is given at £194,000. The honorable and learned senator has overlooked expenditure connected with the Defence Department. I give the honorable and learned senator the instance of the construction of a fort at Fremantle. Who is to get out the plans and supervise the construction of that fort?

Senator CLEMONS.—The officers of the Defence Department, and not of the Public Works staff.

Senator PEARCE.—The officers of the Defence Department will not undertake the construction of works. This is work which must be done by the Department for Home Affairs, and I understand that it is to be supervised by the officer whom it is proposed to appoint as Inspector-General of Works.

Senator FRASER (Victoria).—I cannot possibly see how the Commonwealth can get on without a head of this Department. Where a large expenditure is made there must be a supervising officer. A large amount of money, £8,000, is spent in commission to officers of the States Public Works staffs, and that expenditure must be supervised. The Minister cannot supervise, because he has to remain in his office to attend to political matters. There ought to be economy in every branch of Federal administration.

Senator STYLES (Victoria).—I should like to point out that the head of this alleged Department will receive a salary of £1,000 per annum for supervising the work

of eleven officers. I shall not discuss the qualifications of the gentleman whose name, it is to be regretted, has been introduced into the discussion.

Senator FRASER.—But the Inspector-General will have to supervise State expenditure.

Senator STYLES.—That will be done by the Inspector-General's officers, amongst whom, so far as I can see, there is not an architect. If the Inspector-General is not an architect he will be bound to depend, in a multitude of matters of detail, on the architects representing the State. Senator Clemons pointed out that in this schedule £80,807 is provided for works and buildings; but of this, £22,994 is for rent, and £11,790 for furniture and fittings. Will the Inspector-General be expected to supervise the purchase and repair furniture and fittings?

Senator PEARCE.—Will furniture be bought without supervision?

Senator STYLES.—Is it expected that the Inspector-General will condescend to ascertain whether the table legs are all of one length? That is work which is carried out by a mechanic, as Senator Pearce, who is a mechanic himself, must know.

Senator PEARCE.—I know that wherever a number of men are employed there is always a foreman.

Senator STYLES.—It is the foreman who looks after the furniture and fittings, and that work is carried out in the Public Works Departments of the States by mechanics at salaries of £3 a week. Then, in the £80,807, some £43,471 is for repairs and maintenance, which has reference to the plumber, of whom we have heard, and to the painter, carpenter, and glazier. If we deduct the three items I have mentioned, there is left £2,552 as the cost of the work which the Inspector-General will have to supervise so far as this schedule shows.

Senator STANFORTH SMITH.—In another part of the Estimates, £422,283 is provided for works and buildings.

Senator STYLES.—I am dealing with the schedule which is before us, and to which my attention was particularly directed.

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Senator MCGREGOR (South Australia).—I did not hear Senator Pearce say anything about the method adopted in South Australia, and I know for a fact that there never was any delay in that State. The officer in charge of public works and public buildings in South Australia carries out the Federal works as honestly and economically as he has always carried out works for his own Government. Every penny of the commission charged by the South Australian Government was necessary in order to carry out the works required by the Commonwealth. Although in the case of South Australia the money may not have been provided as promptly as it might have been, there never was any delay.

Senator CHARLESTON.—I made inquiries at the time, and found that there had been delay.

Senator MCGREGOR.—I also made inquiries, and found that there had been no delay. If there was any delay, it was in the ordering of the work; as soon as the Federal Government gave the necessary authority, the buildings were carried out irrespective of any consideration as to when the money was to be paid. Senator Styles expressed the opinion that the Inspector-General would have to supervise Mr. Owen Smith. But I can tell Senator Styles that Mr. Owen Smith is a man who ought to have the duty of supervising a good many other officials in the interests of the Commonwealth. More than twenty years ago the public buildings of South Australia were placed under the supervision of that gentleman, who has carried out his duties with such effect that he must have saved hundreds of thousands of pounds to the Government, and have paid his own salary a hundred times over. That result was achieved not because of Mr. Owen Smith's knowledge of building forts, or his knowledge of architecture, but because of his great organizing ability. What we want to see ultimately is a Department which will do all Federal work and save money to the Commonwealth. I have nothing to say against Colonel Owen or any one else. I hope that he is a man who can be selected, but I still maintain that a salary of £1,000 a year is not too much for the Commonwealth to pay a man of the description I have indicated, if his services can be obtained, because, in less than ten years, he would save his salary more than a hundred times over. If I were confident that Colonel

Owen were a man of the same type as the Superintendent of Public Buildings in South Australia, I should be quite satisfied to vote, not £1,000 but £1,500 a year for his services, in the belief that the Commonwealth had made a good bargain. I hope that if the Government do not carry out this business in the best interests of the Commonwealth, honorable senators, next session, will keep a close eye upon the administration of this Department.

Senator BARRETT (Victoria).—If I could possibly strain a point in favour of voting for the proposal of the Government I should do so; but the longer I have listened to this discussion the more convinced have I become that there is no necessity to create this office, and to appoint Colonel Owen. I believe that the time has not yet arrived when an expensive Department of Public Works should be organized. It has been proved over and over again during the course of this discussion that its creation is not yet called for. It has been charged here over and over again that in these matters the States officers neglect the interests of the Commonwealth. But I think it has been proved by Senators McGregor, Styles and others that the charge is groundless. In my opinion, the officers of the Public Works Department in this State are not only capable but willing to carry out these works in the interests of the Commonwealth and the people whom they serve. I deprecate the duplicating of Departments throughout the Commonwealth. It is the people of the Commonwealth who have to be served and who have to foot the bill in the end, and therefore there is not the slightest necessity to pile up the expenditure as the Government propose. It seems to me that there is something behind this proposal. Colonel Owen is in receipt of a salary of £650. Apparently his only qualification is that he has had some experience in the construction of military works, and, therefore, the Government think he is capable of taking charge of a Department of this description.

Senator CHARLESTON.—The Defence Department also want his services.

Senator BARRETT.—Surely in that expensive Department there is a man who is capable and willing to plan military buildings, without bringing in an officer of this description. I shall feel constrained, unless good reason to the contrary is shown, to vote against the item.

Senator MACFARLANE (Tasmania).—For several hours we have been discussing whether the salary for this office should be voted or reduced. That seems to me to be a great waste of time. We shall never dispose of our business next week if we proceed at this slow rate. I desire to know from Senator Playford if it is intended to keep up the payment of £8,000 a year to the States for the services of professional and clerical officers in their employ?

Senator DRAKE.—Yes; they have to be paid when they do work for the Commonwealth.

Senator MACFARLANE.—Then why do we require four draughtsmen to draw plans of public works?

Senator DRAKE.—Because we shall have to carry out some of the works.

Senator MACFARLANE.—Is it intended to employ four draughtsmen and to pay £8,000 a year to the States for the services of their officers?

Senator DRAKE.—Very likely, it is only a small amount.

Senator MACFARLANE.—It seems to me that the whole thing is too expensive and is overdone. I shall certainly vote for a reduction.

Senator DRAKE (Queensland—Attorney-General).—Up to the present time we have adopted a practice which is found to be unsatisfactory. Most honorable senators will agree that it is, because it allows for no Federal control over Federal expenditure. We propose to introduce a system by which Federal works shall be carried out under Federal control. We are not going to the opposite extreme of proposing that in future all the works shall be done by Federal officers—which, no doubt, would involve a very large expense—but we propose to proceed gradually. We desire now to appoint an Inspector-General, and at least two superintendents, who, in the big towns, will enable the Department to carry out these works; but in the outlying parts of the continent we must continue the practice of having the works carried out by States officials; and in those cases we shall have to pay a charge of 6 per cent. as before. It is therefore necessary to have a vote for paying commission to States officers, whilst continuing the vote for the Federal officers; but there will be no double-banking. We

shall not be doing the work ourselves, and also paying the States officers for doing it. I have no doubt that if this plan is found to succeed—and I believe it will—we shall gradually adopt the principle of Federal control in its entirety, and carry on nearly all, if not all, Federal works by Federal officers. It has been urged that the Inspector-General of Works should be an architect. The two existing superintendents of works—in Victoria and New South Wales—are practical architects. We consider that it is no objection to his appointment that Colonel Owen is not an architect by profession. He is particularly qualified for the work he is required to do. No appointment has yet been made, but it will be the duty of the Government to see that the best man obtainable is secured. The Department, after having looked all round, have come to the conclusion that they cannot find a man who is better fitted for the performance of the work than a gentleman who is at the present time in the Defence Department, which does not wish to give him up.

Senator CHARLESTON.—It is not going to give him up.

Senator DRAKE.—It is proposed that he shall continue to advise for the Defence Department.

Senator DOBSON (Tasmania).—I am willing to meet the desire of those honorable senators who wish to take a vote. The further the discussion has proceeded, the more convinced have I been that this matter requires the most careful consideration. I do not think that the Government have yet hit on a way to carry out Federal works. It seems to me to be a monstrous thing to create a Public Works Department, and at the same time to pay £8,000 a year to States officials for their services.

Question—That the request be agreed to—put. The Committee divided.

Ayes	...	...	...	10
Noes	...	...	...	12
				—
Majority	...	...	...	2

AYES.

Barrett, J. G.  
Charleston, D. M.  
Dawson, A.  
De Largie, H.  
Dobson, H.  
Macfarlane, J.

Stewart, J. C.  
Styles, J.  
Zeal, Sir W. A.  
  
Teller.  
Clemons, J. S.

## NOES.

Baker, Sir R. C.  
Best, R. W.  
Drake, J. G.  
Fraser, S.  
Higgs, W. G.  
Pearce, G. F.  
Playford, T.

Pulsford, E.  
Saunders, H. J.  
Smith, M. S. C.  
Walker, J. T.

*Teller.*  
O'Keefe, D. J.

## PAIR.

Matheson, A. P. | Cameron, C. St. C.

Question so resolved in the negative.

Request negatived.

Senator DOBSON (Tasmania).—I am told that Colonel Owen, whom I believe to be a competent military man, is in receipt of a salary of £650. If we vote a salary of £800 for the office of Inspector-General of Works in the first instance we shall be providing a fair salary, and it can very easily be increased when his work has become more onerous and his duties more responsible. I move—

That the House of Representatives be requested to reduce the item "Inspector-General of Works £1,000," to £800.

Question put. The Committee divided.

Ayes	...	...	10
Noes	...	...	13

Majority	...	...	3
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## AYES.

Barrett, J. G.  
Charleston, D. M.  
Dawson, A.  
De Largie, H.  
Dobson, H.  
Pearce, G. F.

Stewart, J. C.  
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*Teller.*  
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## NOES.

Baker, Sir R. C.  
Best, R. W.  
Drake, J. G.  
Fraser, S.  
Higgs, W. G.  
Macfarlane, J.  
McGregor, G.

Playford, T.  
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Saunders, H. J.  
Smith, M. S. C.  
Walker, J. T.  
*Teller.*  
Clemons, J. S.

## PAIR.

Matheson, A. P. | Cameron, C. St. C.

Question so resolved in the negative.

Request negatived.

Senator DOBSON (Tasmania).—I move—

That the House of Representatives be requested to reduce the number of superintendents of works to two, and the aggregate salaries to £1,200.

I do not bind the Vice-President of the Executive Council to accept this request, but I hope he will support it.

Senator PLAYFORD.—I will ask the honorable and learned senator not to press the request, because I can assure him that

the money will not be spent, unless it is absolutely necessary. If he does not press the request it will save all the trouble of sending up a message to the other place.

Senator CHARLESTON (South Australia).—I trust that the Committee will agree to the request. If we are to spend £8,000 a year, and employ States officers, let us employ them wherever possible, and reduce the growing expenditure as much as we can.

Senator STEWART (Queensland).—We appear to be in a very peculiar position just now. A few minutes ago, when the Vice-President of the Executive Council was uncertain as to the result of the last division, he was prepared to jettison two of the superintendents in order to save the Inspector-General. But now he has saved the Inspector-General, he wishes to retain the four superintendents.

Senator PLAYFORD.—The bargain was not accepted, and I am released from my promise.

Senator STEWART.—Here we have another instance of the incapacity of the Government and of their unscrupulous character. Perhaps that is not a parliamentary expression, but I will explain what I mean. The Vice-President of the Executive Council, to save the Inspector-General, was prepared to strike out the provision for the salaries of two superintendents of works. He practically said to Senator Dobson—"If you will withdraw your opposition to Colonel Owen, we will dispense with two of the superintendents." Senator Dobson did not accept that offer and the Government were successful. Now the Vice-President of the Executive Council suddenly discovers that he requires four superintendents.

Senator PLAYFORD.—No, he does not.

Senator STEWART.—Conduct of that character requires no comment from me.

Senator PLAYFORD.—The money will not be spent.

Senator STEWART.—Why should we vote money that is not to be spent?

Senator BARRETT (Victoria).—I should like to hear a statement from the Vice-President of the Executive Council with regard to this vote. He told the Committee distinctly that four superintendents were not required.

Senator PLAYFORD.—I said that we could manage with two.

Senator BARRETT.—What are the Government going to do?



Senator PLAYFORD.—I have told the Committee that the Government are not going to spend the money.

Senator BARRETT.—The Committee owes a duty to itself. If four superintendents are not required, we should strike out two of them. I think that the conduct of the Government is scarcely fair.

Senator PLAYFORD.—Our conduct is eminently fair. I asked Senator Dobson, who had moved to strike out a certain line which I was anxious to retain, not to persevere with that motion, and I said that if he did not, we might make a saving by not voting the salaries of two of the four superintendents. But Senator Dobson did not accept the offer. I am not bound by what I then said, which was contingent upon the withdrawal of his motion.

Senator DOBSON.—The honorable senator is not bound to me, but he is bound to the electors.

Senator PLAYFORD.—The Government are bound to the people of this country not to spend any more money than is absolutely necessary. I have said that we can save the salaries of two superintendents, and surely the Committee will accept my statement.

Senator STYLES (Victoria).—The statement of the Vice-President of the Executive Council is the most extraordinary I have ever heard. We are told that we can do with two superintendents, and yet we are asked to vote salaries for four. If that is not an extraordinary statement, coming from a responsible Minister of the Crown, I have never heard one. Senator Playford told the Committee a few minutes ago that if Senator Dobson would withdraw his motion for striking out the salary of the Inspector-General of Works, the Government would do without two superintendents. Because Senator Dobson did not see his way to withdraw his motion, the Vice-President of the Executive Council asks us to vote the salaries of the four superintendents, but on the understanding that the money will not be expended. Why vote it? We shall be told next session by the representatives of the Government that the whole of the money has been spent if we vote it. That is the sort of game that Governments play. Because the Vice-President of the Executive Council could not frighten Senator Dobson, he now says that the country shall pay the salaries of four superintendents.

Senator PLAYFORD.—I did not try to frighten Senator Dobson, but I tried to make a fair bargain with him. It did not come off, and therefore I was perfectly at liberty to withdraw it.

Senator DOBSON.—The honorable senator was not bound to me.

Senator PLAYFORD.—The money would not be spent in any case, but I will give way, to save those honorable senators whose term has only a few weeks to run, and who naturally want to ventilate grievances.

Senator CHARLESTON (South Australia).—I object to that remark. I contend that we are justified in our criticism from the very fact that Ministers sat down with the heads of their Departments and said calmly that they required four superintendents of works and now inform us that they can do with two. That shows the necessity for the fight we have had upon the Estimates, and how essential it is that we should look through them line by line; because the heads of Departments cannot be trusted with the expenditure of public money.

Senator Sir WILLIAM ZEAL (Victoria).—The statement of the Vice-President of the Executive Council is the most extraordinary that I have ever heard in a Parliament. What can we think of the Estimates when the representative of the Government deliberately proposes to sacrifice one-half of a proposed vote? It shows the rotten state of the Ministry. I have come to the conclusion that this Public Works Department is not required. It seems to me that the whole aim and purpose of the existence of this Government is to spend the money of the taxpayers. Look at what they have done. Look at the recent expenditure on the Federal High Court. The first case that came before it was a paltry little matter about a twopenny stamp on the receipt of a Federal officer's salary. That is the sort of thing that this great Court has been constituted for. I heard one of the leading barristers of this State say the other day that its commencement was the most ghastly failure he had ever witnessed in his life.

Senator PEARCE.—Because he did not get a brief.

Senator Sir WILLIAM ZEAL.—The Government bring forward Estimates, and their representative in the Senate calmly tells us that they can dispense with one-half

the vote on a certain line. That is how we are being hoodwinked. I should support the striking out of the whole vote. Ministers are preparing for the coming elections, and they are putting into office as many of their friends as they can. I ask honorable senators to agree to the motion.

Senator MCGREGOR (South Australia).—I have been surprised at the enthusiasm exhibited by Senator ZEAL. What the constitution of the High Court has to do with the Estimates we are discussing I cannot understand. I believe that four superintendents will very shortly be required to supervise the Commonwealth public works. I should like honorable members, who heaped the expense of a Public Service Commissioner and six inspectors under the Public Service Act on the Commonwealth, to remember that these four superintendents of public works will ultimately have very much larger sums to deal with, and may save a lot more money for the Commonwealth than is likely to be saved by the inspectors under the Public Service Act. In proposing to reduce the number of superintendents to two, the Vice-President of the Executive Council has really acted in a generous manner in order to meet the wishes of the Committee.

Senator Sir WILLIAM ZEAL.—Then what is the value of the Estimates?

Senator MCGREGOR.—I do not approve of the proposal, and I am prepared to vote for retaining the items as they are, in the interests of economy and of the public of the Commonwealth, in order that money spent upon public works shall be spent to the best advantage.

Request agreed to.

Senator DOBSON (Tasmania).—I should be glad of some further information in connexion with this vote. We should naturally expect that an engineer or architect would get a higher salary than any clerk, but whilst the Chief Draughtsman gets £300 per annum, and another draughtsman £175, the senior clerk is paid £400. It would be reasonable to suppose that an engineer or some professional man would be the head of this Department, but from the Estimates it would appear that the senior clerk is the head of the Department.

Senator PLAYFORD.—This senior clerk has special and exceptionally important duties to perform. He is required to keep an account of all transferred properties. He is now engaged in very much more important work than is usually performed by clerks, in

connexion with the buildings taken over from the States.

Senator CLEMONS (Tasmania).—I notice that the Chairman has put division No. 22 without having declared that division 21 is passed.

The CHAIRMAN.—I am submitting these divisions in greater detail than usual. As I indicated at the outset, I propose to call each division, and to stop at those in connexion with which honorable senators express a desire to discuss any of the items.

Senator Sir WILLIAM ZEAL.—With all respect to you, sir, the decision as to the way in which these votes shall be submitted to the Committee rests with honorable senators. If it is found to suit the convenience of the Committee that each Department shall be submitted separately, it becomes your duty to submit the votes in that way.

Senator MCGREGOR.—The Chairman's action has been taken with the consent of the Committee.

Senator Sir WILLIAM ZEAL.—I was not aware of that. The divisions should not be put so abruptly. If a division is submitted to the Committee without any remark, honorable senators have no means of challenging it. I have never known such a practice to be adopted before.

The CHAIRMAN.—The honorable senator must be aware that the practice hitherto adopted has been to put the vote for the whole of a Department, and then, if any honorable senator indicated that he desired to raise a discussion on any particular item, we stopped at that item. On this occasion, as honorable senators expressed a desire to have a more detailed discussion of the Estimates, I stated at the outset that, with the consent of the Committee, I would merely call the divisions, and if any honorable senator desired to speak on any particular division, we should stop there and take the discussion. I propose to follow that course.

Senator Sir WILLIAM ZEAL.—I still say, with all respect to you, sir, that to follow that course will be to take an unfair advantage of the Committee, because unless every honorable senator is paying strict attention to what is put before the Committee, he will have no means of challenging particular divisions.

Senator CLEMONS.—I desire to understand the position. I wish to know whether when you call out each division it is open to any member of the Committee to discuss

the details of it. That is what we did, for instance, in discussing the vote for the Inspector-General of Works. I put it to you, sir, that after a discussion of that kind is concluded the division should be again submitted to the Committee, with or without any alteration which may have been suggested, in order that the Committee may pass it.

Senator DRAKE.—We do not pass it.

Senator CLEMONS.—I am not disputing the ruling of the Chairman, but I desire to ascertain the procedure. It appears to me desirable that when a discussion has been initiated upon a division the question should be put to the Committee that that division be agreed to, with or without requests, as the case may be. That course has not been followed. As soon as a decision had been given in connexion with an item in division 21 you called division 22, without putting division 21, as requested to be amended, to the Committee. Surely we should pass division 21 before proceeding to division 22.

The CHAIRMAN.—The standing order No. 244, which regulates this matter, is as follows:—

The Committee shall be empowered to recommend the Senate to make, press, modify, and generally deal with requests on the Bill. The proceedings in Committee shall be as follow:—The Chairman shall (unless otherwise ordered) call on each clause or item, and ask if any senator has any request to move thereon. If no motion for a request is moved, or moved and negatived, the Chairman shall declare that clause or item passed.

Senator Sir WILLIAM ZEAL.—The Chairman did not declare it passed.

Senator CLEMONS.—What is a clause or item?

The CHAIRMAN.—For the purpose of considering this Bill I have declared a division as a clause. As a matter of fact, strictly speaking, I should regard the whole schedule as a clause. It is a matter of the merest form whether I declare the division passed or not. The question really cannot be put in the form "that the division stand as printed," or "be agreed to." A substantive motion for a request may be put, but there is no object in putting the question that a clause be agreed to when we have not the power to amend. It is merely a formal matter to declare that it is passed.

Senator Sir WILLIAM ZEAL.—Why did not the Chairman declare the division passed?

The CHAIRMAN.—I shall do so when we get to the end of the votes for the Department.

Senator Sir WILLIAM ZEAL.—I respectfully submit that there should be some notice to the Committee that a division is carried. I observed that Senator Pearce rose to speak on division 22, but you have decided that it has been carried, and Senator Pearce has lost his opportunity to speak on that division. If an honorable senator desires that a clause of a Bill as amended shall be put to the Committee, or even that it shall be read, it is the duty of the Chairman to have it read. That is my experience after nearly a life-time spent in Parliament.

The CHAIRMAN.—That is not doubted.

Senator Sir WILLIAM ZEAL.—With all respect to you, sir, it does appear to be doubted, because you have decided that this division has been carried. With every respect for you, and with all good feeling towards you, I submit that you are putting the divisions abruptly, and they are being rushed through without time being given to honorable senators to consider them.

Senator MACFARLANE.—Shall I be in order in moving that subdivision 1 of division 21 be left out?

Senator PEARCE.—On the point of order I submit that we have passed division 21. You, sir, have called division 22, and we have, therefore, passed division 21. The honorable senator will therefore not be in order in moving that a subdivision of division No. 21 be left out. I further point out that we have requested an alteration in subdivision 1, and, as the Committee has already given a decision upon part of that subdivision, the honorable senator will not now be in order in proposing that the whole of it should be left out.

The CHAIRMAN.—I have no doubt whatever that we can make any request we like upon a division. If Senator Macfarlane assures me that, by reason of the divisions being put too rapidly he had no opportunity of moving a request he desired to move in connexion with division 21, I shall not take advantage of that circumstance. However, honorable senators must see that unless they make up their minds as to requests for alterations I must proceed with the business of the Committee.

Motion (by Senator MACFARLANE) proposed—

That the House of Representatives be requested to amend division No. 21 "Public Works Staff" by leaving out subdivision No. 1 "Salaries."

Question put. The Committee divided.

Ayes	...	...	9
Noes	...	...	16

Majority	...	...	7
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AYES.

Barrett, J. G.  
 Charleston, D. M.  
 Clemons, J. S.  
 Fraser, S.  
 Reid, R.

Stewart, J. C.  
 Styles, J.  
 Zeal, Sir W. A.  
*Teller.*  
 Macfarlane, J.

NOES.

Baker, Sir R. C.  
 Best, R. W.  
 Dawson, A.  
 De Largie, H.  
 Dobson, H.  
 Drake, J. G.  
 Higg, W. G.  
 McGregor, G.  
 O'Keefe, D. J.

Pearce, G. F.  
 Playford, T.  
 Pulsford, E.  
 Saunders, H. J.  
 Smith, M. S. C.  
 Walker, J. T.

*Teller.*

Keating, J. H.

Question so resolved in the negative.

Request negatived.

*In Division :*

Senator MCGREGOR.—I should like to ask whether an honorable senator is allowed to vote against the direction in which he speaks?

The CHAIRMAN.—Certainly.

Senator MCGREGOR.—Senator Fraser has done so.

Senator STEWART (Queensland).—I see that a sum of £12,410 is paid in rentals in New South Wales. Will the Vice-President of the Executive Council give some explanation of the item?

Senator PLAYFORD. — The following rentals are paid in New South Wales:—Post and Telegraph Department, £9,500; Defence Department, £2,383; and the Department of Trade and Customs, £527.

Senator STEWART.—That is no information.

Senator PULSFORD (New South Wales).—A sum of £100 is provided for insurance in connexion with Sydney Government House, and £126 for a similar purpose in connexion with Melbourne Government House. It appears to me quite unnecessary for the Commonwealth to pay insurance on these buildings. This expenditure ought to be met by the States.

Senator PLAYFORD.—These insurance payments are made under the agreements with the States.

# DEPARTMENT OF THE TREASURY.

Divisions 25 to 30, £290,678.

Senator PEARCE (Western Australia).

—This is the time to ask the Government why we have not yet received the report of the Auditor-General. The Commonwealth accounts closed in June last, and, now three months later, no report is available, although it might contain recommendations to which effect could be given in the consideration of the Estimates. By the time the report does reach us the Estimates will have been passed, and there will be no opportunity of bringing the Government to book if such a course should be considered necessary. The report of the Auditor-General becomes a perfect farce unless we have it in our possession before the Estimates are laid upon the table; at any rate, the report ought to reach us at a time when we can deal with it effectively. There has been great delay, which I ask the Minister to explain.

Senator PLAYFORD.—Before submitting the Appropriation Bill to the House. I made inquiries as to the Auditor-General's report; and I agree with Senator Pearce that it is a farce to have that report submitted at a time when it can be of no assistance in the consideration of the Estimates. The Auditor-General is specially appointed to inform Parliament whether the Executive, in the expenditure of public moneys, have carried out the provisions of the Audit Act; and his report ought certainly to be presented at an earlier date. On inquiry I found that the cause of the delay is the great difficulty in obtaining vouchers from outlying portions of the Commonwealth. This delay has occurred in the Department of Home Affairs more, I believe, than in any other Department; and I understand that it will be a month or so before the Auditor-General is able to submit his report.

Senator CLEMONS.—Is it in the Department for Home Affairs where the delay has occurred?

Senator PLAYFORD.—I think that the delay has occurred more in that Department, owing to the fact that certain particulars of accounts in far away places could not be obtained.

Senator CLEMONS.—I do not think that any member of the Committee will be surprised that the delay has been in the Department for Home Affairs.

Senator PLAYFORD.—It must not be forgotten that the Department for Home Affairs has to deal with the whole of the Commonwealth, and that great difficulty is experienced in getting in the accounts. When I was Treasurer of South Australia I used to hurry up the Auditor-General as much as possible, but it was generally towards the end of October before his report was available.

Senator CLEMONS.—When does the Minister expect that we shall see the report?

Senator PLAYFORD.—About the end of October or the beginning of November.

Senator STEWART.—The report will then be of no use.

Senator PLAYFORD.—That is the position; and I am sorry that the report will be of no use. Of course, the report will be of some use next session, though it is when we are passing the Estimates that it is wanted most. The Auditor-General deals with the expenditure of the previous year, criticises the financial administration, and makes suggestions where he thinks that the administration can be improved. Under the circumstances, I am sorry that we have not the report before us.

Senator DOBSON (Tasmania).—Any person reading the remarks made by Senator Pearce and Senator Playford might gather that the Auditor-General is to blame for the delay.

Senator PLAYFORD.—I did not say so.

Senator DOBSON.—I do not think that that meaning was intended to be conveyed.

Senator CLEMONS.—Although the Auditor-General comes from Tasmania, let him be blamed if he deserves it.

Senator DOBSON.—But the Auditor-General does not deserve blame in any sense whatever. It is true he comes from Tasmania. He is a most efficient officer, and, therefore, I desire to show why he is not to blame. Section 50 of the Audit Act provides—

The Treasurer shall, as soon as practicable after the end of every financial year, prepare a full and particular statement in detail of the expenditure of the Consolidated Revenue Fund for such year (classified and arranged in the same form, and under the same divisions and subdivisions as shall have been employed in the appropriation thereof, and showing all votes which shall have lapsed) . . . and shall transmit such statement to the Auditor-General.

Section 51 of the Act provides—

The Auditor-General shall forthwith examine such statement, and prepare and sign a report explaining such statement in full . . . . .

The report has to show a number of particulars. I gather that it is because the vouchers have not been collected that the Treasurer has not forwarded to the Auditor-General the material on which the report of the latter must be based.

Senator PLAYFORD.—That is the position.

Senator DOBSON.—The Auditor-General has nothing before him on which to even commence his work at the present moment

Senator Sir WILLIAM ZEAL (Victoria).—We are indebted to Senator Pearce for bringing this matter before the Committee. The Auditor-General is appointed to review the accounts of expenditure during the previous twelve months; and although the financial year closes on the 30th June we are now, in the middle of October, told that the accounts are not forthcoming, and the report cannot be completed. But what is to prevent the Government having an interim report dealing with the nineteen-twentieths of the vouchers which have come to hand? In the case of a public company such an excuse as that made by the Government would be perfectly useless, and under the circumstances a severe fine would be inflicted. Senator Dobson is altogether wrong in saying that there has been any charge made against the Auditor-General by Senator Pearce.

Senator DOBSON.—All I said was that it might be thought that a charge had been made.

Senator Sir WILLIAM ZEAL.—Senator Pearce merely asked a very pertinent question about the delay in the submission of the report.

Senator DOBSON.—Sir George Turner is not the man to neglect his work.

Senator Sir WILLIAM ZEAL.—Sir George Turner has nothing on earth to do with the matter, and the interjection merely shows Senator Dobson's entire ignorance of public affairs.

Senator DOBSON.—I know something of the Audit Act.

Senator Sir WILLIAM ZEAL.—The Auditor-General is the officer appointed to review the expenditure of the Government, and he is paid for gathering in the particulars; and if he does not do his duty he ought to be censured by the House. I believe, however, that the Auditor-General has done his duty.

Senator DOBSON.—Then why talk about censure?

Senator Sir WILLIAM ZEAL.—Because of the stupid remark made by the honorable senator just now.

Senator DE LARGIE (Western Australia).—I should like to direct attention to the importance of this matter, as it affects Western Australia. Paragraphs have appeared in the press to the effect that there has not been a thorough audit of the Post and Telegraph Department in that State for very many years. I do not know how much, if any, truth there is in the statement, but there appears to be some foundation for it, because it is affirmed that for the last ten years the audit has been of no use. Such paragraphs create doubt as to whether there is proper management in the Department, and in the absence of the Auditor-General's report the suspicions I have indicated will be accentuated. I hope the Government will do everything possible to have the report laid before us at an early date, because the rumours which have been circulated have received no public contradiction.

Senator CHARLESTON (South Australia).—I should like Senator Playford to explain the method by which the Government arrived at the proportion of salaries of the State classified staff of the Government Printing Office, Melbourne, for which a vote of £2,100 is required; and to furnish some information about the item of £500 for gratuities to officers engaged in excess of office hours.

Senator PLAYFORD.—I presume that the usual practice was adopted of the two parties conferring together, and deciding the proportions payable by the Commonwealth and the State.

Senator DOBSON (Tasmania).—I desire to know why the vote for printing has risen from £10,192 for last year to £14,193 for this year. I know that the printing is a very expensive item, but I understood that the Printing Committee had made certain recommendations which would to some extent decrease the expenditure. But here we are asked to vote an increase of exactly £4,000.

Senator Sir RICHARD BAKER (South Australia).—The honorable and learned senator must recollect that the cost of parliamentary printing is a very small item. I think it will be found that this increase in the expenditure is chiefly due to the printing of electoral matter.

Senator PLAYFORD.—It is caused by the printing of the electoral rolls.

DEPARTMENT OF TRADE AND CUSTOMS.  
Divisions 31 to 37, £260,196.

Senator STYLES (Victoria).—Some time ago a complaint was made to me by a chemist that he was not allowed by Customs regulation, No. 14, to import a less quantity of opium at a time than 30 lbs. I was under the impression that we desired to keep this deadly drug out of the Commonwealth.

Senator DRAKE.—One way of limiting its importation is by not allowing too small quantities to be brought in.

Senator STYLES.—The average consumption of powdered opium by a chemist is about 1 lb. per annum. Therefore, if he is compelled to import 30 lbs. at a time, he is really forced to obtain a supply of the article for thirty years.

Senator PLAYFORD.—Thirty chemists can club together and import what they need.

Senator STYLES.—What I complain of is that the chemists are not allowed to import powdered opium in the 8 oz. bottles in which it is usually packed. According to Senator Playford, thirty chemists will have to meet together and decide to import 30 lbs.

Senator CLEMONS.—Only one chemist out of every eight is his own importer.

Senator STYLES.—Precisely, and the chemists are compelled to go to the wholesale importers and pay whatever price is demanded. Why should they not be allowed to import their own powdered opium? If it is a deadly poison, why should we compel men to import a supply of 30 lbs. instead of 1 lb.? I desire to facilitate its importation in a powdered form. If I am correctly informed, the chemists are labouring under a disability in this regard. I understand that 1 lb. of powdered opium will last a small shop for two or three years. I should like to hear from Senator Playford whether there is any good reason for adhering to the regulation.

Senator PULSFORD (New South Wales).—There is a very good reason why an article which is subject to a very heavy duty should only be imported in specified packages. The duty on opium is 30s. per pound, or about 2s. per ounce, and if there were no regulations with regard to the size of the packages, it would be possible for chemists to receive their supply an ounce at a time in letters. In England tobacco has to be imported in packages of a given

weight. Whenever an exceedingly heavy duty is imposed on a commodity, the necessity of safeguarding the revenue compels the Customs authorities to prescribe a minimum package. Unless the regulation is adhered to, the duty on opium will yield no revenue.

Senator PLAYFORD.—That is the answer to the question.

Senator PEARCE (Western Australia).—In my second reading speech, I said that there was a large increase in the Customs staff; but apparently Senator Playford did not think that the statement was correct. An examination of the Estimates, however, discloses that the staff has been increased by twelve in New South Wales, four in South Australia, two in Western Australia, one in Tasmania, and thirty-four men in Queensland, and decreased by one in Victoria. I desire to know if Senator Playford has inquired into this matter as he promised to do?

Senator PLAYFORD.—The staff has been increased, especially in New South Wales, where the increased business necessitated the provision of extra assistance, and temporary employes have received permanent appointments.

Senator PEARCE.—Why is it necessary to have thirty-four additional officers in Queensland?

Senator PLAYFORD.—It is stated in the Estimates that the vote of £1,415 for twenty-two officers is to cover a period of only three months. These men were temporarily appointed to carry on certain work which will not be required to be done when the employment of "Border" officers is discontinued. I shall be able to tell the honorable senator in a moment or two why the appointment of the other twelve men has been rendered necessary.

Senator PULSFORD (New South Wales).—I am very much surprised to see this increase in the Queensland staff. While New South Wales and Victoria are debited for postage and telegrams with £350 and £400 respectively, Queensland is debited with £900. I should think that some other charge is included under that head. Queensland, with a Customs business which must be less than one-half of that of Victoria, is provided with exactly the same number of officers—263. The explanation of Senator Playford does not approach the subject. Queensland, as we all know, needs economy. Its extensive coastline necessitates more Customs-houses and a

number of additional officers, but not as many as are employed in Victoria.

Senator PLAYFORD.—Queensland has a great many more ports than either Victoria or New South Wales, and therefore a larger vote is required for postage and telegrams. It is necessary to telegraph because it would take too long to communicate by letter. When it is borne in mind that Queensland has so many ports along her extensive coastline, and that Victoria has only two or three ports, it will be recognised at once that the Customs staff in the former must be considerably larger, and consequently more expensive than in the latter, but shortly the services of twenty-five officers will not be required.

Senator Sir WILLIAM ZEAL (Victoria).—I desire to draw the attention of Senator Playford to the fact that office requisites, exclusive of writing-paper and envelopes, cost £275 in Queensland and £60 in New South Wales. Writing paper and envelopes cost £130 in Queensland and £86 in New South Wales. It seems to me that either the amount for New South Wales is under-estimated, or that there is a larger amount than ought to be provided for Queensland. If honorable senators look down the Estimates they will find that there are larger sums provided for Queensland than for any other State. Undoubtedly the territory of Queensland is very extensive, but Western Australia is even larger, and the expenses are not so great. The amount for the Northern Territory is comparatively small. Therefore I think Senator Pearce is justified in his inquiry.

Senator PLAYFORD.—The same reasons as I have already given apply to the items that have just been mentioned. In Queensland there are more ports to look after, and consequently there are more expenses. In New South Wales there are very few ports; in fact, practically the whole of the duties are collected in Sydney. But in Queensland there is a long coast-line, thousands of miles in extent. There have to be more Customs officers at each, and consequently more office requisites are needed.

Senator STEWART (Queensland).—I wish to direct attention to the item—"Temporary assistance, including £2,500 for sugar for excise expenses, £3,300." I want to know how many temporary assistants there are, and who has appointed them?

Senator PLAYFORD.—There are thirty-four men employed, and ten are glut hands.

Senator STEWART.—Do I understand that twenty-four out of the thirty-four men are permanent hands, and that ten are temporary employes?

Senator PLAYFORD.—That is about it.

Senator STEWART.—Who engages them?

Senator PLAYFORD.—The Customs authorities in Brisbane engage them subject to the approval of the Minister.

Senator STEWART.—All I have to say is that the authorities have invariably appointed men who are opposed to the principle of a white Australia, and who are out of sympathy with the legislation they assist to administer. That is a fact.

Senator PLAYFORD.—I do not know how that could have been a fact under the administration of Charles Cameron Kingston.

Senator STEWART.—I do not know how it came about, but it is a fact. Evidently Mr. Kingston allowed the Chief Customs officers in Brisbane to work the appointments. As far as I can gather the authorities were pulled by the Philp Government, and appointed broken-down politicians and bankrupt people who are in sympathy with the black labour traffic, to look after the administration of the Act. I do not know whether these folks have placed any obstructions in the way of carrying out the Act, but we might almost expect such a thing to happen. My impression is that the Customs Department has allowed itself to be manipulated in this matter by the black labour party in Queensland. My experience of administration is that, if we want a particular idea to be carried out, we must have officers who are in sympathy with it. Unsympathetic administration may lead to the defeat of the very best legislation; and the Government should see that in future men who are in sympathy with our legislation are appointed to these positions.

Senator CHARLESTON (South Australia).—What is the meaning of the item "Protection of the revenue, £1,800?" Is the money paid to detectives?

Senator PLAYFORD.—It means the protection of the Customs revenue. Very possibly officers like detectives or officials in plain clothes are employed.

## DEFENCE DEPARTMENT.

Divisions 38 to 173, £677,579.

Senator PEARCE (Western Australia).—I draw attention to the fact that there is a decrease in the number of permanent men in the naval forces. The number now is less by 341 than it was last year. The actual naval expenditure last year was £43,792; the estimate this year is £42,416—a saving of £1,376. Is not that a ridiculous saving when considered seriously? We have impaired the efficiency of our naval forces, and have saved £4 per man dispensed with. It shows that while we have been dispensing with the rank and file we have not dispensed with the men who cost the money. The officers still remain on the staff, and the principal expenses are going on the same as ever. The Government have sacrificed one-fourth of the naval forces, and have effected no corresponding saving.

Senator DRAKE (Queensland—Attorney-General).—The honorable senator's statement is not quite correct, for the reason that last year, anticipating a reduction in the vote, vacancies were not filled up. Consequently the numbers are not so great as they were. The reason why we have not been increasing the forces is obvious. We have adopted the principle of paying an increased subsidy for the Australian Squadron, and now we have an opportunity of reorganizing our naval forces. There is no intention to sacrifice them. If Parliament is willing to vote the money for the purpose we shall maintain our own naval defence forces upon, I hope, better lines than before.

Progress reported.

## ADJOURNMENT.

### PROGRESS OF BUSINESS.

Motion (by Senator PLAYFORD) proposed—

That the Senate do now adjourn.

Senator CLEMONS (Tasmania).—I intend to vote against an adjournment at this hour. No reason has been given why we should not continue the sitting until 4 o'clock. We know that there is a garden party this afternoon which many honorable senators wish to attend. I have no desire to interfere with their convenience, but that garden party is not open for the reception of honorable senators until 3.30 p.m. The invitations are for that hour. If any one wants to go to the garden party there will be plenty of time if we adjourn at the usual hour. The work of



the Senate has been delayed already. We did not sit on Tuesday as we might have done, and we have not made much progress with the Appropriation Bill. Those honorable senators, who are retiring, wish to see the session brought to a speedy conclusion, and if the convenience of the majority is to be considered we should endeavour to do as much work as possible before adjourning.

**Senator DRAKE.**—If we do not adjourn now, we shall have nothing to do this afternoon, because the Appropriation Bill has been made an order of the day for Tuesday.

**Senator CLEMONS.**—I do not care. That is the Government's concern. The Government are neglecting public business in a disgraceful way. They show no desire to get through the work, except that, when in Committee, they try to burk discussion. When any honorable senator wants any information, we have nothing but mutterings from the Vice-President of the Executive Council to the effect that business is being delayed; but the moment there is an opportunity of getting through with it, the Government propose to adjourn. This procedure is bringing the Senate into contempt.

**Senator PULSFORD** (New South Wales).—I also should like to say that I view with very great regret the step taken by the Government. The Senate ought to sit this afternoon, and proceed with the Appropriation Bill, with which we have made very slow progress indeed. The Senate must be very anxious to see the session concluded. Most of the Estimates are still unconsidered, and here at noon on Friday we are coolly asked to adjourn. I think this is a very regrettable proceeding.

**Senator PLAYFORD** (South Australia—Vice-President of the Executive Council).—All that I can say is that I am anxious at all times to study the convenience of honorable senators as much as possible. Two or three of the members of the Senate, who are most consistent in their attendance in this Chamber, have asked me whether it would not be possible to adjourn over this afternoon.

**Senator CLEMONS.**—Who are they?

**Senator PLAYFORD.**—I may mention Senator Higgs for one. I have frankly told honorable senators what is the object of the adjournment. They are aware that a garden party is to be given by the Governor-General, and honorable senators have to escort their wives and the members of their families

who desire to attend it. Under the circumstances, as the Appropriation Bill is practically the only measure before the Senate, and as we have made satisfactory progress with it, I think we may study the convenience of honorable senators, who desire to attend this function, without detriment to public business.

Question put. The Senate divided:

Ayes	...	...	...	13
Noes	...	...	...	8

Majority ... .. 5

#### AYES.

Baker, Sir R. C.	McGregor, G.
Best, R. W.	Pearce, G. F.
Dawson, A.	Playford, T.
De Largie, H.	Smith, M. S. C.
Dobson, H.	Walker, J. T.
Drake, J. G.	<i>Teller.</i>
Keating, J. H.	Higgs, W. G.

#### NOES.

Barrett, J. G.	Styles, J.
Charleston, D. M.	Zeal, Sir W. A.
Clemons, J. S.	<i>Teller.</i>
Macfarlane, J.	Stewart, J. C.
Pulsford, E.	

Question so resolved in the affirmative.

Senate adjourned at 1.5 p.m.

## House of Representatives.

Friday, 9 October, 1903.

Mr. SPEAKER took the chair at 10.30 a.m., and read prayers.

### PREFERENTIAL TRADE.

Mr. REID.—I desire to know from the Prime Minister if the recent changes in the constitution of the Government have modified the policy declared by the late Prime Minister in reference to the Tariff and the proposals for preferential trade with the mother country.

Mr. DEAKIN.—The changes in the constitution of the Government have made no alteration in that regard. Australia yesterday became aware of a very remarkable and specific proposal by a distinguished Imperial statesman —

Mr. REID.—I do not wish to bind the honorable gentleman to a statement in regard to anything that has recently transpired. My question had reference only to the Government's general line of policy.

likely to achieve much in the way of settlement, or to appropriate much by way of unearned increment. But, in the case of good land, I am of opinion that there is a great deal to be gained by those who come after us if we select a large area of Federal territory. As to whether we should embody in this Bill a provision setting out our desires in a mandatory form, I think there is a good deal to be said in favour of the position which has been taken up by those who urge that we should adopt a conciliatory attitude towards the Government of New South Wales. I do not anticipate that any serious objections will be raised by that Government to a proposal that it should hand over to the Commonwealth the territory south of Tumut, extending as far as the Murray, as a Crown grant.

Mr. HENRY WILLIS.—Why not take in the whole of the State?

Mr. WATSON.—What will the loss of a tract of country twenty miles by fifty miles represent to the great State of New South Wales? Does the honorable member think so meanly of his own State as to believe that it cannot exist if a little spot be taken out of it—a spot which, in proportion to its area, is represented by a pin's point? Such a territory is equivalent only to a moderate-sized sheep run in the western district of New South Wales. I do not think that the Government of New South Wales would necessarily be opposed to such a proposal any more than I believed there was any truth in the slanders which were circulated by the Sydney press to the effect that the Victorian representatives in this Parliament were attempting to deprive New South Wales of fair treatment in connexion with the selection of the Capital site. Last night's vote proved that those statements were false, and I believe that, if we approach New South Wales in a fair spirit, the action of its representatives will prove that they have the interests of Australia at heart, and are willing to meet the wishes of the Commonwealth Parliament. At the same time I think we should give expression to our desires in this Bill. It would not be wise to allow the matter to become merely the subject of negotiation between the two Governments, because the New South Wales authorities might then say—"We have no means of knowing that this view represents the expressed desire of the Commonwealth

Parliament." On the other hand, if the amendment proposed by the honorable member for Kennedy be carried in a slightly modified form, it will be a definite expression of opinion on the part of this Parliament, and, as such, will carry a great deal of weight with the New South Wales Government.

Mr. A. McLEAN (Gippsland).—I find that great minds frequently run in parallel grooves. Just before I entered the Chamber I took the trouble to scribble out what I thought would be a suitable amendment of the proposition of the honorable member for Kennedy. I intended to show it to him, and to ask his approval of it. I have, however, been anticipated by the honorable member for Bland. When I drafted my amendment I did not contemplate that the Constitution gives us the right to resume practically the whole of the Crown lands of New South Wales. My view of the wisdom of extending the area of Federal territory prescribed by the Constitution depends altogether upon whether we extend it in such a way as to increase the value of that territory. If the territory is cut off from a water frontage, nothing will be likely to enhance its value. I believe that in the first instance, having regard to the way in which we are proceeding, we shall pay more for the land than it is legitimately worth. If we can obtain it at its fair legitimate value, it will be a good asset; but I do not share the sanguine view of some of my honorable friends as to a great accretion in value taking place. The greatest accretion in the value of the land that will take place within the next ten or fifteen years will occur as soon as we select the seat of government, and it will be due entirely to prospective speculative purposes.

Mr. WATSON.—The Ministry propose to date back the values.

Mr. A. McLEAN.—There is always a difficulty in ascertaining the previous value of land. If we could by Act of Parliament absolutely determine what was the value of the land at a particular date we should have no difficulty in acquiring it at its fair legitimate value; but we know that in practice it is impossible to do anything of the kind. We cannot obtain proof of the value of land at any particular time. Whilst I believe in retaining this power, and in strengthening it as far as possible by Act of Parliament, I feel that we should not lose sight of the fact

that we cannot give effect to it as we should like to do.

Mr. WATSON.—We can obtain the land tax valuations.

Mr. A. McLEAN.—They would not absolutely fix the values at any particular time.

Mr. WATSON.—They would give us some criterion.

Mr. A. McLEAN.—If we can secure the alienated land at a fair value, and obtain the Crown land—which, I presume, is not very valuable, for otherwise it would have been taken up before—as a free grant, the territory will become a good asset. If we buy the land at its fair value we shall be able from the commencement to get interest on the purchase money. When a private individual acquires a property he expects to obtain interest on the purchase money from the outset, and usually has no trouble in doing so. The only way in which we can enhance the prospective value of the territory is by securing for it a good river frontage.

Mr. BRUCE SMITH.—To what river?

Mr. A. McLEAN.—The only river which I know of as being available for this purpose is the Murray. The amendment which I would suggest is as follows :—

That with a view to the acquisition of one thousand square miles of territory at the proposed seat of government, it is desirable that the Commonwealth Government should ascertain from the Government of New South Wales the terms and conditions on which that State will surrender the whole of the Crown lands within such area; the territory to be extended in such a way as to include at least twenty miles frontage to the River Murray.

We should thus secure an area fifty miles by twenty in extent—an area which the honorable member for Bland, without any knowledge of my proposal, has just suggested that we should acquire.

Mr. REID.—Surely the honorable member would not place that provision in an Act of Parliament?

Mr. A. McLEAN.—I do not care how it is modified as long as the provision actually adopted expresses the purport of my proposal. I should not be prepared to allow a loophole in the Bill that would deprive us of this privilege, or leave the question open to subsequent wrangling. No doubt my suggestion might be embodied in more terse terms. I wish to impress upon honorable members the fact that a river frontage greatly enhances the value of any property.

Mr. BRUCE SMITH.—But the river would be fifty miles away.

Mr. F. E. McLEAN.—Would it increase the value of land fifty miles away?

Mr. A. McLEAN.—Yes; if the holders of that land had access to the river frontage. We should give the holders of the land different kinds of leases.

Mr. CAMERON.—The proposal is absurd.

Mr. A. McLEAN.—Everything is absurd in the view of my honorable friends of the Opposition which they do not themselves propose. From the very outset of the discussion of the Capital site question honorable members from New South Wales have made it clear that they do not care a rush for the money of the people of the Commonwealth. They care only for the interest of one State. Such a feeling is absolutely unworthy of any representative.

Mr. THOMSON.—Is the honorable member aware that he is replying to an interjection not by a representative of New South Wales but by a representative of Tasmania.

Mr. A. McLEAN.—It came from a very suspicious quarter.

Mr. REID.—That is a most unfair remark to make.

Mr. A. McLEAN.—If the leader of the Opposition had been present to hear some of the recent debates in this House he would not express such an opinion. This feeling on the part of honorable members from New South Wales has been made as clear as any sentiment could be made by the debates of the last few weeks.

Mr. CAMERON.—No sane man would say that land fifty miles away from a river was enhanced in value because of the river frontage.

Mr. A. McLEAN.—I do not mean to suggest that the river frontage would enhance the value of the land at the very back of the territory; but my honorable friend, as a land-owner, must know that a river frontage to a territory enhances its value for a considerable distance back.

Mr. CAMERON.—But we are not going to lease this land to one man. We shall lease it to different individuals; the men who acquire the land with the river frontage will obtain the benefit.

Mr. A. McLEAN.—We shall be able to lease it in many ways. We have not yet determined the manner in which it shall be used.

Mr. CAMERON.—I do not dispute the statement that the river frontage would

enhance the value of the territory ; but it would not enhance the land far back from the Murray.

Mr. A. McLEAN.—We must deal with the territory as a whole. Will not my honorable friend admit that the value of the whole territory would be largely enhanced by the acquirement of a river frontage ?

Mr. BRUCE SMITH.—No.

Mr. A. McLEAN.—I am speaking not to the honorable and learned member, but to an honorable member who understands the matter.

Mr. BRUCE SMITH.—I know something about it.

Mr. CAMERON.—If the whole area were leased to one man, the river frontage would undoubtedly enhance its value.

Mr. A. McLEAN.—In this case the one man is the people of the Commonwealth. The land will be owned by one proprietary.

Mr. CAMERON.—I do not object to the honorable member's proposal, but I say that the river frontage would not enhance the value of the land many miles away from it.

The CHAIRMAN.—Order ! I call upon the honorable member for Tasmania to allow the honorable member for Gippsland to proceed without interruption.

Mr. A. McLEAN.—Every practical man will bear out my statement that the value of the whole territory would be largely enhanced by an extensive frontage to a splendid navigable river, along which a great deal of excellent land is to be found.

Mr. CONROY.—The river is not navigable at any point at which the territory would touch it.

Mr. A. McLEAN.—It is navigable for a considerable distance.

Mr. CONROY.—It cannot be navigated ten miles above Albury.

Mr. A. McLEAN.—Even if the river were not navigable, the fact that the land had a permanent water frontage would make it valuable. Would it not be an advantage to an owner of stock leasing land in a distant part of the territory to be able, in seasons of drought, to send his sheep and cattle to a place at which he might obtain an abundant supply of water ?

Mr. CAMERON.—But, no matter what we do, the river will still be where it is.

Mr. A. McLEAN.—If the river frontage does not belong to the owners of the territory, the leaseholders will not be allowed to trespass upon it. To acquire a large extent of land in the interior,

possessing no attractive feature and having no special advantage such as a river frontage would give it, would be to play ducks and drakes with the people's money. If we can so acquire the land that its value may be increased by giving it a river frontage, I believe it will be a great asset. Some of my honorable friends appear to imagine that a great city is at once going to spring up in the Federal territory, and that it will largely enhance the value of the land. I am not so sanguine in that regard. For the next ten or fifteen years the seat of government will, I think, be something like those figures or drawings which we sometimes see in *Punch*—the figures of men with enormous heads and little pigmy bodies and extremities. For some years we shall have enormous Government buildings there surrounded by a village containing a population of 300 or 400 people. Doubtless we shall be able to use a good deal of the land for agricultural purposes, but the bulk of it will have to be let for grazing, and the value of land devoted to grazing purposes is not enhanced by its proximity to a village or town. I believe that, on the whole, it would be an advantage to extend the territory if we could improve its character and enhance its value by giving it an extensive river frontage such as I have indicated.

Mr. G. B. EDWARDS (South Sydney).—I regret that the honorable member for Gippsland has allowed his usually calm philosophical temper to be disturbed by a chance remark made by an honorable member on this side of the House.

Mr. A. McLEAN.—I never speak on this subject without being overwhelmed with interjections by honorable members of the Opposition.

Mr. G. B. EDWARDS.—That statement is scarcely correct. I invariably listen with the greatest pleasure to anything which the honorable gentleman has to say ; but when he goes so far as to accuse the representatives of New South Wales of opposing every proposition to regulate the expenditure of money on the Federal Capital in accordance with a patriotic view, he is entirely in error. His statement is contradicted by the nature of the discussion of this question. It is a matter for congratulation that the question was settled this morning, as far as we could settle it, with the most extreme honesty of purpose. The ballot shows that a clear-cut, honest vote was given, and the

honorable member' is not entitled to say that there is anything like opposition on the part of the representatives of New South Wales to a desire to deal with this matter on broad national lines. I am fully with the honorable member for Gippsland as to the desirableness of extending the territory. It would be eminently advantageous to acquire an area up to 1,000 square miles in extent; but I differ from the honorable member and from the mover of the amendment as to the wisdom of inserting in the Bill the proposal now before the Committee. In my opinion, there are very grave constitutional obstacles in the way of dealing with it in the form proposed. The suggestion made by the honorable member for Gippsland certainly would not be embodied by a sane Legislature in any Bill. It is tantamount to an abstract resolution in favour of an extension of territory, and I fail to see how any modification of it could be inserted in the measure. Tone it down as we might, any provision of this kind that was placed in the Bill would be mandatory. Any provision, having for its object the significance of a certain desire on the part of the Parliament, if placed in the Bill would be tantamount to a demand, not only upon the Government, but upon the people of the various States. While we have almost unanimously expressed, not only in the discussion this morning, but on many other occasions, our opinion that the territory of the Commonwealth should be much larger than the minimum required by the Constitution, it would be impolitic to place in the Bill a provision demanding from New South Wales a grant of 1,000 square miles. Furthermore, I doubt our power to enforce such a demand. I wish to refer honorable members to section 123 of the Constitution, which provides that—

The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

Although, no doubt, a subsequent section provides for legislation by this Parliament in regard to the Federal territory, I think that if we place in the Bill a provision

demanding from New South Wales the grant of a larger area than that mentioned in section 125, it may involve us in constitutional difficulties, because any elector of the State can then move the High Court to declare the measure to that extent at least *ultra vires* of the Constitution.

Mr. McCAY.—The two powers given in the Constitution are not inconsistent, and they may, therefore, both be exercised.

Mr. G. B. EDWARDS.—It seems to me that a demand upon the State of New South Wales for 1,000 square miles would be inconsistent with the provisions of section 123 of the Constitution. Moreover, it is not desirable to place any provision in the Bill which may create friction between the Commonwealth and New South Wales. The utmost facilities have been given by the Government and Parliament of that State for the selection of the Capital site. The Government have reserved from sale the Crown lands in the nine proposed sites, and have intimated their willingness to co-operate with us in regard to the acquisition of suitable territory by the Commonwealth. I fully believe that all the territory required will be given by New South Wales, and that the Commonwealth will thus be able to secure the increment in value created by its expenditure upon the Capital. I agree with the honorable member for Gippsland that it is desirable that the Commonwealth territory should run right down to the Murray, though I do not attach as much value as he does to having a frontage to a river, because, as has been pointed out, nothing that we can do in acquiring a frontage to it will deepen or broaden, or in any way improve it, or give to the people any advantage in regard to it that they have not at present.

Mr. A. McLEAN.—It will give access to it.

Mr. G. B. EDWARDS.—I admit that if we take the Commonwealth territory down to the Murray it will be so much better for the territory. When the honorable member for Kennedy spoke to me on this subject, I told him that, although I would support any motion affirming the desirability of obtaining an extensive area, I doubted the wisdom of making a demand upon the State of New South Wales. Although the land near the site which has been chosen is not of much value in its present state, it must be remembered that New South Wales, in transferring it to the Commonwealth, will be parting

with a taxable area from which she obtains a certain amount of revenue, and that the district in question is one which no doubt will ultimately become one of the finest tourist resorts in Australia.

Mr. SALMON.—But the tourists will have to pass through New South Wales to get there, so that that State will have the benefit of them.

Mr. G. B. EDWARDS.—I should like the Commonwealth to reserve a large part of its territory as a park for the benefit of the whole nation.

Mr. O'MALLEY (Tasmania).—If the present attitude of the representatives of New South Wales towards this proposal is to be taken as an indication of what will happen if we leave the granting of a larger territory than 100 square miles optional to the people of that State, it seems to me that we shall be confined to that area. New South Wales has a territory of nearly 200,000 square miles, and yet there is a howl from its representatives when we ask for the surrender to the Commonwealth of only 1,000 square miles. Our friends from New South Wales argue as though we were proposing to put the land in question on a steamer, and carry it away to America or England. It will still remain in New South Wales. In 1872, when the Italian army took Rome, the merchants of Chicago raised £100,000,000 in less than two hours to buy up 10,000 square miles in the State of Illinois and establish the Vatican there, because it was known that such an arrangement would bring thousands of people to America who would not under other circumstances go there. New South Wales will get millions of money from the people of Australia through having the Federal Capital established in its territory. I have had on the business-paper for the last two years a notice of motion setting forth the terms on which I think it desirable that the Commonwealth territory should be acquired, and I propose to read it to honorable members. It is as follows:—

That in the opinion of this House it is desirable in the interests of human progress—

Mr. SALMON.—Is the honorable member in order in referring to a matter set down upon the notice paper for subsequent consideration?

The CHAIRMAN.—The honorable member will not be in order in anticipating discussion upon such a matter.

Mr. O'MALLEY.—Then I will give the gist of my proposal without referring to the notice-paper. It is that the Commonwealth should secure a territory of not less than 1,000 square miles in a good fertile part of New South Wales. I shall divide the Committee upon this question, if only one man votes for the amendment, and that man is myself.

Mr. BRUCE SMITH.—If the honorable member is acknowledged as the originator of the proposal, why need he trouble himself further about it?

Mr. O'MALLEY.—It does not matter to me who gets the credit for it. The members of the party to which I belong do not fight as disintegrated units, but as a collective body; we are all one. If we leave this matter to the people of New South Wales, they will probably give us no more than 100 square miles, and we shall therefore be required to pay exorbitant prices for any additional area that we may require. This is too important a matter to the democrats of Australia to be left to the decision of the people of New South Wales. We must consider the interests of the 4,000,000 inhabitants of the Commonwealth. I ask the honorable member for Kennedy not to insert in his amendment the word "desirable." In the South Australian House of Assembly I have by big majorities carried resolutions affirming that certain things were desirable, but the right honorable member for South Australia, who was Premier there at the time, gave no effect to them. Such resolutions are not worth the paper they are printed upon. To be of use this provision must be mandatory. I am afraid, however, that the matter will be decided against the democrats, although I do not blame the honorable member for Bland for trying to be conciliatory.

Sir JOHN QUICK (Bendigo).—I do not anticipate any constitutional difficulties in the adoption of the proposed amendment, nor do I think it will cause friction with the State of New South Wales. I anticipate that now that the site has been virtually chosen, the State Parliament will co-operate with this Parliament in facilitating the final determination of the question, and that it is not only desirable, but extremely convenient, that we, as the grantees, shall indicate what area of territory we require. To do so will, I think, save time in the subsequent procedure.

It is most desirable that the Parliament of New South Wales should make a grant, but I do not wish to bring any unnecessary pressure to bear upon them. If they did not not grant the territory required, it would be in our power to acquire the necessary area. I hope, however, that we shall treat the right of acquisition as a reserve power, and not bring it into operation by any sovereign act until all conciliatory methods have been exhausted. The amendment does not contemplate an act of acquisition, but merely indicates that when the grant by the Parliament of New South Wales, or the acquisition by Bill of the Federal territory is considered, the area must not be less than 1,000 square miles, and that it will be of no use to offer anything less. A resolution might be couched in different language; but, as the amendment is intended to be embodied in an Act of Parliament, I do not see how it could be fairly or reasonably altered. I support the amendment, not only because I believe that the Federal territory should embrace not less than 1,000 square miles, but because I think that an extended area would present special advantages in connexion with the Tumut site. I voted in favour of the adoption of that site for two reasons. First of all, because of its proximity to a main line of railway—I supported Albury as possessing the greatest advantage in that respect, but I found that it was hopeless to secure the adoption of that site—and secondly, because I believed that the Tumut site could be extended southwards to the River Murray. I believe that a large Federal territory in that district could be made a very important centre in the years to come, and that, if it extended to the Murray, a great impulse would be given to legislation relating to the navigation of that stream, and to the construction of works for the storage of waters in the higher reaches of the river. I see looming ahead of us a splendid Federal policy for the development of that portion of Australia. I support the amendment in order to facilitate matters, and to assist the Government and the Parliament of New South Wales in coming to a conclusion. If they wish to expedite this great enterprise, they will take advantage of the information contained in the amendment.

Mr. McCAY (Corinella).—I move

That the amendment be amended by the omission of the word "shall," second occurring, with a view to insert in lieu thereof the word "should."

By making this alteration we shall adopt more conciliatory language without weakening the effect of the original proposal.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—I desire to draw the attention of the Committee to the words "at or near." I take it that the words mean "in close proximity to," or "in the vicinity of," and that those who wish to have the Capital site situated on a plateau, more elevated than Læmalac, and not so much enclosed by hills, might be thwarted, unless it were permissible to place the Capital some miles away from that locality. It was never intended that we should bind ourselves to any particular spot.

Mr. WATSON. — I ask your ruling, Mr. Chairman, as to whether the suggestion of the Minister has anything to do with the motion before the Chair.

The CHAIRMAN.—The question before the Chair is the omission of the word "shall," and the substitution therefor of the word "should."

Mr. McDONALD (Kennedy).—I understood that the whole Bill was recommitted. I shall withdraw my amendment if necessary to enable the Minister for Home Affairs to effect his desire.

The CHAIRMAN.—The honorable member is mistaken; the Bill has not been re-committed.

Mr. McDONALD.—The Prime Minister stated last night that the Government proposed to pass the clause, and that they should then recommit the Bill.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The honorable member is quite correct. I said that, and proposed it; but it was pointed out that if we did not pass the clause there would be no necessity for a recommitment. Consequently we did not pass the clause, but reported progress, afterwards inserted the word "Tumut," and then went straight on. If my honorable colleague wishes to propose an amendment relating to the words "at or near" he can do so, either by asking for a recommitment, or by adopting, perhaps, the better course of adding a proviso to define the expression "at or near" in the way he considers desirable.

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Mr. O'MALLEY.—It does not matter to me who gets the credit for it. The members of the party to which I belong do not fight as disintegrated units, but as a collective body; we are all one. If we leave this matter to the people of New South Wales, they will probably give us no more than 100 square miles, and we shall therefore be required to pay exorbitant prices for any additional area that we may require. This is too important a matter to the democrats of Australia to be left to the decision of the people of New South Wales. We must consider the interests of the 4,000,000 inhabitants of the Commonwealth. I ask the honorable member for Kennedy not to insert in his amendment the word "desirable." In the South Australian House of Assembly I have by big majorities carried resolutions affirming that certain things were desirable, but the right honorable member for South Australia, who was Premier there at the time, gave no effect to them. Such resolutions are not worth the paper they are printed upon. To be of use this provision must be mandatory. I am afraid, however, that the matter will be decided against the democrats, although I do not blame the honorable member for Bland for trying to be conciliatory.

Sir JOHN QUICK (Bendigo).—I do not anticipate any constitutional difficulties in the adoption of the proposed amendment, nor do I think it will cause friction with the State of New South Wales. I anticipate that now that the site has been virtually chosen, the State Parliament will co-operate with this Parliament in facilitating the final determination of the question, and that it is not only desirable, but extremely convenient, that we, as the grantees, shall indicate what area of territory we require. To do so will, I think, save time in the subsequent procedure.

It is most desirable that the Parliament of New South Wales should make a grant, but I do not wish to bring any unnecessary pressure to bear upon them. If they did not not grant the territory required, it would be in our power to acquire the necessary area. I hope, however, that we shall treat the right of acquisition as a reserve power, and not bring it into operation by any sovereign act until all conciliatory methods have been exhausted. The amendment does not contemplate an act of acquisition, but merely indicates that when the grant by the Parliament of New South Wales, or the acquisition by Bill of the Federal territory is considered, the area must not be less than 1,000 square miles, and that it will be of no use to offer anything less. A resolution might be couched in different language; but, as the amendment is intended to be embodied in an Act of Parliament, I do not see how it could be fairly or reasonably altered. I support the amendment, not only because I believe that the Federal territory should embrace not less than 1,000 square miles, but because I think that an extended area would present special advantages in connexion with the Tumut site. I voted in favour of the adoption of that site for two reasons. First of all, because of its proximity to a main line of railway—I supported Albury as possessing the greatest advantage in that respect, but I found that it was hopeless to secure the adoption of that site—and secondly, because I believed that the Tumut site could be extended southwards to the River Murray. I believe that a large Federal territory in that district could be made a very important centre in the years to come, and that, if it extended to the Murray, a great impulse would be given to legislation relating to the navigation of that stream, and to the construction of works for the storage of waters in the higher reaches of the river. I see looming ahead of us a splendid Federal policy for the development of that portion of Australia. I support the amendment in order to facilitate matters, and to assist the Government and the Parliament of New South Wales in coming to a conclusion. If they wish to expedite this great enterprise, they will take advantage of the information contained in the amendment.

Mr. McCAY (Corinella)—I move

That the amendment be amended by the omission of the word "shall," second occurring, with a view to insert in lieu thereof the word "should."

By making this alteration we shall adopt more conciliatory language without weakening the effect of the original proposal.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—I desire to draw the attention of the Committee to the words "at or near." I take it that the words mean "in close proximity to," or "in the vicinity of," and that those who wish to have the Capital site situated on a plateau, more elevated than Lacmalac, and not so much enclosed by hills, might be thwarted, unless it were permissible to place the Capital some miles away from that locality. It was never intended that we should bind ourselves to any particular spot.

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with a taxable area from which she obtains a certain amount of revenue, and that the district in question is one which no doubt will ultimately become one of the finest tourist resorts in Australia.

Mr. SALMON.—But the tourists will have to pass through New South Wales to get there, so that that State will have the benefit of them.

Mr. G. B. EDWARDS.—I should like the Commonwealth to reserve a large part of its territory as a park for the benefit of the whole nation.

Mr. O'MALLEY (Tasmania).—If the present attitude of the representatives of New South Wales towards this proposal is to be taken as an indication of what will happen if we leave the granting of a larger territory than 100 square miles optional to the people of that State, it seems to me that we shall be confined to that area. New South Wales has a territory of nearly 200,000 square miles, and yet there is a howl from its representatives when we ask for the surrender to the Commonwealth of only 1,000 square miles. Our friends from New South Wales argue as though we were proposing to put the land in question on a steamer, and carry it away to America or England. It will still remain in New South Wales. In 1872, when the Italian army took Rome, the merchants of Chicago raised £100,000,000 in less than two hours to buy up 10,000 square miles in the State of Illinois and establish the Vatican there, because it was known that such an arrangement would bring thousands of people to America who would not under other circumstances go there. New South Wales will get millions of money from the people of Australia through having the Federal Capital established in its territory. I have had on the business-paper for the last two years a notice of motion setting forth the terms on which I think it desirable that the Commonwealth territory should be acquired, and I propose to read it to honorable members. It is as follows:—

That in the opinion of this House it is desirable in the interests of human progress—

Mr. SALMON.—Is the honorable member in order in referring to a matter set down upon the notice paper for subsequent consideration?

The CHAIRMAN.—The honorable member will not be in order in anticipating discussion upon such a matter.

Mr. O'MALLEY.—Then I will give the gist of my proposal without referring to the notice-paper. It is that the Commonwealth should secure a territory of not less than 1,000 square miles in a good fertile part of New South Wales. I shall divide the Committee upon this question, if only one man votes for the amendment, and that man is myself.

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Mr. McDONALD (Kennedy).—I cannot accept the amendment of the amendment proposed by the honorable and learned member for Corinella. I take it that we either want an area of 1,000 square miles, or we do not. If we want it, let us say so. It has been suggested that the amendment

should be withdrawn, and that the Government should regard the opinions which have been expressed by honorable members as an instruction to them in their negotiations with the New South Wales authorities. But in that case they would be in exactly the same position as if the amendment were retained, because they would have to meet the New South Wales Government on the clear understanding that no less an area than 1,000 square miles would be acceptable. Under these circumstances I agree with the honorable and learned member for Bendigo that by adopting the amendment we shall not only assist the Executive, but also the Government of New South Wales, in arriving at a decision. We shall tell them distinctly that we do not think it wise to spend money in the establishment of a Capital within a territory of less area than that stated. There has been too much shuffling and quibbling in connexion with the whole management of affairs relating to the Capital site. The Government have not acted so straightforwardly as we might have expected. In the instructions given to the Capital Sites Commission, no mention was made of the area that would probably be required for the Federal territory. The Commissioners restricted their inquiries to sites embracing an area of only 4,000 acres. Therefore, we were left practically in the dark as to the territory available beyond the 4,000 acres required for the erection of the buildings at the Capital. Under these circumstances it is imperative that we should clearly indicate what we require. It was never intended to put any affront on New South Wales, and no reasonable person could construe the action as being equivalent to holding a loaded pistol at the head of the New South Wales Government, or adopting any offensive attitude towards it. It might as well be urged that, in deciding upon the locality in which the Federal Capital shall be situated, we are holding a loaded pistol at the head of the people of New South Wales.

Mr. THOMSON.—No; because they offered us a choice from the whole of the sites.

Mr. McDONALD.—That does not affect the question in any way. I know that a number of honorable members do not share my opinion that the Federal territory should comprise an area of not less than 1,000 square miles. They believe that a much smaller area would be sufficient. But in

years to come the Commonwealth Government will be called upon to spend an enormous sum of money upon the Federal Capital. That expenditure must necessarily enhance the value of the lands surrounding it, and I claim that the Commonwealth itself should appropriate that unearned increment by leasing the lands which are comprised in a reasonable area of Federal territory. I should not be acting honestly to the people in this matter if I did not declare exactly what I want.

Mr. REID (East Sydney).—I think it is about time that the Prime Minister indicated the position which the Government propose to adopt in regard to this proposal.

Mr. DEAKIN.—I have already spoken.

Mr. REID.—I was not aware of that. This is not a party question. We know that the Government have to conduct certain negotiations relating to the acquisition of the Federal territory. To some extent, therefore, they must approach the State which happens to possess the land. Since that is so, I should like to know whether the Government—the members of which, in matters of this kind, have had long experience in connexion with other Governments—do not feel that we should endeavour, as far as we can, to follow the ordinary courtesies of even intercolonial intercourse in affairs of State? Of course, there are rough and ready methods which might be adopted, but which, if adopted as between two nations, might plunge them into a serious difficulty. We must follow the ordinary groove of diplomatic courtesy in dealing with another power which owns this land. I do not suppose that the right honorable member for South Australia, Mr. Kingston, will claim that he possesses a larger knowledge of the people of New South Wales than I do, and I can assure him that the feeling of that State in reference to the selection which was made last night will certainly not be one of rejoicing or satisfaction, to put the matter in the mildest possible way. At the same time, it seems to me perfectly clear that the preponderance of the impartial opinion of this Committee pointed clearly to Tumut. We must recognise that. The New South Wales representatives must recognise the right of the representatives from other States to exercise their choice in a broad spirit and without reference to our views. I shall never complain of the course which the Committee took in reference to the selection of the site,

although it is not the site which I prefer. I wish to point out to honorable members—and I am assuming, as I have a right to do, that we are not anxious to throw combustible elements into the problem, that we are not in that mood and have no such design—that we really must remember that the question of the exact area to be acquired is one upon which there should be friendly negotiations with the State which possesses the land. It is a novel method for Parliament to indicate its wishes in connexion with an approaching negotiation between two parliamentary authorities—to express its opinion of what is desirable in the language of an Act of Parliament. That is confusing the functions of Parliament in passing laws with the functions of the Legislature in altogether another direction. It is unprecedented, I believe. I do not say that fact shows that it is wrong, but the point is certainly worthy of consideration. Where it is not absolutely necessary to establish a basis for negotiation, I do not think we can point to an Act which expresses the opinion that a certain thing is desirable in connexion with negotiations which are about to begin between two friendly Governments. I would suggest that it is quite possible for this Committee—as it has pretty well done already—to impress upon the Government its views as to the area of Federal territory which should be acquired without adopting what, I think, is a clumsy and unfortunate method of expressing them. I admit that the change which has been suggested in the amendment removes very considerably the objection which I entered to the original proposal. But the very fact that that change is thought to be necessary condemns the suggestion that we should use such an expression in an Act of Parliament as that “it is desirable” that something should be done. The necessities which have been presented to such a suggestion point more forcibly than ever to the wisdom of expressing such opinions in a vote of this sort. This Bill is simply limited to the question of determining the site of the Federal Capital. It has nothing whatever to do with the size of the Federal territory. That is another matter, which is quite independent. I admit that if we were in a position to put our hands upon this land without taking the trouble to ask the grantor much he was willing to let us take, my

remarks would not have much force. The force would be on the other side, but it would be brute force. The fact is that we do not want to put the iron fist forward until the gentle glove of negotiation proves unworkable. As one who may be allowed to express an opinion as to the state of things in New South Wales, I assure honorable members that we do claim that in a matter which intimately affects our territory, Parliament should follow the usual method of negotiation, and should not speak by means of a statute. If we wish to express an opinion which shall guide the Government as negotiators, it seems to me that to pass a Commonwealth Act is an extraordinary way of accomplishing our purpose. The amendment proposed will very considerably remove the objections which I had previously entertained to the honorable member's proposal. Upon the other hand, it seems to me to point more clearly than ever to the unwisdom of incorporating any such expression of opinion in a statute. I quite recognise the possibilities which lie behind the proposals that are now being made. They will not fail to excite the anxious consideration of the New South Wales Government. I do express my earnest hope that there is no latent desire—I will not say design—to remove the site which we determined upon so solemnly last night. I am sure that no honorable member of this Committee which is proceeding to ask New South Wales to grant us a Federal territory on the faith of the future seat of government being located “at or near” Tumut, entertains any latent desire that, after the territory has been acquired, the capital shall be removed from the site which has been selected. Yet one of the Ministers of this Government, which is about to negotiate with New South Wales on the faith of the selection of Tumut—and unsatisfactory as it may be to New South Wales, that site was very properly chosen, as I said before, by the Committee—simultaneously with the submission of a proposal to extend the Federal territory to the banks of the Murray within twenty or thirty miles of Albury—a site which was rejected by an overwhelming majority last night —

Mr. McCAY.—The right honorable member is wrong as to the distance.

Mr. REID.—I have no personal knowledge of it, but at any rate it is a very short

distance. The proposal to extend the territory to the banks of the Murray is one upon which I express no opinion at present. I think these are matters to be threshed out by the two Governments in a most friendly way. But simultaneously with that proposal, we have the Minister inviting this Committee to break loose from the choice at which it arrived last night, by omitting from the clause the words "at or near." For what purpose? In order that the capital may not be "at or near" Tumut.

The CHAIRMAN.—Order. I ruled the Minister out of order upon that point.

Mr. REID.—I am obliged to you, sir, for having allowed me to say so much. This matter must be considered by the New South Wales Government, as well as by ourselves, and, with an earnest desire to facilitate the work of the Ministry—because it is one of some importance—I ask honorable members not to take the part of negotiators themselves. If the two Parliaments passed separate Acts with a view to settle these negotiations, they would get into an extraordinary tangle in no time. It would be an impossible task to undertake. Negotiations, where the rights of independent powers are concerned, can never proceed by Act of Parliament. Moreover, such a statute would not only bind ourselves, but, being a Commonwealth Act, would practically exercise power in the case of New South Wales.

Mr. KINGSTON.—No.

Mr. REID.—Yes; because we have the power behind us—the power of acquiring the territory. The fact that we possess that power suggests that if we wish to obtain the land by friendly arrangement—in the way of gift—we had better adopt the methods of negotiation and conciliation. If the Committee wish to take the other course, let us pass an Act which shall plainly declare "This is what we want, and this is what we intend to have."

Mr. McDONALD.—In connexion with the Post and Telegraph Act we distinctly told the Government that black labour was not to be employed upon mail steamers which are subsidized by the Commonwealth.

Mr. REID.—But upon the question of postal arrangements the Commonwealth was the supreme lawgiver. May I suggest to my honorable friend that this is not yet a matter of our own particular business? When we have acquired the territory it will be so. But whilst the land remains in the

possession of New South Wales, and the Ministry are about to approach the Government of that State with a view to arrive at a friendly settlement of the matter, it is better to preserve the spirit of conciliation. I think that an Act of Parliament is a clumsy way of expressing the opinion of the Houses, and I suggest that the object of the honorable member for Kennedy would be attained if the Prime Minister would say that, in view of the discussion which has taken place, he regards it as the desire of the Committee that an area approaching 1,000 square miles shall be embraced in the Federal territory. The adoption of such a course would be infinitely preferable to embodying this provision in an Act of Parliament. Are the Government in favour of acquiring, if possible, an area of the extent named?

Mr. DEAKIN.—Yes.

Mr. REID.—That removes one difficulty. The Government will endeavour to obtain this increased area, and after this discussion I think they may fairly take it to be the wish of the Committee that it should if possible be secured. I ask my honorable friends who have had experience in managing Governments, whether in these circumstances, and since negotiations of some kind are inevitable, the Committee should not rest satisfied with the expression of opinion which has been given? My desire is that no complications should occur in carrying out the decision which has been arrived at. I have accepted it as final, and my wish is that it should be carried out in the most agreeable and friendly way. If I might be allowed to express the New South Wales view of the situation, I would strongly urge the Committee to adopt the more conciliatory course to which I have referred.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—In this matter I occupy a dual position. In regard to the choice of the site, and the conditions relating to it, Ministers simply speak and act as individual members of the House. One of my right honorable colleagues, for example, has just indicated that he intends to move an amendment, and of that proposal his colleagues will form their own opinion.

Mr. THOMSON.—It will be an amendment of a Bill which has been approved by the Cabinet.

Mr. DEAKIN.—The honorable member is mistaken. It seems to me that



a certain amount of confusion is being imported into this debate by the use of the words "seat of government" and "territory," as if they were interchangeable, and by considering proposals intended only to affect the territory as if they were designed to affect the site. Speaking as a member of a Ministry which has already been charged with communications with the Government of New South Wales in this connexion, and which, for the present at all events, is likely to be charged with similar negotiations, I think that the question has to be looked at from another stand-point. I was viewing it from that stand-point when I spoke last night, and when, by way of interjection, I indicated this morning my desire that the honorable member for Kennedy should not persist in asking the Committee to adopt the amendment proposed by him. It is only fair that I should say frankly, and with the utmost publicity, that in all the communications which have been exchanged by us with the Government of New South Wales there has been exhibited on the part of the Government and Parliament of that State the most generous and even anxious desire to meet our wishes. We have not to complain of a single discourtesy, delay, or evasion on their part. It is only fair to admit that in the selection of the Capital site the State Government have lent us every assistance at every stage of these proposals. We have now to enter not upon fresh negotiations, but to continue those which have already taken place between the Commonwealth and the Government of New South Wales. It is not as if we were making new proposals of whose reception we might be doubtful. I feel satisfied that any proposal made by this House will be met by the Government of New South Wales in the spirit which has always marked their dealings with us, and that we shall have their ready assistance in this matter. I invite honorable members to ask themselves what position we should occupy if section 125 of the Constitution did not exist, and how we should have to approach the Government of New South Wales if this House, after deliberately considering the whole matter, had come to the conclusion that the Capital site ought to be in that State. Some reference has been made to the powers conferred upon us by section 125 of the Constitution. To those, however, I do not propose to allude. Granting

the utmost claims as to those powers that have been made under the strongest interpretation of that section, I venture to say that the more desirable course for us to adopt in this regard is to approach the State Government as if no such power were in existence. We should approach it as if we were treating with a State which had the right, if it chose, to decline to meet our views. Assuming that our constitutional power exists, everyone will admit that it should be exercised only in the last resort, and only after we have exhausted every other means to arrive at an arrangement with the State. All our experience tends to show that a reasonable arrangement can be arrived at. When the subject has to be approached it will necessitate inquiries which, as the honorable member for Kennedy has said, might have been made before, in regard to large areas of land around the site. We purposely omitted from our instructions to the Commissioners a direction to make these inquiries in regard to all the sites, because it was thought that investigations of so extensive a character would tend to still further delay the consideration of any proposal by the House.

Mr. McDONALD.—It took the Government four months to appoint the Commission.

Mr. DEAKIN.—And to prepare all the details of the inquiry. Even a delay of four months in regard to a matter of this importance is not greater than its consideration requires. I am making this statement, not for the purpose of explaining anything that has been done, but to show that we now approach an important stage when, so to speak, our task has already been half completed. We have been met, so far, in a most generous way in every case, and there is no reason to assume that there will be any alteration in the attitude adopted towards us by the State. It seems to be desirable therefore, that we should approach the Government of New South Wales as if no Constitutional power existed to enforce anything in this direction. We should simply ask them to meet us as they have already met us.

Mr. BROWN.—How do the Government propose to ascertain a suitable area?

Mr. DEAKIN.—I shall explain that point. In this Bill we are dealing only with the seat of government. I expressly excluded from the measure all reference to territory, because I felt that it would involve two sets of questions. One of

these, which might be termed permanent, was how we should acquire an area sufficiently large to cover as far as possible what might be the unearned increment to be gained from the establishment of the Capital on a particular site. Then there was what I might call a temporary set of considerations—that is to say, those dependent upon the site actually chosen. If, for example, Bombala had been selected, the next question to decide would have been whether a port should be secured in the neighbourhood, and that would have affected the determination of the particular area to be acquired. A similar question might have arisen in regard to Lake George. It was consequently felt that the area to be acquired might vary according to the position of the site selected. Tumut has now been chosen as the site “at or near” which the seat of government shall be; but we have not sought to settle what territory should surround the seat of government, nor in which direction it should extend until we were sure it would be chosen.

Mr. McDONALD.—The amendment does not declare the direction in which the territory shall extend.

Mr. DEAKIN.—Quite true. What the Government would have done, apart from any questions of constitutional power or instructions from the House, would have been to ask the New South Wales Government what area of land they were prepared to grant “at or near” Tumut, so far as it might be in their power to grant it. Then the State Government would have indicated the area which it was prepared to hand over, and I venture to say that, whatever its extent, the smallest territory which this Government would have desired would have been an area of at least 1,000 square miles. When that area is put into measurements—thirty by thirty—it will be seen that it is none too large a territory to be acquired in order to include the distance within which the unearned increment would be likely to operate from any given centre. We should then have had a reply from the State Government, “We are prepared to grant you such and such an area which includes so much Crown land.”

Mr. REID.—I do not think there would be any objection to the Commonwealth Government indicating in the first place what area it would like to acquire.

Mr. DEAKIN.—Not at all. But I do not wish to pin ourselves down, even to the area named in the amendment, until we have had a survey made. Everything will depend upon the examination of the land “at or near” Tumut. Of course the question of water supply has been partially dealt with, but much remains to be done—

Sir JOHN FORREST.—What is the meaning of the words “at or near”?

Mr. DEAKIN.—I told the House last night that I did not think it was possible to express in any number of yards or miles what “at or near” meant; that everything depended on the particular character of the site chosen, and that it could not matter much yet because the site could not be chosen without the approval of the Parliament of the Commonwealth. I do not attach any strict limitation to the words “at or near.” The clause simply directs that the site of the seat of government shall be “at or near” Tumut. Nothing can be done to fix the precise spot at which the Capital shall be established until another measure has been introduced and has received the assent of this Parliament. That measure will show on a plan the precise points at which the territory shall start and end, and the exact spot in the territory—probably the centre—where the Capital shall be erected. This House will have it in its absolute power, not only to control the extent of the area, but to alter or extend it.

Mr. REID.—Would not the Government desire to obtain this information before asking for a definite site? Unless they do so they will be working in the dark.

Mr. DEAKIN.—We have a direction that the seat of government shall be “at or near” Tumut, and I take it that our duty will be to at once direct a survey of the district. We shall forward our request to the State Government, with the knowledge that their own examination, with a view to determine the area of Crown land available, will occupy the time during which we shall be engaged in making a general contour survey of the country. Exactly where that territory shall be and the size of it will be absolutely subject to the free will of the Federal Parliament.

Mr. KINGSTON.—Would the honorable and learned gentleman mind expressly declaring that the approval of the site is subject to the approval by the Parliament of the territory?

Mr. DEAKIN.—No ; that stands as a matter of course.

Mr. KINGSTON.—The Minister would not object to insert a provision to that effect.

Mr. DEAKIN.—No. There is no possibility, even if it were desired, of any private or executive bargain between this Government or its successors, and any Parliament of New South Wales, as to the site of the territory. There can be no site or territory forced on the Commonwealth by any one, even if a site or territory can be refused to us, which is very doubtful. All that will have to be settled hereafter in this House. When the future Parliament looks at the proposal made, it may offer to push a boundary in a certain direction or to shift the site. It may adopt any proposal defining with precision the particular district, place, and spot preferred, together with every other matter with which it chooses to deal. If the present amendment is to be taken as an instruction to the Government, I can assure the honorable member for Kennedy that it is not needed. Even without such a direction we should have followed the course proposed, but the knowledge that it meets with the approval of this House will make us doubly careful. All that this can accomplish has already been accomplished. So far as the Government of New South Wales are concerned, what will this provision secure? It will not, and ought not to coerce that Government into expressing any opinion favorable or unfavorable, or making any offer which it does not think fit to make. It will not compel them to offer a greater area than they intended to offer. On the contrary, it might be taken to be a preliminary proceeding that showed an unjustifiable suspicion of the State Government, and some expectation that its members were about to alter the character of their dealings with the Commonwealth. That I should be very loath to see even insinuated. This Government, acting as the executive agents of Parliament, will be freer, and can approach the Government of New South Wales in a more satisfactory manner, if the honorable member will accept the undertaking which I am prepared to give, that in our negotiations we will have in view an area not less than that which he has named.

Mr. O'MALLEY. — Will the honorable gentleman agree not to take a smaller area?

Mr. DEAKIN.—The Government cannot take either a smaller or a larger area without the consent of Parliament. All we ask the House to do, in passing this Bill, is to declare as the basis for our negotiations that the seat of the Government of the Commonwealth shall be at or near Tumut, so that the necessary contour surveys may be made to enable us to propose the exact site of the city, and the area round it which we think should be transferred to the Commonwealth. We shall be in a better position to deal with the Government of New South Wales if the amendment is not carried than if it is inserted in the Bill. Every honorable member appears to approve of its intention ; but as nothing can be done in the matter until a subsequent measure is passed, I trust that the honorable member will rest assured that he has already accomplished as much as it is possible to accomplish at this stage, and will not place us in a position which might make it appear that we expect that the Government of New South Wales, which has not yet refused us anything, will deal differently with us when we come to practical business. Having obtained that assurance, I hope that the honorable member will not insist upon an amendment, the adoption of which might be a cause of delay, or create friction between this Government and that of New South Wales, against which we have no possible ground of complaint. Whatever shape the Bill may take, the Government should be free to approach the Government of New South Wales, not as an agent authorized only to make a certain bargain, but able to make propositions which we think will be accepted by Parliament, and which can have no binding force until so accepted and confirmed by legislation.

Mr. KINGSTON (South Australia).—As a suggestion has been made in regard to the possibility of an attempt to go back upon the decision arrived at last night, I wish to assure the Committee that nothing is further from my mind. All I wish to do is to make the selection more agreeable to my ideas of what is best in the interests of the Commonwealth. I am perfectly satisfied to accept the site which has been chosen, subject to one or two conditions which I think recommend themselves to honorable members. The conclusion to which we came yesterday was not that under all circumstances, and irrespective of

the area we can obtain, Tumut shall be the site of the seat of Government. We chose Tumut subject to considerations which were placed before us, or presented themselves to our minds, chief among which were that the territory shall be suitable as regards both position and area. The suggestion of the honorable member for Kennedy strongly recommends itself to me, and I also consider it desirable that the Federal territory shall have a frontage to the Murray. I confess that I voted for another site for a variety of reasons, one of which was the possibility of obtaining a port. As we are now denied that possibility we should endeavour to obtain what may be considered next best, a river frontage. Do not honorable members agree with me that that is highly desirable?

Mr. THOMSON.—That is a matter for decision later.

Mr. KINGSTON.—Parliament is not empowered to determine the site of the Federal Capital from time to time. We determine it once and for all, unless our determination is subject to conditions. If we determine that the site of the Capital shall be Tumut, irrespective of conditions as regards area and river frontage, we cannot afterwards select another site. The Constitution empowers Parliament to determine the seat of Government within a territory of not less than 100 square miles; but I ask the Prime Minister whether, if, without any limitation, we definitely determine that Tumut is to be the site of the seat of Government, we can afterwards go back on our determination and declare for some other site. The power given by the Constitution is not one which can be exercised from time to time; once exercised it is gone. There are two reasons why we should not come to an unconditional determination. One is that we want a large area. That is necessary. The other is that we wish for a river frontage. That is highly desirable. I have not considered this matter wholly from the point of view of the State which I represent. I think that we have all done our best to deal with it in the interests of the Commonwealth, and I am inclined to think that if the conditions I speak of are insisted upon we shall have made a fair choice. In insisting upon these conditions we shall not be dictating to New South Wales, or seeking to exert pressure upon the Government of that State. We could not justify such action. But if we are

resolved upon certain conditions, we should indicate the fact as clearly as we can. I venture to say that we are agreed that the minimum area mentioned in the Constitution is altogether too small. It would be worse than a farce to accept such a small area. An area of not less than 1,000 square miles will, I am sure, recommend itself to every member present.

Mr. HENRY WILLIS.—No.

Mr. KINGSTON.—Then, to the great majority of honorable members. Personally, I should like to see a still larger area determined upon; but I feel sure that an area of not less than 1,000 square miles would obtain the support of a majority of the members of both Houses, and would meet with the concurrence of the public generally. Therefore, let us say that we require that area, and if we believe, as I venture to say that we do, in the importance of a river frontage, why should we not make that clear, too? Talk of a free hand! We give a free hand to our agents; but we are resolved that they shall make no other arrangement than that the minimum area shall be not less than 1,000 square miles, and that there shall be a frontage to the Murray. I am confident that the people of New South Wales will not seek offence where none is intended. We intend nothing but fair dealing. We wish to place in the Bill a simple, straightforward specification of what we desire. No representative of New South Wales can find cause of resentment in the fact that we make plain our wishes to the Government, who, as the representatives of the Commonwealth, must have bargaining in this matter with the Government of New South Wales. It is a matter in which, except so far as the transfer of the property is concerned, the other States are as much interested as is the State of New South Wales. I venture to think that it would be a disaster if an area smaller than 1,000 square miles were accepted. What man amongst us if, in a private transaction, he strongly desired certain conditions, would not instruct his agent to obtain them? The amendment is only an instruction to our agents, the Government. I hope that we shall declare with no uncertain voice what we want, and make the determination of the site absolutely subject to the conditions that the territory shall not be less than a certain area, and that it shall have a

river frontage, both to be subsequently approved by Parliament.

Mr. THOMSON (North Sydney).—I hope that the conciliatory and weighty words of the Prime Minister will receive consideration from the Committee. It is well known that the site selected is not that which I supported; but I consider myself bound to submit to the decision arrived at. I never anticipated, however, that in voting for a particular site we should be taken as outlining the area, even to the extent of saying that it should have a frontage to a certain river.

Mr. CROUCH.—It was a promise made by the Minister for Trade and Customs that induced a number of honorable members to vote for Tumut.

Mr. THOMSON.—I do not know what induced the honorable and learned member to vote for Tumut. The Bill is a Government measure, and I shall be very much astonished if the Government will permit an alteration of the character proposed.

Mr. McDONALD.—The Bill, as introduced, with a blank for the name of a site, was merely so much waste paper.

Mr. THOMSON.—The Bill, as introduced, provided that the seat of government should be at or near a site to be fixed upon by the House. The words "at or near" allow considerable latitude.

Sir JOHN FORREST.—What latitude would the honorable member give?

Mr. THOMSON.—A sufficient latitude to enable us to acquire, if necessary, land of the altitude the Minister spoke of.

Sir JOHN FORREST.—That may mean an extension of only two or three miles.

Mr. McCAY.—I take it that "at or near" Tumut means nearer Tumut than any other site.

Mr. THOMSON.—Is it not a fact that every proposition of the Government in regard to this matter will have to come before Parliament? Why, therefore, should we at this stage come to a decision upon a matter in regard to which we have not sufficient information? I do not necessarily object to an area of 1,000 square miles, but there is no virtue in an area of either 100 or 1,000 square miles, so far as the mere figures are concerned. It may be found that for certain reasons a lesser or larger area than 1,000 square miles is desirable. I know that the amendment does not bind us to 1,000 square miles, because it says "not less than

1,000 square miles." The actual area of the territory, however, is a matter which can be determined only after the site has been surveyed, and we have the fullest information in regard to it. We have not obtained that information. It is not necessary for us to cast any reflection upon the Parliament of New South Wales, or to create indignation among the people of that State. We should not accomplish anything by means of the amendment that could not be as well done without it.

Mr. KINGSTON.—Without it we should give *carte blanche* in regard to the determination for ever of the area of Federal territory and precise position of the Federal Capital.

Mr. THOMSON.—The right honorable and learned gentleman must know that we shall have an opportunity to express our approval or otherwise of the area proposed to be embraced within the Federal territory and of the exact position chosen for the erection of the Federal Capital.

Mr. KINGSTON.—If we determine the site unconditionally we shall have no opportunity to make a change.

Mr. THOMSON.—We shall determine nothing of the sort.

Mr. KINGSTON.—We desire to determine the site, subject to our being able to acquire a desirable area. If we pass a Bill determining the site unconditionally, we shall never be able to turn back.

Mr. THOMSON.—If we fixed the area of the Federal territory at 100 square miles or 1,000 square miles, we should not affect the site. Until Parliament determines where the site is to be, and also the area of the Federal territory, there can be neither site nor territory.

Mr. KINGSTON.—If we determine unconditionally that the site shall be located at or near Tumut we cannot alter it.

Mr. THOMSON.—I see now the object of the right honorable and learned gentleman. He desires that we should have liberty, even after fixing on the district in which the Federal Capital shall be, to range over the whole of New South Wales. I never anticipated that.

Mr. KINGSTON.—The honorable member is wrong in anticipating it now. If we cannot secure a suitable area I desire that we should not be tied down to Tumut.

Mr. THOMSON.—I understand the right honorable gentleman to mean that if we cannot secure a sufficient area in the Tumut

district, the hands of Parliament shall not be tied to Tumut, but that it shall be free to select some other part of New South Wales.

Mr. KINGSTON.—Exactly.

Mr. THOMSON.—It would still be necessary to obtain the consent of the New South Wales Parliament to grant us the area required, or the land would have to be resumed. Therefore we should be no better off than at Tumut.

Mr. A. McLEAN.—It might not be necessary to acquire such a large area elsewhere. That would depend upon circumstances.

Mr. THOMSON.—Exactly. We are not in possession of sufficient particulars to enable us to judge as to the requirements at Tumut or elsewhere. In the meantime, there is no necessity for us to cast reflections upon New South Wales, which, as the Prime Minister admits, has always dealt honorably and liberally with the Commonwealth. By adopting the amendment, we should run the risk of creating indignation on the part of the Parliament and the people of New South Wales when there is no necessity to do so. We could exercise our powers to the fullest extent without inserting one word in the Bill with regard to the area of the Federal territory. I trust, therefore, that full weight will be attached to the words of the Prime Minister, and that we shall not throw any combustible matter into the arena at this stage.

Mr. FOWLER (Perth).—After the Prime Minister and the leader of the Opposition have put forth their best efforts to convince honorable members that a certain course is the proper one to adopt, it may seem somewhat ungracious on my part to say that although I listened to them very carefully they have utterly failed to show that the amendment is unnecessary, or that it would involve any discourtesy to the Government of New South Wales. I am one of the last to do anything calculated to create friction with New South Wales, and I am quite at a loss to conceive how any member of the New South Wales Legislature could be annoyed or hurt by our expressing in a straightforward way our ideas regarding the conditions which are essential to the establishment of the Federal Capital. The leader of the Opposition impressed upon us the necessity of adopting diplomatic methods, but, to my mind, he was very unfortunate in such a reference. According to my reading of history, the dark and devious methods

of diplomacy have created many troubles which would have been averted by a plain and straightforward statement of the facts. I started out with a very high ideal regarding the Federal territory, and I am sorry to have to confess that I have met with some disappointments. We are gradually detracting very seriously from the advantages that many of us hoped would be secured by the establishment of the capital. I believe that an area of at least 1,000 square miles is indispensable to the future welfare and development of the Federal territory. If we could not secure that area, I should prefer to allow the whole matter to remain in abeyance until there is some further access of that Federal spirit which has been so deplorably weak in our discussions up to the present. I shall support the amendment.

Mr. EWING (Richmond).—After all, there is no difference in principle between honorable members on opposite sides in regard to this question. We all desire a worthy site for the Federal Capital, and a sufficient Federal area. The question, however, is whether, in commencing negotiations, we should approach the other party with a hatchet or an olive branch, whether we should use vitriol or sweet oil. I am inclined to believe that sweet oil proves more satisfactory as a rule. I fought as hard as I could to provide for an extended area, in order that we should not be tied down to any special site. I protested against being limited to a particular spot in the vicinity of a particular country town. Perhaps the honorable member for Gippsland is right when he urges that the Federal territory should have a frontage to the great Murray River. It may prove, however, after investigation, that we shall not require the land adjacent to the Murray. If that be so, why should we complicate the early negotiations by giving that condition a prominent place? If we found that the best available land were to be found south of Tumut we should have the power to acquire it. My knowledge of the Upper Murray is gained only from hearsay, and in that respect I think most other honorable members are in the same position. Perhaps the possession of Federal territory abutting on that great line of water communication extending into South Australia may not be attended with so much advantage as would now appear probable. Therefore, I think that we should leave the matter perfectly open, and that we should not

complicate matters by preferring any demand for land which may not be required.

Mr. E. SOLOMON (Fremantle). — It seems to me that a great deal too much is being made of this matter. There is no doubt that we shall require a large area, and the advantage of making our requirements known at the earliest possible moment should be perfectly clear to all honorable members. We should state exactly what we require and leave no room for doubt in the minds of the people of New South Wales as to the conditions which we regard as essential for the successful establishment of the Federal Capital. I think it is desirable that we should, if possible, secure a river frontage, which might, in the future, compensate us to some extent for the want of a harbor within the Federal territory. My own idea is that we must look to the future. It behoves us, therefore, to secure as much territory as we possibly can, because, as time goes on, and the city develops, the land will increase in value. Consequently great difficulty will be experienced in increasing the area in the future. It has been said that the better the quality of the land the more advantageous will it be to the Commonwealth. I think that that is so. If we secure good land, and subdivide it into small areas which can be profitably leased, the development must necessarily be greater. Concerning Tumut, I desire to refer to the evidence of Mr. Walter Campbell, the Director of Agriculture in New South Wales, who, in speaking of that site, says:—

Taking the town of Tumut as a centre, a radius of fifty miles would include a considerable area of land suitable for the production of wheat of high quality. This area would extend to Wagga on the west, Cootamundra on the north, within a few miles of Queanbeyan on the east, and some miles beyond Tumberumba to the south, and embrace a great variety of soils, situations, and climates. It is well watered with permanent streams, and should irrigation be desirable at any time, suitable places are abundant.

If land of that description is available within a reasonable distance of the site, I think that the Commonwealth Government should acquire it. I shall, therefore, support the proposal of the honorable member for Kennedy, believing that it is far better that we should definitely state our wishes at once, than that we should dilly-dally over the matter.

Mr. CROUCH (Corio). — I intend to support this clause, although I think that the honorable member for Kennedy would

have acted wisely by accepting a modification of it. Personally, I am of opinion that the new clause, of which I gave notice the other day, would have achieved the same purpose better. It reads—

This Act shall not come into operation until the State of New South Wales shall have granted to the Commonwealth an area for the seat of government containing not less than 1,000 square miles; and such portion thereof as shall consist of Crown lands without any payment therefor.

The Prime Minister has appealed to us to allow this matter to remain the subject of negotiation between the Commonwealth Government and the Government of New South Wales. I hold, however, that it is only right that we should definitely declare our intentions at once. The Federal Capital is to be established at Tumut, but only upon certain terms. We desire 1,000 square miles as Federal territory, and we wish that territory extended to the Murray. If I find that the promise which was made by the Minister for Trade and Customs is not to be redeemed, and that we are to be denied a frontage to the Murray, I shall feel absolved from any obligation to vote for Tumut in the future. There is no doubt that the plan of the tract of country which he placed before the honorable member for Grampians induced a great many honorable members to support that site. I hold that the conditions under which we agreed to select Tumut should be clearly expressed in this Bill as a part of the bargain. Only the other day the ex-Prime Minister declared that he had had a conversation with the Premier of New South Wales regarding the selection of the Federal Capital site. Upon that occasion he assured us that the New South Wales Premier was quite willing to transfer to the Commonwealth 100 square miles—the minimum area which is prescribed by the Constitution. That fact clearly indicates that, unless the Government approach the New South Wales authorities with a request for a larger area, we shall have to be content with the minimum. Of course the question of whether we are to secure 100 or 1,000 square miles touches very closely the matter of cost. I venture to say that if the people of Australia have to pronounce upon this question at the approaching elections, they will be simply overwhelmed by the knowledge that the establishment of the Federal Capital will involve an expenditure of millions of

money, and that is the reason why I am against this Capital being established for some time to come. When we inform them that we have selected the site of the future seat of government, and that the erection of the Capital will cost at least £10,000,000, they will stand aghast. Of course, if we secure the transfer of 1,000 square miles of territory, there will be some slight justification for that expenditure, inasmuch as we shall be able to lease more land than would be possible if we acquired only 100 square miles. I trust that a subsequent amendment will be submitted with a view to limit the cost of this project to £500,000, which was the amount mentioned by the ex-Prime Minister to a deputation which waited upon him from the Maffra Shire Council. Personally, I contend that the expenditure will reach £10,000,000.

Mr. JOSEPH COOK.—Say £20,000,000 at once.

Mr. CROUCH.—If I did say so, possibly I should be more nearly correct. In the course of his remarks, the honorable member for Macquarie stated distinctly that there was nothing in the Constitution to limit the cost of this undertaking—nothing to prevent the Commonwealth from spending £10,000,000 in that direction.

Mr. SYDNEY SMITH.—I look upon the utterances of the honorable and learned member as a joke.

Mr. CROUCH.—The cost is too serious, and the necessity for economy too great to be the subject of joke. Ten millions may be a joke to the Sydney people; but Australia is not in a position to bear that enormous outlay at the present time. It is just as well to let the people of New South Wales know that their share of the interest upon that amount will represent £100,000 annually. I am very glad that the honorable member for Kennedy has submitted this proposal. I trust that it will be followed by another which will insist upon the Government of New South Wales transferring to the Commonwealth, free of charge, every acre of Crown lands within the Federal territory.

Mr. HENRY WILLIS (Robertson).—I am entirely opposed to the proposal of the honorable member for Kennedy. The amendment, which has been submitted by the honorable and learned member for Corinella, does not alter the substance of that proposal in the slightest degree.

Mr. CROUCH.—What does the honorable member think should be the minimum cost?

Mr. HENRY WILLIS.—The honorable and learned member thinks that the cost will be something like £10,000,000. He stated that if we secured a territory of 1,000 square miles from New South Wales—an area to which I do not think we are entitled—we should be able to recoup that expenditure at the cost of the State.

Mr. WATSON.—Not at the cost of the State.

Mr. HENRY WILLIS.—That is really the effect of the statement made by the honorable and learned member. The honorable member for Bland said that if we acquired an area of 1,000 square miles, taking in Tarcutta, which borders on his electorate, and running away down to the Murray, we should develop closer settlement within the Federal area. I do not object to the honorable member's views as to settlement, but I reserve to myself the right to combat his contention in favour of the resumption of so extensive a territory. If we take over that large area of land, carrying an industrious population, and comprising, as it does, some very rich country, New South Wales will suffer the loss of the taxable value of that land.

Mr. WATSON.—It is not worth much at present, because it has never been developed.

Mr. HENRY WILLIS.—In the Tarcutta district there is land valued at £100 per acre.

Mr. WATSON.—Tarcutta is not on the route from Tumut to the Murray.

Mr. HENRY WILLIS.—It lies between the honorable member's electorate and Adelong.

Mr. WATSON.—My electorate is not in question. I said that the territory should extend in a southerly direction towards the Murray.

Mr. HENRY WILLIS.—I thought the honorable member suggested that it should extend towards the north.

Mr. WATSON.—No.

Mr. HENRY WILLIS.—If we extended the territory towards the Murray, we should take in a lot of rich and closely-settled country adjacent to the Tumut site, and it is for that reason that the honorable member thinks we should acquire an area of 1,000 square miles. The loss of the taxable value of that land would be a very serious one to New South Wales.



Mr. WINTER COOKE.—The area is not very great, and the loss to New South Wales would not be serious.

Mr. HENRY WILLIS.—It represents an area equal to more than a third of the county of Cumberland, in which the city of Sydney is situate, and its agricultural lands are far superior to the whole of the agricultural country in that county. There will be a large population within this area, and, I take it, that the Customs revenue derived by way of duties on the goods consumed within the territory would go the Commonwealth. Thus New South Wales would, in that way, sustain another distinct loss. There is a section in the Constitution, however, under which it would not be possible for the Commonwealth to take over this area without the consent of the State Parliament. On the 20th July, 1901, the late Prime Minister, speaking in this House, declared—

This territory is no doubt to be ultimately selected by the Federal Parliament from such land as shall be offered to it by New South Wales. I think the Constitution itself contemplates that the offer shall be made under any circumstances by New South Wales, and any action beyond the acceptance of one of the offers made is not intended to be undertaken by the Commonwealth, except as a last resource. That I feel secure about. Section 125 of the Constitution provides that—

The seat of government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth.

The words "shall have been" have a meaning, and the late Prime Minister has declared that the interpretation to be placed upon them is that the territory must first of all have been offered to us by the Parliament of New South Wales.

Mr. McCAY.—Or acquired by the Parliament of the Commonwealth.

Mr. HENRY WILLIS.—It can be acquired by the Parliament of the Commonwealth only when it has been granted by the State of New South Wales.

Mr. WATSON.—Who says so?

Mr. HENRY WILLIS.—We can, by resolution, acquire territory granted to us.

Mr. WATSON.—And territory that is not granted to us.

Mr. HENRY WILLIS.—The honorable member will find that the opinion of lawyers all over Australia differs from the view enunciated by him.

Mr. WATSON.—The leading lawyers in this House favour it.

Mr. HENRY WILLIS.—The leader of the Opposition in the Parliament of New South Wales, Mr. Carruthers, who is a lawyer, and a very shrewd one, shares the view expressed by the late Prime Minister. Sir John See, Premier of New South Wales, has requested the Attorney-General of the State to furnish him with an opinion on the question, and I may state that the honorable and learned member for South Australia, Mr. Glynn, and the honorable and learned member for Parkes, agree with the reading of the section which I have put before the Committee. They hold the view that the territory must be granted by the Parliament of New South Wales before it can be acquired by the Commonwealth.

Mr. McCAY.—The honorable member does not mean to say that any one of those lawyers has expressed that opinion?

Mr. HENRY WILLIS.—The same opinion has been expressed by the late Prime Minister. Any honorable member who turns to the *Hansard* report of the proceedings of this House on the 20th July, 1901, will find that Sir Edmund Barton made the statement which I have just quoted.

Mr. WATSON.—He said more than that.

Mr. HENRY WILLIS.—I do not intend merely for the sake of gratifying the desire of those who wish to stonewall this measure to again read the quotation. There is very little likelihood of the New South Wales Parliament offering to give us 1,000 square miles of territory when such an extensive area is not absolutely necessary for our requirements. I believe that so extensive an area is unnecessary, and that if we expend £500,000 on the Capital, the Commonwealth will secure the unearned increment of the land within the territory. For these reasons I shall oppose the amendment, which, I know, is intended to be an intimation to the Parliament of New South Wales of the views held by honorable members. The Prime Minister stated before the luncheon adjournment that the House was almost unanimously of opinion that we should acquire an area of 1,000 square miles, but I think it will be found when we go to a division that a number of honorable members agree with me that such an area is not required.

Mr. WINTER COOKE (Wannon).—I understand that the proposal immediately before the Committee is that the amendment be amended by substituting the word

"should" for the word "shall." I favour that proposal. Those who are most likely to know what the effect of the use of the word "shall" in this provision would be upon the Parliament of New South Wales desire that the change shall be made, and in these circumstances it is idle for other honorable members to say that the use of the word "shall" would not cause irritation. We must all know from our experience in ordinary business dealings, and from our reading of history, that at times the use of the wrong word has involved trouble. I may be permitted, perhaps, to cite, as an illustration, an experience of my own which caused considerable pain. A telegram was sent to me intimating that a relation was dying, and at the same time a message was sent to the local postmaster to forward it to my address some two and a half miles distant from the post-office. The postmaster, however, declined to comply with that request because the word "please" was omitted, and the result was that the delivery of the telegram was delayed. It is now proposed that we shall use a word in this measure which may cause irritation to New South Wales. I say, avoid such a word. We still retain, as the Prime Minister has pointed out, a reserve power under section 125 of the Constitution. Of course, the right honorable member for South Australia prefers to be rather *fortiter in re* than *suaviter in modo*. He is strong in action, but he is not altogether suave in manner. I am in favour of having the larger area, but I certainly think that we should use the word "should" instead of the word "shall."

Question—That the word "shall," proposed to be omitted, stand part of the amendment—put. The Committee divided.

Ayes	...	...	...	17
Noes	...	...	...	35
				—
Majority	...	...	...	18

#### AYES.

Batchelor, E. L.  
Crouch, R. A.  
Fisher, A.  
Fowler, J. M.  
Kingston, C. C.  
Kirwan, J. W.  
Mauger, S.  
McDonald, C.  
McLean, A.

O'Malley, K.  
Quick, Sir J.  
Ronald, J. B.  
Solomon, E.  
Tudor, F.  
Wilkinson, J.  
*Tellers.*  
Cook, J. H.  
Salmon, C. C.

#### NOES.

Bonython, Sir J. L.  
Brown, T.  
Chapman, A.  
Clarke, F.  
Conroy, A. H.  
Cook, J.  
Cooke, S. W.  
Deakin, A.  
Edwards, G. B.  
Ewing, T. T.  
Forrest, Sir J.  
Groom, L. E.  
Hartnoll, W.  
Hughes, W. M.  
Knox, W.  
Lyne, Sir W. J.  
Macdonald-Paterson, T.  
Mahon, H.

Manifold, J. C.  
McCay, J. W.  
McLean, F. E.  
McMillan, Sir W.  
Paterson, A.  
Sawers, W. B. S. C.  
Skene, T.  
Smith, B.  
Smith, S.  
Spence, W. G.  
Thomas, J.  
Turner, Sir G.  
Watkins, D.  
Watson, J. C.  
Willis, H.  
*Tellers.*  
Fuller, G. W.  
Wilks, W. H.

Question so resolved in the negative.

Amendment agreed to.

Mr. SKENE (Grampians).—I move—

That the amendment be amended by the insertion, after the word "should," of the words "extend to the River Murray, and"

The amendment will then read—

The territory granted to or acquired by the Commonwealth within which the seat of government shall be should extend to the River Murray, and should contain an area of not less than 1,000 square miles.

I should not trouble the Committee with this subject to-day were it not that the reasons for which I advocate the extension of the Federal territory to the Murray have not yet been stated as I wish them to be. I pointed out on a former occasion that if the Federal territory is completely within the State of New South Wales, a difficulty may in future arise with respect to railway communication.

Mr. CONROY.—The Constitution provides that trade and intercourse between the States shall be absolutely free.

Mr. SKENE.—The opinion of the honorable and learned member for Northern Melbourne is that the Inter-State Commission, when appointed, will have great difficulty in dealing with this question, because of the requirement of section 102 of the Constitution, that regard shall be paid to the financial responsibility incurred by the State in connexion with the construction and maintenance of its railways. I understand that it has been suggested that I have some ulterior motive in moving this amendment, but that is not so. All I ask is that the Commonwealth territory shall extend to the Victorian boundary, so that a railway may be made to it from Victoria direct. The present position of affairs is fairly satisfactory. The site chosen is, under

the circumstances, a reasonable compromise. It is more nearly equi-distant from Sydney and Melbourne than any other we could have chosen, the difference in favour of Sydney being only seventy-one miles. The distance from Sydney to the Federal Capital might be shortened very much by constructing a line from Yass to Tumut. A proposal has been made for the construction of such a railway, but the honorable and learned member for Werriwa, who knows the country, says that there are engineering difficulties in the way.

Mr. CONROY.—I say that it would be practically impossible to construct a railway between Yass and Tumut, but that a line might be built from Bowning to Tumut.

Mr. SKENE.—Of course, we cannot discuss this matter with any accuracy at this stage. If, however, a line were constructed from Bowning to Tumut, the people of Victoria would be placed at a great disadvantage, because they would have to travel a much greater distance than if a line were constructed from Albury to Tumut. We should, therefore, be entirely at the mercy of New South Wales. If, however, the Federal territory extended to the River Murray in the form of a strip, say fifty miles long by twenty miles wide, a line might be constructed from the Victorian border at Tallangatta, through Federal territory to the capital. I do not, for a moment, suggest that the capital should be built upon the banks of the Murray, because such a situation would probably prove as undesirable as Albury, from the point of view of climate. Moreover, such a site would be open to the objection that the benefit of the unearned increment imparted to the land in the vicinity of the capital, would be shared, to a large extent, by the property owners on the Victorian side, beyond the Federal area. I quite agree with the Minister for Home Affairs, that the capital should be located at an altitude of at least 1,500 or 1,600 feet, and there is no reason why that idea should not be carried out. We should include within the Federal territory the best place for crossing the Murray by rail, and the country most favourable for railway construction. There are high ranges lying between the Murray and Tumut, and the capital will probably be erected either upon the slopes towards the Murray or upon those on the Tumut side. The Batlow slopes, near

Tumut, would probably furnish the best site, and there seems to be no reason why a water supply by gravitation should not be provided there, even if the capital were built at a considerable altitude in that portion of the district. I do not wish to interfere in any way with the selection of the site. I would point out that if a strip of country such as I suggest were acquired by the Commonwealth, and the capital were situated in the middle, it would be ten miles from the boundary on either side, and, therefore, as far removed from the State territory as if it were fixed in the centre of a block containing 200 square miles. Moreover, if a railway were constructed from the Murray to the capital, it would serve the requirements of the whole of the settlers in the Federal territory, and would enable them to provide any necessary supplies for the capital. My sole object is to secure access to the Federal site from Victoria by means of railway communication, apart from any works which the New South Wales Government may see fit to carry out. The people of Victoria should not be shut out from the Federal territory, or be subjected to the difficulties which still arise in connexion with Inter-State trade, and which represent a partial survival of the old cut-throat policy.

Mr. WATSON (Bland).—It is desirable for many reasons that the proposal of the honorable member for Kennedy should be submitted separately, and, perhaps, it would serve the purpose of the honorable member for Grampians if he were to move his amendment in the form of an addition to the main amendment.

Mr. SKENE (Grampians).—I do not wish to complicate matters, and I am, therefore, willing to adopt the suggestion. In the meantime, I desire to withdraw my amendment.

Amendment of the amendment, by leave, withdrawn.

Amendment, as amended, agreed to.

Amendment (by Mr. SKENE) put—

That the following words be added “ and shall extend to the River Murray.”

The Committee divided.

Ayes	...	...	...	30
Noes	...	...	...	19
				—
Majority	...	...	...	11

## AYES.

Batchelor, E. L.  
 Bonython, Sir L.  
 Chapman, A.  
 Cook, J. H.  
 Cooke, S. W.  
 Crouch, R. A.  
 Deakin, A.  
 Ewing, T. T.  
 Fisher, A.  
 Forrest, Sir J.  
 Kingston, C. C.  
 Lyne, Sir W. J.  
 Macdonald-Paterson, T.  
 Mahon, H.  
 Manifold, J. C.  
 Mauger, S.

McDonald, C.  
 McEacharn, Sir M.  
 McLean, A.  
 O'Malley, K.  
 Quick, Sir J.  
 Sawers, W. B. S. C.  
 Skene, T.  
 Solomon, E.  
 Tudor, F. G.  
 Turner, Sir G.  
 Watson, J. C.  
 Wilkinson, J.

## Tellers.

McCay, J. W.  
 Salmon, C. C.

## NOES.

Brown, T.  
 Clarke, F.  
 Conroy, A. H.  
 Cook, J.  
 Edwards, R.  
 Groom, L. E.  
 Hartnoll, W.  
 Hughes, W. M.  
 Kirwan, J. W.  
 McLean, F. E.

McMillan, Sir W.  
 Paterson, A.  
 Smith, B.  
 Spence, W. G.  
 Thomson, D.  
 Watkins, D.  
 Willis, H.

## Tellers.

Fuller, G. W.  
 Smith, S.

## PAIR.

Knox, W.

Wilks, W. H.

Question so resolved in the affirmative.

Amendment agreed to.

Mr. BROWN (Canobolas).—I feel very dissatisfied with the turn which events have taken as the result of the last division. I am strongly of opinion that there ought to be a decent-sized area of Federal territory.

The CHAIRMAN.—The honorable member cannot reopen that question after it has been decided by the Committee.

Mr. BROWN.—I simply wish to enter my protest against what has been done. Had I thought that the Government would accept the amendment—

The CHAIRMAN.—I am sorry to interrupt the honorable member, but he must not discuss that matter.

Mr. BROWN.—Then I move as a further amendment—

That the following words be added, "and the River Murrumbidgee."

The argument has been put forward that it is necessary to have a river frontage to the Federal area, but the honorable member for Gippsland, and others who take that view, seem to have overlooked the fact that to the north of Tumut—though it may be a misfortune that it is to the north—there is the Murrumbidgee, a better and far more imposing river than the Murray in the south. If it is all important that there should be a river frontage, why should the

Murrumbidgee be overlooked? Is the fact that the Murrumbidgee is to the north, a strong and sufficient reason for its exclusion?

Mr. CONROY (Werriwa).—I have an amendment to move upon that submitted by the honorable member for Canobolas. I move—

That the amendment be amended by the addition after the word "Murrumbidgee" of the words "and to the Tweed River on the north."

Mr. TUDOR.—And eastward to the Pacific.

Mr. CONROY.—We might just as well say that the territory should extend eastward to the Pacific.

The CHAIRMAN.—I cannot accept the amendment.

Sir WILLIAM McMILLAN (Wentworth).—I think the sense of the Committee was in favour of not tying the hands of those who will in future have to determine the exact site of the capital and the exact features of the territory. It will be, we may say, a territory in the centre of Australia, governed under the Commonwealth and not interfering with any other part of Australia, and, all things being equal, I say that this territory ought to be as compact as possible. But what is the amendment which has been carried? This is gerrymandering run mad. It is very unwise that a sensible body of men should seek to impose a hard-and-fast condition in this Bill governing the outlines of the Federal territory simply in order to gain a certain object which is not important after all.

Mr. SAWERS.—What is the object?

Sir WILLIAM McMILLAN.—The object has been defined in the speeches of those who have advocated the amendment which has been agreed to, and it is not necessary that I should again define it. I say that it is a tremendous mistake that at this stage of our proceedings, before we have negotiated with New South Wales for a territory in excess of 100 square miles, we should attempt to fix arbitrarily the lines which the proposed extension of territory should take. The proposal of the honorable member for Werriwa is, of course, but a *reductio ad absurdum*.

Mr. CONROY.—Made to show the folly of the other proposal.

Sir WILLIAM McMILLAN.—Unfortunately, I did not hear all the arguments used in support of the amendment to

which the Committee has agreed; but I can conceive of nothing worse than that we should have a long, straggling territory in the middle of New South Wales, along whose borders certain rights may have been acquired which cannot be abrogated, instead of a compact Federal territory. The amendment has been passed, and I presume that the Bill is not likely to be recommitted. But I doubt very much whether, seeing that we shall shortly separate, and after the excitement of the ballot, honorable members are in a temper to seriously decide this question at the present time. I have no desire that the Bill should be delayed; but I do think that it would be better to postpone the completion of our work upon it until next week, if possible, rather than that proposals which are sprung upon honorable members, so far as I know without any notice, and which are an infringement of the decision come to by the Committee last night, should be hurriedly agreed to.

Mr. SYDNEY SMITH.—And proposals which the Committee refused to accept before.

Sir WILLIAM McMILLAN.—What is it proposed that we should do? The very lowest votes polled last night were those given in favour of Albury; and yet honorable members now desire to drag this Federal territory again into Albury. Surely that is a breach of faith, and is against common sense?

The CHAIRMAN.—I remind the honorable member that the question before the Chair is, that the words "and the River Murrumbidgee" be added.

Sir WILLIAM McMILLAN.—The same arguments will apply to the proposed extension to the Murrumbidgee, and to any other definite and drastic proposal discussed by the Committee without a complete knowledge of the situation. It is far better that these matters should be left for consideration in another Bill. I take it that the position we are in is this: According to the Constitution there is no doubt of our right to negotiate for 100 square miles of territory. This Committee has taken it upon itself to decide that there shall be a Federal territory of 1,000 square miles. That decision must involve very serious and important negotiations with the people of New South Wales; and the result of those negotiations will have to be referred to the Federal Parliament. No doubt, legislation will then take place, and that will be the fitting time

at which to raise the question as to the trend of the boundaries of the Federal territory. I think that any proposal of this kind made at the present time must be premature, and should not be entertained.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—Speaking on the amendment proposed adding the words "and the River Murrumbidgee," I may perhaps be permitted to say that I had the misfortune to be out of the chamber when the discussion was proceeding on the prior proposal.

Mr. HENRY WILLIS.—The honorable and learned gentleman supported it.

Mr. DEAKIN.—I had the misfortune to be out of the chamber at the time, but understood that my honorable colleague who was in charge would have addressed the Committee in regard to it.

Mr. O'MALLEY.—The honorable gentleman spoke well.

Mr. DEAKIN.—I am informed that he did not speak upon the amendment at all.

Mr. A. MCLEAN.—Silence is sometimes eloquent.

Mr. DEAKIN.—I understand that he had also the misfortune to be called out for a moment. When I returned I found that a division was being taken upon an amendment. Had I been here, I certainly should have asked that such an amendment should not be put to the Committee. Honorable members having made the initial error of introducing into legislation intended only for the selection of the capital site, a clause suggesting a minimum area for its territory, and the Committee having adopted that suggestion, when I was called upon to make my decision under these circumstances, I voted for the last proposal. It is one which is as worthy of consideration as the other. It amounts to nothing more than another recommendation. It is nothing more than a suggestion of something which the Government are called upon to endeavour to obtain. Having unnecessarily put in one suggestion of the kind, we might just as well put in a third, and a fourth. As I protested before against the introduction of any suggestion with respect to the area of the territory, so I should have protested against this second suggestion. What has been done does not affect the decision arrived at last night in relation to the site. That is a decision which nothing since done can alter. The proposal which has been agreed to cannot remove the site of the capital a single

inch from where the Committee last night decided that it should be. The subsequent amendments only relate to the territory around the site. But even as such, the last amendment is as mischievous as the first. It will only serve to render the task of dealing with New South Wales more difficult. Whatever merits there may be in the last proposal it should not have been put into the Bill. The whole fault lies, if I may be permitted to say so, in the endeavour to put into this Bill suggestions with regard to the Federal territory, whereas we should have concentrated our attention upon what the Bill was introduced to deal with, and that is the selection of the site. We have fixed the site at or near Tumut, and to add that the Federal territory shall reach to the Murray is no more called for than to say that it shall reach to the Murrumbidgee or anywhere else.

Mr. CROUCH.—Not at all. The last amendment is an absurd proposal, and there were arguments in favour of the first amendment.

Mr. DEAKIN.—I was not present then, and am not acquainted with the arguments advanced.

Mr. CROUCH.—Because the honorable and learned gentleman did not know of them is no reason for saying that other honorable members know nothing of them.

Mr. DEAKIN.—I do not intend to say that, and hope I did not say it. All that we ought to do in this Bill is to say that the capital site shall be at or near Tumut. To suggest at this stage that the Federal territory shall be of any particular shape, size, or frontage is to make a premature proposal which can have no legislative effect. I am sorry the Committee has agreed to the amendment, but, as I have explained, when called upon to give a vote, I felt that if we are to make suggestions with respect to the Federal territory, this suggestion was one which might be considered as well as others.

Mr. WILKS.—We can strike out the clause as amended.

Mr. DEAKIN.—It is true that the clause requires to be put as amended, but it includes the choice of Tumut. We must retain that; but all the attached suggestions can be taken as directed to be considered. Perhaps the better method of dealing with the difficulty now will be for the Government to take the sense of the Committee as ascertained by the amendments which have

been agreed to without carrying any specific mention of them into the clause. They ought all of them to be left out of this Bill.

Mr. BRUCE SMITH (Parkes).—I think that the difficulty may be got over by what is proposed to be done subsequently. There is in the Committee at the present time, especially on the part of New South Wales members, a feeling that the Victorian members are desirous, by taking the Federal territory down to the Murray, to draw the capital site down to the Murray. I am merely saying that that is the feeling. I am not approving of it; I do not justify it, because I know that the Victorian members have no such desire. The difficulty will be overcome by an amendment which the Minister for Home Affairs intends to move, and which will get rid of that suspicion. The amendment, if accepted, will give expression to the opinion of the Committee that the capital should be within 25 miles from Tumut, and at a minimum height of 1,500 feet above sea level. If the suspicion to which I have referred exists, as we know it does, and it will be overcome by this amendment, there should be no objection to it. The New South Wales people may be asked to say—"We will let the Federal territory be extended to the Murray, so that the Victorian people may have railway communication from Tallangatta across the Murray through the intervening territory to Tumut, and so save a journey of, say, two or three hours." No New South Wales member, who has the true Federal spirit, can object for a moment to the territory being carried in that direction. Two reasons have been given why the territory should run down to the Murray. One is that a railway from Victoria may be constructed through the territory to the capital, so as to save considerable trouble to the Victorian people. Another reason given by the honorable member for Gippsland is that it is of the highest importance that the Federal territory should have a frontage to a river. I think it is universally admitted that the Murrumbidgee is a better, a fuller, and a finer river than the Murray at the point at which it would be touched, and, therefore, those honorable members who voted for the territory running to the Murray can have no objection to its also running to the Murrumbidgee; so that it may have two river frontages. Of course, it may have to be a little narrower, in order that it may be a

little longer. It will have to be narrower so as not to cover a larger area. But the amendment will have this advantage: that in treating this clause as an expression of the opinion of the Federal Parliament, the Parliament of New South Wales will see that the object of the Commonwealth Parliament is not merely to obtain a Victorian advantage, but to improve the Federal territory on both sides, north and south, by river frontages; and that it is not intended to bring the Federal city down to the River Murray, or to put it near Albury, which has been rejected. That being so we are all of one mind.

Sir JOHN FORREST.—It will make the territory very narrow.

Mr. BRUCE SMITH.—The territory will, under the amendment as agreed to, have to be about 20 miles wide by about 50 miles long. I am told by people who know—I do not profess to know myself—that it is something like 20 miles from the Murrumbidgee. It means, therefore, that the territory will run north 20 miles, and south 50 miles; that will be 70 miles. It will be narrowed by being lengthened, but still it will be 14 miles wide. After all, we do not know yet with any degree of certainty that the New South Wales Parliament will be prepared to give us that extent of territory; but, at all events, there will be a greater chance of our getting it, or the larger part of it, from the fact that the New South Wales people will see that our object is not merely to get to the Murray, but to get to two river frontages. They will also have the assurance, from the amendment which the Minister for Home Affairs intends to propose, that our object is not to drag down the capital, so as to put it in the same latitude as Albury, but to keep it up and also to insure that it shall be within 25 miles from Tumut itself. Therefore, I do not regret that an amendment has been carried increasing the area of the territory, because if the amendment to be moved by the Minister for Home Affairs is agreed to, as I believe it will be, I have confidence that every one will be satisfied.

Mr. CONROY (Werriwa).—I have suggested that the Tweed River should be one of the limits of the territory, because it is on the Queensland border. Do not let us make any mistake about this matter. We are trying to do something which we cannot do, and, therefore, we are absolutely destroying any chance of the capital being

selected, and are indirectly nullifying the vote which we gave yesterday. Honorable members have only to wait until next week to see that what I say is correct. Not to mention what will be done in the other House, we know very well what will be the result in the Parliament of New South Wales. Do not let us be under any misapprehension. Let us do this business properly or not at all. I protest against the amendment of the Minister for Home Affairs being brought forward. We have voted upon the Bill by an exhaustive ballot, and the word Tumut has been inserted.

Mr. WATSON.—The honorable and learned member himself wanted to mention a district.

Mr. CONROY.—Because I saw part of the difficulty which might arise. But the position now is that we have chosen a place that is nearly 60 miles away from the main railway line. I am not going into the question of climate, although I think that a mistake has been made in regard to that. Now we propose to locate the capital about 80 or 90 miles from the main line. Will those who supported the Tumut site, under the former circumstances, be prepared to vote for it now? I do not think so. Furthermore, I do not think that the suggested amendment comes within the term used by the Bill, "at or near." I very much question whether we can strictly, by an amendment, practically reverse the decision arrived at by ballot. Therefore, I do not think any alteration should be made. A serious mistake has already been committed. We are nullifying the work of yesterday and last week. In fact, it seems to me that it is not intended to come to any decision at all. I would prefer honorable members to act openly rather than covertly. I very much regret that, before the vote was taken on the proposal to extend the Federal territory to the Murray, not one representative of Victoria rose and pointed out that it was a departure from the agreement which had been arrived at. It seems to me that this matter is resolving itself into a question of rivalry between New South Wales and Victoria. What have the representatives of other States to do with that? We were sent here to select the site which we think will be the most suitable for the Commonwealth; but now it is sought in one way and another, merely to meet the convenience of honorable members, to make suitable, perhaps at some time or other, a place which is

unsuitable. In fact, it has been decided to go away from the main line of communication, and to try to rectify a mistake in an indirect way.

Mr. O'MALLEY.—Does the honorable and learned member claim that the representatives of the other States have no voice in the settlement of this question?

Mr. CONROY.—No. I admit that they ought to have a voice in its settlement, but it is very singular that the representatives of Victoria are not divided in opinion on this point. In New South Wales our whole proceedings will be treated as a farce, and the impression will be formed that there is no intention to carry out the spirit of the Constitution. I can only say that, as a mistake was made in the first instance from my point of view, I shall support the amendment, just to show what I think of the whole business.

Mr. BATCHELOR (South Australia).—I was extremely pleased to hear the remarks of the honorable and learned member for Parkes, because he put the view of most of the supporters of this proposal as well as they could have done. We do not wish to drag the capital site one inch nearer the border than we did by our vote last night. I voted for the Tumut site in the hope that the Federal territory would be extended to the Murray—the only water-way which touches three States—and would be Federal in fact as well as in name. I am equally willing to vote for the amendment to extend the territory to the Murrumbidgee, because, in my opinion, it is an even better proposition than the other. It may result in the Federal territory being a narrower strip than was anticipated, but that, I think, is immaterial. If it were necessary to convince honorable members that there is no intention to take away any advantage which was given to New South Wales by the decision of last night, I am prepared to agree that the capital site should be located even north of the Tumut site. What I wish to secure is that the Federal territory shall extend from the Murrumbidgee to the Murray, and that I think is the view of honorable members generally.

Mr. THOMSON (North Sydney).—I am quite sure that no representative of New South Wales would object to give facilities for railway communication with Victoria from the Tumut site, but, as I said before, this is not the time to enter into those

questions. It looks very bad indeed, when we are dealing with what ought to be a perfectly open measure, to try to get this advantage or the other advantage before the negotiations with New South Wales have been commenced. There is a proper time for taking that course. I, for one, would never act in the dog-in-the-manger fashion of trying to exclude the Victorian representatives from the advantage of having railway communication to the capital site. I think that the best and shortest possible route to Melbourne ought to be adopted. But we ought, first of all, to allow the negotiations to be commenced—the Ministry being apprised fully of the view of the Parliament—and not to try beforehand to secure an advantage for one party, even though it may be the Commonwealth. There will be time enough subsequently to deal with all those questions. The extension of the Federal territory to the Murrumbidgee does not get over the objection to that course. Had the first proposal been for an extension to the Murrumbidgee it would have met with my strong opposition. The matter ought to be left open to negotiation by the Ministry, subject to parliamentary approval. No provision to embarrass the hands of one party or the other should be embodied in this Bill. A fair and proper course of procedure would be far more likely to lead to an amicable settlement. I do not desire any one of these contentious matters to become a fighting question, perhaps in the long run a separation question. The history of the United States shows that such a question might well become a burning one. I am not saying that it will, or that it is my desire that it should, become a burning question.

Mr. MAUGER.—Is it wise to mention it?

Mr. THOMSON.—I think it is. My desire is to prevent any differences from arising. I do not necessarily disapprove of the area which is desired, but I do not see any advantage in inserting the amendment. I do not see why we should tie the hands of the negotiating party in regard to a question which must become a somewhat delicate one in its treatment. I shall certainly vote against the amendment, and if there is to be much more of this kind of manipulation of the measure, it had better be withdrawn.

Mr. WILKS (Dalley).—The Prime Minister has informed the Committee that the clause in the form in which it has



been carried is an absurd one. Personally, I am of opinion that if we hedge round the selection of the site with all sorts of conditions, the New South Wales Parliament will view our action with suspicion, and will be disposed to say, "This has not been done with a view to carry out the constitutional compact." In my judgment the clause in its original form should have been adopted. When in its amended form it is put from the Chair, I ask the Prime Minister to make an appeal to the Committee to reject it.

Mr. WATSON. — The clause includes Tumut.

Mr. WILKS.—If the negotiations with the New South Wales Government show that it is advisable to extend the Federal territory to the Murray or the Murrumbidgee, by all means let that course be adopted ; but do not let us impose all sorts of conditions here.

Question.—That the words "and the River Murrumbidgee" proposed to be added, be so added—put. The Committee divided.

Ayes	..	...	35
Noes	...	...	11
Majority	...	...	24

AYES.

Batchelor, E. L.	McCay, J. W.
Bonython, Sir J. —	McDonald, C.
Brown, T.	McLean, A.
Cameron, N.	O'Malley, K.
Chapman, A.	Paterson, A.
Conroy, A. H.	Quick, Sir J.
Cooke, S. W.	Ronald, J. B.
Deakin, A.	Salmon, C. C.
Edwards, R.	Sawers, W. B. S. C.
Ewing, T. T.	Skene, T.
Fisher, A.	Smith, B.
Forrest, Sir J.	Solomon, E.
Hartnoll, W.	Spence, W. G.
Higgins, H. B.	Turner, Sir G.
Kingston, C. C.	Wilkinson, J.
Knox, W.	<i>Tellers.</i>
Lyne, Sir W. J.	Cook, J. H.
Mauger, S.	Watson, J. C.

NOES.

Clarke, F.	McLean, F. E.
Cook, J.	Thomson, D.
Fuller, G. W.	Watkins, D.
Kirwan, J. W.	<i>Tellers.</i>
Mahon, H.	Smith, S.
McEacharn, Sir M.	Wilks, W. H.

PAIR.

Hughes, W. M.	Tudor, F. G.
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Question so resolved in the affirmative.  
Amendment agreed to.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—I move—

That the following words be added :—"Provided that the site shall be within a distance of twenty-five miles from Tumut, and at an altitude of not less than 1,500 feet above the sea."

I have not the slightest desire to depart from the decision which was arrived at by the Committee last night. We should certainly select a suitable site as near as possible to Tumut, but we should not be bound down to any particular part of the territory. If we do not insert these words in the Bill we may raise false hopes in the minds of the people residing in the township of Tumut. Doubtless they will expect the capital to be established in the township or in the Lacmalac or Gadara site, and although they may be very desirable places, I do not think that they occupy a sufficiently elevated position. From the outset of this debate I have advocated the selection of a site favoured by a cool climate, and I should not have moved this amendment but for the fact that I desire that our intention that the capital shall be at as great an altitude as possible shall be placed beyond doubt. It is most important that the capital should be established on an elevated plateau, and if honorable members are not prepared to declare that it shall be at least 1,500 feet above the sea, I do not care what becomes of the rest of the amendment. This is the only object which I have in view.

Sir MALCOLM MCEACHARN.—Is the right honorable gentleman satisfied that such elevated sites are available in the district.

Sir JOHN FORREST.—I have consulted those who are familiar with the locality, and they assure me that there are suitable sites in the neighbourhood of Tumut which are 1,500 feet and 2,000 feet above the sea level. Some honorable members have informed me that there are even more elevated sites in the district.

Mr. SYDNEY SMITH.—What about the water supply?

Sir JOHN FORREST.—I believe that we shall have no difficulty in that respect, because rivers flow from much higher altitudes. It will not be necessary at the outset to obtain a water supply sufficient for a population of 50,000 people. During the early days of the capital we shall require only a temporary scheme, and it will be open to us to extend the scheme as the population increases. Honorable members

from Western Australia know that we have been able to overcome great difficulties there in regard to the water supply for the Coolgardie gold-fields, and I do not fear being able to do the same in this case. My only desire is to insure the building of the capital on a site where the climate will be fairly cool during the summer months, and to avoid building a city on a site in a narrow valley with an altitude of perhaps 700 or 800 feet above the level of the sea. Such sites, although suitable in other respects, would be most undesirable in summer time. There are quite enough cities in Australia which labour under the disadvantage of a warm climate, and surely when we are setting out to establish a new city we should take care to select a site favoured by a cool climate in summer.

Mr. SAWERS (New England).—I think the Committee will agree with the first part of the right honorable gentleman's amendment, although it would be exceedingly foolish for us to accept the last proviso. When the motion was carried to extend the Federal territory if possible to the Murray, it evidently gave rise to an active suspicion on the part of honorable members from New South Wales that it was a move on the part of Victoria to obtain if possible a site on the banks of the river.

Mr. JOSEPH COOK.—Who said that there was such a suspicion?

Mr. SAWERS.—That was a natural suspicion which probably occurred in the minds of some honorable members from New South Wales. This amendment, however, will remove any such fear. I am quite in accord with the proposal that the Federal Capital shall be within 25 miles of Tumut, but I disagree with that portion of the amendment which the right honorable gentleman considers to be the most important. Future Parliaments will have ample opportunity to deal with the plans for the Capital, and it goes without saying that, all other things being equal, care will be taken to erect it on as elevated a site as it is possible to obtain. To say, however, that it shall be erected on a site at least 1,500 feet above sea level would be to tie the hands of the experts who may be directed to furnish the next Parliament with fresh reports as to the proper locality for the capital. They will doubtless be directed to select, if possible, an elevated site, and Parliament itself will not lose sight of that consideration. It would

be foolish, therefore, to attempt to tie the hands of future Parliaments by declaring in this Bill that the capital shall be built on a site at least 1,500 feet above sea level. I therefore move—

That the amendment be amended by omitting the words "and at an altitude of not less than 1,500 feet above the sea."

Mr. EWING (Richmond).—I trust that the honorable member for New England, with a desire to conserve time, will not press his proposal. We know perfectly well that the question of the location of the Federal territory must again come before the House, and it is merely a waste of energy and time at the present stage to discuss all these details.

Mr. WILKS.—The honorable member has voted for every one of these proposals.

Mr. EWING.—The honorable member is endeavouring to allay a suspicion which really does not exist, and which, if it did exist, would not have much influence with reasonable men. The suggestion that the capital shall be built at an altitude of not less than 1,500 feet above the level of the sea is altogether unwise. For the sake of securing an additional altitude of 100 feet, we might involve ourselves in an expenditure of £500,000 on a water supply scheme; but, after all, the matter is, at this stage, of no consequence. Like a number of other things with which we have to deal in every-day life, it is immaterial.

Mr. SYDNEY SMITH (Macquarie).—In view of the vote given this morning by the Minister for Home Affairs, I have listened with a good deal of astonishment to the remarks which have just fallen from his lips. He tells us now in effect that it would be absurd to build the capital on the Tumut site, because it has an altitude of only 1,050 feet above sea level: but the right honorable gentleman voted against a site which would have met his desire for a good climate, and supplied the capital with every convenience.

Mr. A. McLEAN.—He voted for the Bombala site.

Mr. SYDNEY SMITH.—The right honorable gentleman eventually voted for Tumut. He now admits that unless his amendment be carried the capital may not be erected on a desirable site. It would have been far better to have left the matter open in the way suggested by the Prime Minister. He indicated a few nights ago

that it would be unwise to adopt the amendment proposed by the honorable member for Richmond, and now we find Ministers supporting a proposal which would have exactly the same effect. The Minister for Home Affairs evidently feels that he has made a mistake, and he desires to get away from Tumut.

Sir JOHN FORREST.—No, I do not. I am assured that there are plenty of places within the area selected which will fulfil the conditions proposed to be laid down.

Mr. SYDNEY SMITH.—The right honorable gentleman should have been better advised before he cast his vote in favour of the site to which he now objects.

Mr. WATSON (Bland).—I believe that a site at an elevation of 1,500 feet could be obtained within twenty miles of Tumut.

Sir WILLIAM LYNE.—Within ten miles.

Mr. WATSON.—Perhaps so; but I question the wisdom of specifying any particular altitude. Personally I could not say whether there is sufficient level land at that altitude to provide a site suitable for the erection of a city. I know that there is plenty of good rich soil to be found at a considerable height, but I could not say how far the water supply might be affected by the location of the capital at a high elevation. Mr. Blomfield, in giving evidence in connexion with Mr. Oliver's report, stated that a supply could be obtained by gravitation from the Buddong Falls for a city built upon the Gadara site at an average elevation of 1,300 feet above sea level. That would be 300 feet higher than Lacmalac. The proposed off-take from above the Buddong Falls is 1,800 feet above the highest point on the Gadara site, and that would give an ample fall; but in order to secure the extra 200 feet in elevation, we might have to leave Gadara, and select another site, say ten miles away, which could not be supplied by a gravitation scheme. It would be unwise to impose any condition as to altitude, and we should be content to specify that the site shall be within twenty-five miles of Tumut.

Mr. CONROY (Werriwa).—We are departing considerably from the original terms of the clause, by interpreting the words "at or near" in a way never previously contemplated. We considered Tumut as a site, sixty-five miles off the main line of communication, and now we are face to face with the possibility that a site may be selected

twenty-five miles farther away. The consideration of that additional distance might have turned a number of votes in favour of Bombala or Lyndhurst.

Mr. BRUCE SMITH.—We could not select the capital site at the township itself.

Mr. CONROY.—I admit that; but we were restricted to a site at or near Tumut.

Mr. WATSON.—A spot within twenty-five miles of Tumut is near to it.

Mr. CONROY.—Then we should have considered the Bombala site in its relation to Dalgety, which is only thirty miles distant. One of the objections to Bombala was that the existing means of communication were not sufficient, but, under the altered conditions, the Tumut site may be subject to the same drawback. I have really had no opportunity to give a clear vote upon the question before us. I believe that fully six or seven honorable members would have voted in favour of Bombala instead of Tumut, if they had known that the site of the capital might be removed in the way now rendered possible, and the final struggle might therefore have been between Bombala and Lyndhurst, instead of between Tumut and Lyndhurst. We are now being asked to consider a site entirely different from that which was originally contemplated. Tumut is one place, and a site twenty-five miles away is another.

Mr. BRUCE SMITH.—It is not imperative that the site of the capital shall be twenty-five miles away from Tumut.

Mr. CONROY.—No; but it might be taken there if the proposal now before us were adopted. We should have been allowed a similar range of choice in regard to the Bombala and Dalgety sites. I oppose the amendment, not so much because I object to the capital site being moved to a place which I consider very unsuitable because of the climate, as because the proposal is a departure from the provisions in the Bill which we have already carried.

Mr. BRUCE SMITH (Parkes).—Many of the speeches delivered seem to be in the nature of post-mortem examinations of previous decisions. The Committee has decided in the most emphatic way, in the first place, that Tumut shall be the site of the Federal capital, and it has also been determined that the Federal territory shall consist of 1,000 square miles, extending not only to the Murray, but to the Murrumbidgee; and on those decisions we cannot very well go back.

Mr. JOSEPH COOK.—The Committee very often does go back on its decisions.

Mr. BRUCE SMITH.—That may be so, but we do not want to encourage the practice without good reason. The Minister for Home Affairs has now made a simple proposal, for which the New South Wales members should, I think, be grateful. I do not care how many other New South Wales representatives may repudiate the suggestion, I had a suspicion—as I am sure a large number of the people of New South Wales would have had a suspicion—that an attempt was being made, on the part of Victorian members, to drag the Federal Capital site down to the Murray River. The Minister for Home Affairs has now submitted an amendment, which affords some guarantee to New South Wales.

Mr. SYDNEY SMITH.—No one is objecting to the amendment.

Mr. BRUCE SMITH.—The honorable member for Macquarie spoke for ten minutes against the amendment.

Mr. SYDNEY SMITH.—No; I said that I accepted the amendment.

Mr. BRUCE SMITH.—There is no doubt that the amendment affords a guarantee to the people of New South Wales that the extension of the Federal territory to the Murray is not an insidious attempt to drag the Federal Capital site down to that river. The honorable and learned member for Werriwa seems to regard the words of the amendment as if they limited or reduced the area in which the Federal Capital site was to be placed, to 25 miles. As a matter of fact, the amendment simply guarantees that the site of the Federal Capital shall not be more than 25 miles distant from Tumut. Nobody is in a position to say yet how far the site shall be from Tumut. In the report of the Commissioners I find these words:—

Your Commissioners have made what they believe to be the best suggestions for sites which were possible under the circumstances; but they wish to record an emphatic opinion that, when the locality in which the Federal Capital is to be placed shall have been selected by the Parliament, extensive contour surveys, covering the suggested site in that locality, and the neighbourhood around such site, should be made before the exact city site is determined.

Having the assurance that the Royal Commissioners have not fixed on the site with any degree of certainty, the amendment of the Minister for Home Affairs seems to give

the people and Parliament of New South Wales, whom we have to ask to concede this territory, a guarantee that the concession will not be used for the purpose of dragging the site down to the River Murray, so as by a subterfuge to gain a site equivalent to that of Albury. I cannot understand why New South Wales members should hesitate to vote for the amendment, which ought to remove all suspicion, and assure them that the interests of their State are not to be injured.

Mr. SYDNEY SMITH (Macquarie).—The honorable and learned member for Parkes a moment ago said that I occupied the floor of the House for ten minutes in opposing the amendment. I did nothing of the kind; on the contrary, I quite approve of the amendment as affording a guarantee to New South Wales.

Mr. BRUCE SMITH.—I apologize to the honorable member.

Mr. SYDNEY SMITH.—I accept the honorable and learned member's apology.

Amendment of the amendment negatived.

Amendment agreed to.

Clause, as amended, agreed to.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—I move—

That the following new clause be added:—“When territory has been granted to or acquired by the Commonwealth for the purpose of the Seat of Government, land acquired by the Commonwealth within that territory shall, with the meaning of section 19 of the Property for Public Purposes Acquisition Act 1901, be deemed to be taken for the purpose of a work or undertaking the construction or carrying out whereof has been specially authorized by this Act.”

The effect of the clause is that if any property is taken over, it shall be acquired on the valuation in the January previous to the passing of the Bill.

Mr. WATSON.—If this Bill does not pass immediately, the “previous January” may be next January.

Sir WILLIAM LYNE.—But it is provided that the valuation shall be that of last January, so that the Commonwealth will not have to pay any enhanced price in consequence of rumours that the Federal Capital site is to be fixed in any particular place.

Mr. McCAY (Corinella).—I quite agree with the object of the new clause, but I am afraid that as drafted it will fail to serve the purpose intended, which is to incorporate the Property for Public Purposes

Acquisition Act. Section 19 of that Act is as follows :—

Provided that where land is taken for the purpose of any work or undertaking, the construction or carrying out whereof has been specially authorized by an Act, the land, estate, or interest of the claimant shall not be assessed at a value exceeding the value thereof on the first day of January last, preceding the first day of the session of Parliament in which the Act was passed.

That section applies only to Acts which specially authorize the construction or carrying out of works, for which land is being taken, and the Bill before us is not one which gives special authorization.

Mr. WATSON.—The Bill does not resume land.

Mr. McCAY.—That is not necessary; but the Bill does not authorize the construction or carrying out of works, and, therefore, is not an Act within the meaning of section 19 of the Act from which I have quoted.

Mr. DEAKIN.—But that is what the new clause declares the Bill to be. The land is “to be deemed to be taken” for the purpose of a work specially authorized.

Mr. McCAY.—The clause provides that when territory has been granted to or acquired by the Commonwealth, land acquired by the Commonwealth within that territory shall “be deemed to be taken for the purpose of a work or undertaking, the construction or carrying out whereof has been specially authorized by this Act,” and my point is that a construction or carrying out of any work is not to be authorized by this Bill. We do not say that this Bill shall be deemed to be an Act authorizing a construction or carrying out. Would it not be more simple to say that the value shall be that obtaining on the 1st day of January, 1903. I think that in order to make the clause effective to incorporate the Property for Public Purposes Acquisition Act, the Bill before us must be an Act for the purpose of the construction or carrying out of a work. This amendment does not make it such an Act.

Mr. WATSON (Bland).—I believe that honorable members are agreed that the object aimed at by the Government in this clause is a proper one, but I cannot understand what objection there can to specifically stating in the Bill that the values to be paid for land shall be those obtaining on the 1st day of January, 1903. It is said that this clause incorporating the Property for Public

Purposes Acquisition Act means that, and if it does, why should we not say so in so many words in order that he who runs may read?

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The objection to the course proposed by the honorable member, lies in the advantage of connecting this with section 19 of the Property for Public Purposes Acquisition Act, since then we secure the advantage of the method of estimating compensation provided for in that Act. Section 19 provides that—

In estimating the compensation to be paid regard shall in every case be had, by the valuers or the justice, not only to the value of the land taken, but also to the damage, (if any), caused

- (a) by the severing of the land taken from other land of the claimant; or
- (b) by the exercise of any statutory powers by the Minister otherwise injuriously affecting such other land.

and further provision is made—

That the valuers, or the justice, in estimating such compensation, shall take into consideration by way of set-off or abatement, any enhancement in the value of the interest of the claimant in any land adjoining the land taken, or severed therefrom, by the carrying out of the public purpose for which the land is taken.

By embodying that in this clause we get the advantage of those important provisions. We might have set out in this clause the whole of that section of the Property for Public Purposes Acquisition Act, but that would have been unnecessary prolixity.

Mr. F. E. McLEAN (Lang).—I hope the Prime Minister has fully considered the objection raised by the honorable member for Bland that if the provisions of the Property for Public Purposes Acquisition Act are to apply the value will have to be taken after the passage of a subsequent Act.

Mr. DEAKIN.—I think not.

Mr. F. E. McLEAN.—I desire that the value shall be taken as that obtaining in last January, and not at some future date. If the Prime Minister is satisfied that that is covered by this clause I think it would be better to adopt the clause as submitted.

Mr. DEAKIN.—I think it is.

Mr. KINGSTON (South Australia).—I commend the clause to the very careful consideration of the Prime Minister. I venture to think that it may be improved in many ways. The honorable and learned gentleman will see that it is proposed that—

When territory has been granted to or acquired by the Commonwealth for the purposes of the seat of government, land acquired by the Commonwealth within that territory—

and that is rather an odd repetition—

shall, within the meaning of section 19 of the Property for Public Purposes Acquisition Act 1901, be deemed to be taken for the purpose of a work or undertaking the construction or carrying out whereof has been specially authorized by this Act.

As I understand it, there are two things to be provided for. There is the seat of government and the surrounding territory, and as regards the taking and acquisition of each of these, we intend that we shall not be mulct in the speculative values which might be attached to the land by the declaration which we now make with respect to the district in which land is intended to be taken. The Prime Minister will see that it is fixed in this way: that territory has been granted, and then that land is to be acquired by the Commonwealth within that territory. I believe we could make the clause very much clearer by saying in so many words that the value of the land shall be taken to be the value at a certain date, and, further, that not only shall land be taken for the seat of government, but for the Federal territory.

Mr. DEAKIN.—That is the intention.

Mr. KINGSTON.—Unfortunately, it is not expressed in the clause. The Prime Minister will note that the preliminary to this being brought into force at all is that territory has been granted, and there is then a subsequent taking of land within the territory. I take it that that is not the real position, and that, whether we take the territory for the seat of Government or not, it is intended to go back to the 1st January, 1903, to estimate the value. The honorable and learned gentleman will admit that the provision might be made much more plain, and I venture to suggest that in dealing with a matter of this sort, in which there will probably be involved a definition of private rights, and which may therefore lead to litigation, we cannot make our intention too plain.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—To put it briefly, if I had designed a clause which would be logical in the sense suggested by my right honorable friend I should have followed his advice, but if he looks again at section 125 of the Constitution, under which we are acting, the right honorable gentleman will find a section open to contrary interpretations in almost every one of its phases. Consequently I have clung to the language of that section,

though I have not approved it in any degree whatever, simply in order to be sure that whatever that section means this also shall mean. I quite admit that there is the redundancy and apparent contradiction of which the right honorable gentleman has spoken. I shall be very pleased to reconsider the clause with his assistance and that of the honorable and learned member for Corinella, of whose criticisms I always have regard, in order that we may make the meaning plainer on its face. When we come to examine section 125 of the Constitution, and endeavour to give a precise meaning to the words “granted to” or “acquired by,” and their repetition in the section—

Mr. KINGSTON.—But section 125 does not deal with the question of value at all, and in this clause we deal simply with the question of values.

Mr. DEAKIN.—Section 125 sometimes deals with the question of territorial rights, sometimes with the question of property rights, with the question of Crown lands given to us, and sometimes with lands purchased by us. All these classes of rights are combined, or rather confused, in that section in such a manner that one may acquire a perfect education in the attempt to unravel it. I suggest that at this stage honorable members should agree to pass the clause as it stands, and I shall be very glad of the assistance of honorable and learned members of the Committee in reconsidering it, in order to secure, as we may do in another place, that it shall give clearer effect to its intention. I wish to finish the measure to-night, and therefore ask honorable members to pass the clause now, and to favour me with suggestions, so that it may be revised, if it can be revised with safety, having regard to all the obstacles contained in section 125 of the Constitution.

Mr. WATSON (Bland).—Even after the explanation of the Prime Minister, it seems to me that if this clause is passed in its present form the value will be taken to be the value on the 1st day of January preceding the date of resumption and not preceding this Bill.

Mr. DEAKIN.—The Act says—“the first day of January last preceding the first day of the session of Parliament in which the Act was passed.”

Mr. WATSON.—Which Act?

Mr. DEAKIN.—It is to be deemed to be taken for the purpose of a work or

undertaking, and that brings it within section 19 of the Property for Public Purposes Acquisition Act.

Mr. WATSON.—But it does not fix the date.

Mr. DEAKIN.—The date is fixed by the Property for Public Purposes Acquisition Act.

Mr. WATSON.—I should like to know if the Prime Minister has any objection to the addition of the words—"and the value to be paid for such territory shall be that existing as on the 1st day of January, 1903"? If that is meant, why can it not be stated? Surely to include those words will not make the preceding verbiage any less understandable.

Mr. DEAKIN.—What the honorable member is asking for is contained in the clause already, and there is no necessity to repeat it.

Mr. WATSON.—I cannot understand the persistent anxiety exhibited by gentlemen of the legal profession to so wrap up everything that an ordinary layman cannot understand it. I do not see why what we desire should not be stated in simple language in this clause.

Mr. DEAKIN.—I have promised a reconsideration of the clause.

Mr. WATSON.—But if we do not amend the clause now we shall have lost our opportunity to do so. We shall lose control over one of the most important factors concerning the resumption of this site. I desire to move—

That the following words be added:—"and the value to be paid for such territory shall be that existing at 1st January, 1903."

Mr. HIGGINS (Northern Melbourne).—I would appeal to the honorable member for Bland not to interfere with the drafting of the Bill against the views of the Prime Minister unless he is perfectly certain that he is right. The Prime Minister is responsible. The honorable member will assume, of course, that the Prime Minister is as genuine in his desire to achieve this object as he is himself.

Mr. WATSON.—But we all have to be satisfied; we are responsible to our constituents.

Mr. HIGGINS.—I feel quite sure that, with a vigilant Committee, it is not likely that anything will be allowed to go through which is ill-drafted, especially when we have the assistance of one of the best draftsmen in Australia in the person of the

right honorable member for South Australia, Mr. Kingston. I speak in accordance with the experience of many honorable members when I say that to interfere with the drafting of a clause framed by the Minister, who has worked out the measure privately with the Parliamentary Draftsman, is always a mistake. The practice which I have followed, and which I have found best, is this: When I see drafting which I think sufficiently bad to demand attention, I call the Minister's attention to it privately; and I have never found, except in one instance, any objection to revising it. The honorable member for Bland has only one point in view—values on the 1st January. This clause has in view several other things.

Mr. WATSON.—I do not deny that.

Mr. HIGGINS.—The honorable member will understand what is meant by mortising and dove-tailing. We want to try to dove-tail this clause with section 19 of the Property for Public Purposes Acquisition Act.

Mr. WATSON.—It is because there is so much dove-tailing and not enough plain English that the lawyers get so much work to do.

Mr. HIGGINS.—If this amendment is carried it will be less conducive to the honorable member's object than as it stands.

Mr. WATSON.—It is very plain, anyway.

Mr. HIGGINS.—It does not cover the whole ground. What we need is to fit in the clause with section 19 of the Property for Public Purposes Acquisition Act, and with section 125 of the Constitution. That is the Minister's difficulty. Section 125 of the Constitution was drafted by the Premiers after the Convention, and drafted badly. The result is that the Prime Minister has a difficulty in fitting in his new clause with that section. Speaking roughly, I think it will answer the purpose if we simply say that land granted to or acquired by the Commonwealth for the purposes of section 125 of the Constitution shall be subject to the provisions of section 19 of the Property for Public Purposes Acquisition Act.

Mr. WATSON.—But there is still the question of the particular 1st of January that will be applicable.

Mr. HIGGINS.—The honorable member has not noticed that under section 19 of the Property Acquisition Act it is the first day of January preceding the acquisition.

Mr. WATSON.—This Bill does not propose to acquire the territory. The next Parliament will acquire it, and the 1st of January next will be taken as the date.

Mr. DEAKIN.—No.

Mr. HIGGINS.—The longer the debate proceeds the more the Committee sees the impossibility of altering the drafting of this clause in Committee. Do I understand that the Prime Minister undertakes that in the quiet of his chambers, and with the aid of the draftsman, he will reconsider the clause?

Mr. DEAKIN.—I should be very glad to consider it with my honorable and learned friend.

Mr. HIGGINS.—In drafting, more than anything else, one man will do better than a hundred. There must be one man's mode of expression. We cannot have several modes of expression. I understand the Prime Minister to say that if the clause is now passed he will have it recommitted.

Mr. DEAKIN.—I want to have the amendments made in the Senate.

Mr. HIGGINS.—I think we should set it right before the Bill leaves this Chamber. It is going too far to ask the Committee to pass the clause, leaving the other House to make amendments. The clause does not express clearly what we want, but there is a great deal in the point that, before we take the responsibility of allowing the measure to go out of our hands, we should put it right.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The best course will be to negative the clause; then we can have a new clause inserted in the Senate. I am willing, to save time, to have the clause re-drafted, and there is no fear that the Senate will not deal with it. A private Bill has been launched in the Senate dealing with this very matter, and I have no doubt that we shall be able to put in a satisfactory clause there.

Mr. KINGSTON (South Australia).—The Prime Minister has a very nice way of putting things, but I do not think that he has met the point put by the honorable member for Bland. We have a defective provision for the protection of the public. The Prime Minister proposes to strike out that provision and leave nothing else in, and to send the Bill to the Senate in that condition. But we shall then lose control of the Bill. It will be better to have an inferior provision than none at all. My opinion is

that the clause does not read. Let honorable members look at it:—

When territory has been granted to or acquired by the Commonwealth for the purposes of the seat of government land acquired by the Commonwealth within that territory—

and so on. Is not that a funny way of putting things? The Commonwealth acquires the territory, and then it acquires it again. I am going to throw out a suggestion. It is that the clause shall be amended to read as follows:—

Land acquired by the Commonwealth for the purposes of the seat of government, or the surrounding territory, shall not be assessed at a value exceeding the value thereof on the 1st January, 1903, but in other respects shall be subject to the provisions of section 19 of the Property for Public Purposes Acquisition Act 1901.

Mr. DEAKIN.—I think that that will probably do; but I shall have an opportunity of making a further scrutiny of it before it is dealt with in the Senate.

Proposed new clause, by leave, withdrawn.

Amendment (by Mr. DEAKIN) agreed to—

That the following new clause be inserted—  
“Land acquired by the Commonwealth for the purposes of the Seat of Government, or the surrounding territory, shall not be assessed at a value exceeding the value thereof on the 1st January, 1903, but, in other respects, shall be subject to the provisions of section 19 of the Property for Public Purposes Acquisition Act 1901.”

Bill reported with amendments: reported adopted.

Bill read a third time.

## SPECIAL ADJOURNMENT.

### PRIVATE MEMBERS' BUSINESS.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—Having regard to the fact that the Appropriation Bill has not yet been entirely dealt with in another place, and cannot be received here before late on Tuesday night, I am willing to meet the convenience of honorable members from other States by asking the House to meet on Wednesday next.

Mr. FISHER.—Which States?

Mr. DEAKIN.—New South Wales and South Australia.

Mr. FISHER.—And Victoria?

Mr. DEAKIN.—Not so far as I am aware. As the Seat of Government Bill is certain to occupy the attention of the Senate on Wednesday and Thursday, we shall have those days on which to clear our



business-paper of everything which has to be done. I move—

That the House, at its rising, adjourn until Wednesday next.

Mr. FISHER (Wide Bay).—The statement of the Prime Minister may be quite right, but the reasons which he has given for the motion are bad. The representatives of distant States are bound to be in Melbourne, and if there is any business to go on with, it is his duty to those honorable members to ask the House to meet on Tuesday.

Mr. DEAKIN.—There is work to go on with, but not enough to fill up the whole week.

Mr. FISHER.—It is not correct to say that it is for the convenience of the representatives of distant States that the House is not to be asked to sit on Tuesday.

Mr. McDONALD (Kennedy).—I do not understand the reason for this adjournment until Wednesday, because, apart from Government business, there is private business to be considered.

Mr. FISHER.—There will be something going on at Tumut.

Mr. McDONALD.—It may be very nice for some honorable members to go to Tumut—in fact, I should like to go too—but there is private business to be dealt with. I have a motion relating to the introduction of coloured aliens in South Africa, which I should like to be disposed of.

Mr. FISHER.—And the adoption of the draft Standing Orders.

Mr. McDONALD.—Yes. On the business-paper I see a number of motions which could be taken on Tuesday and disposed of. It seems to me that we are to come here next week to discuss Government business, and that after it is disposed of, all the business in the names of private members is to be cast on one side. That is not fair.

Mr. JOSEPH COOK.—Only this once.

Mr. McDONALD.—I hope that another adjournment will not be required this session, which I should like to be brought to an end next week. I feel inclined to move an amendment in order to provide an opportunity for the consideration of private business in the names of those honorable members who do not take any interest in the opening of the railway to Tumut. The feeling of the House on this question is so strong that my motion might be allowed to go without discussion. I earnestly ask the

honorable and learned gentleman if he will give honorable members some time during next week to deal with private business.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I would prefer to sit on Tuesday and dispose of the business; but have satisfied myself by inquiry through the member of the Government who leads in the Senate, and by inquiry here, that we are not likely to have any measure returned before Friday, or at the earliest Thursday. If we assembled as usual on Tuesday, we should have disposed of our business just in time to allow honorable members to adjourn on Thursday.

Mr. FISHER.—Why not deal with the adoption of the draft Standing Orders on Tuesday?

Mr. JOSEPH COOK.—That would take some time.

Mr. DEAKIN.—I am informed that the Standing Orders are likely to be accepted with very little discussion, and am not without hope that they may be adopted next week, even though we meet on Wednesday. I understand that controversial matter has been omitted, and that the Standing Orders are practically ready for adoption. We could scarcely take up private business without giving some notice to a number of honorable members whose names I see on the notice-paper. The first two or three motions would occupy far more time than we are likely to be able to spare. I shall be very glad to give the honorable member for Kennedy any opportunity which may occur to reach his motion.

Mr. McDONALD.—That is very nice, but indefinite.

Question resolved in the affirmative.

## ADJOURNMENT.

### STATES DEBTS.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. HIGGINS (Northern Melbourne).—I wish to ask the Prime Minister if, before the end of the present session, the Government intend to give honorable members an opportunity to discuss the consolidation and conversion of the public debts of the States. The ex-Prime Minister promised me that he would endeavour to find time for the question to be debated. I can assure the Prime Minister that there is a very general feeling throughout the community that this Parliament has seriously neglected its duty, by

failing to take action in regard to this important matter. Its discussion in the public press and elsewhere would probably lead to some practical suggestions for the proper treatment of this grave problem.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—Necessarily, any assurance such as the honorable member desires, can be given with much less confidence now that we are so closely approaching the close of the session. Indeed, I fear that we could expect contributions to a debate of that character only from the honorable and learned member himself, and a few others who have given the subject very careful attention. My honorable colleague, the Treasurer, had hoped that he would be able to meet the Premiers of the various States in conference to discuss how far their future finances would be affected by the adoption of the course he has suggested. It might not help some of them to have a public debate on this question just now. Necessarily, we can regard the matter only from the stand-point of the Commonwealth; but we must remember that it has also to be viewed from the stand-point of the States. I fear that the chance of its adequate discussion during the present session is now very remote.

Question resolved in the affirmative.

House adjourned at 4.43 p.m.

## Senate.

*Tuesday, 13 October, 1903.*

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### SUSPENSION OF SITTING.

Senator Lt.-Col. GOULD (New South Wales).—As owing to delay in the running of a train a large number of honorable senators have arrived in Melbourne only in time to rush up here to prevent the meeting of the Senate from lapsing for want of a quorum, I think it would meet their wishes if you, sir, would leave the chair for an hour.

The PRESIDENT. — Senator Glassey brought this matter before my notice prior to the meeting of the Senate; but I explained to him that I have no power to suspend the

sittings at my own will—that it is a matter for the Senate to determine. If it be the desire of honorable senators that there shall be a suspension of the sitting for an hour, I suggest to the Vice-President of the Executive Council that he should move a motion to that effect.

Motion (by Senator PLAYFORD) agreed to—

That the sitting be suspended for an hour.

### VACANT SEAT.

The PRESIDENT.—Before the business of the day is called on, I have to inform the Senate that a vacancy has occurred in the representation of the State of Queensland. I have received the following certificate from the Clerk of the Parliaments:—

It appears by the *Journals* of the Senate that Senator Ferguson was absent on August 6th, 1903, and that no leave of absence has been granted to him since that date. Senator Ferguson has therefore been absent for two consecutive months this session without the permission of the Senate.

Under those circumstances I have no option but to certify to the Governor of the State of Queensland that a vacancy has occurred in the representation of that State.

### SEAT OF GOVERNMENT BILL.

Bill received from the House of Representatives, and (on motion by Senator DRAKE) read a first time.

### WESTERN AUSTRALIAN TRANSCONTINENTAL RAILWAY.

Senator STANFORTH SMITH asked the Vice-President of the Executive Council upon notice—

Do the Ministry intend to ask Parliament this session to vote a sum of money for the purpose of having a survey made of the proposed transcontinental railway uniting the railway system of Western Australia and the eastern States?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows:—

The Ministry are at present engaged in correspondence with the States through which the proposed railway is to be made. It will not be necessary to ask for a vote this session for any particular purpose. This will not involve delay.

## APPROPRIATION BILL (1903-4).

In Committee (Consideration resumed from 9th October, *vide* page 5958) :

## DEPARTMENT OF DEFENCE.

Divisions 38 to 173, £677,579.

Senator PEARCE (Western Australia).—I notice that this year only twenty-six gunners are provided for the Albany forts, whereas the number of gunners last year was thirty.

Senator DRAKE.—But there is an additional corporal.

Senator PEARCE.—As in other branches of the service, the Government, while decreasing the men, are increasing the officers, so that we shall have a sort of comic opera army directly.

Senator DRAKE.—A corporal is only a non-commissioned officer.

Senator PEARCE.—Although the number of men employed at Albany has been decreased, the proposed expenditure is £941 more than was spent last year. I should like to know how that increase is accounted for. I understand that under the terms of an agreement with the Imperial Government, the Governments of the various States bound themselves to keep thirty gunners in the Albany forts.

Senator DRAKE (Queensland—Attorney-General).—A recommendation was made by the Imperial Government in regard to the strength of the garrison at King George's Sound; but there is no agreement on the subject. The Government have endeavoured to retrench the military expenditure generally, though the reduction in numbers here is very small—practically only three men, because there is one more corporal this year than last year. I presume, however, that the military authorities consider that the garrison is relatively as strong as other branches of the Defence Force in other parts of Australia. With regard to the slight increase in the estimate, I would point out that Parliament is asked this year to vote £900 for rations, whereas the vote last year was only £600, and the whole of that amount was not expended. Several small items, such as the vote for the signallers, and the vote for fuel and light, have been slightly increased, and £100 has been provided for passage money.

Senator PEARCE (Western Australia).—In view of the fact that provision is to be made for more rations than were required

last year for thirty men, I should like the Minister to give us an undertaking that the garrison will be brought up to its proper strength.

Senator DRAKE.—We may be able to do that; but we must make provision for the necessary rations.

Senator PEARCE.—I think that some undertaking should be given, seeing that we are being asked to increase the expenditure whilst the forces are being reduced.

Senator DRAKE.—Of course, if the amount is not required it will not be expended. The question whether the strength of the garrison should stand at twenty-six or thirty men is one that might fairly be left to the military authorities.

Senator PEARCE.—Do the military authorities recommend the decrease?

Senator DRAKE.—Yes.

Senator STANFORTH SMITH (Western Australia).—I think that the three principal strategic bases at Thursday Island, Sydney, and King George's Sound are undermanned. The Attorney-General has stated that the General Officer Commanding thinks that a reduction of the garrison can be safely made; but he made no such recommendation. In his report he says—

This further reduction can only be viewed with the most serious apprehension, as the numbers now laid down are quite inadequate for the duties required of them.

It is therefore absurd to say that the reduction was recommended by the General Officer Commanding, because he protested against it as strongly as possible. The minimum for safety at Thursday Island is 101 men, and the garrison has been reduced to fifty-three. At Albany the minimum for safety is forty men, and the garrison has been reduced to thirty, whilst at Sydney the forces have been reduced from 278 to 217. These fortifications are most important, and should be manned by trained men. If vessels belonging to an enemy were to obtain access to any of the harbours referred to they could inflict irreparable damage. It is, therefore, foolish to reduce the number of gunners and other trained men below the minimum of safety. The expenditure involved in maintaining an effective force would not be very large, and I think we should satisfy our selves that our most important strategic bases are properly manned.

Senator STEWART (Queensland).—I desire to obtain some information with regard to the fortifications and garrison at Thursday Island; but I understand that the item bearing upon that military station has been passed during my temporary absence from the Chamber. I should like to know how many guns they have at Thursday Island, whether the guns are ancient or modern, the extent of their range, whether there is an ample supply of ammunition, and whether there are sufficient general stores. We are spending over £10,000 per annum upon that station, and I question whether there is any use in having a small garrison in such a place. The Estimates are being dealt with so hurriedly that it is not safe for a senator to leave the Chamber for even a few minutes. I think that it is desirable that we should know whether we are really getting any value for the £10,000 per annum we are spending upon the garrison at Thursday Island.

Senator DRAKE.—No doubt it is desirable from a military point of view that that we should keep up garrisons at King George's Sound and Thursday Island, and other places at such a strength as to afford full security. Honorable senators understand, however, that in defence matters retrenchment is the order of the day, and that we cannot keep up any branch of the Defence Forces at a strength sufficient to afford absolute security. It is not intended to reduce the garrison at King George's Sound. Although last year provision was made for thirty men, the number fell as low as eighteen or twenty, and therefore we are really now proposing to strengthen the garrison by bringing it up to an establishment of twenty-six men. That will be an increase upon the number maintained last year.

Senator PEARCE.—Then the figures which appear in the Estimates are unreliable.

Senator DRAKE.—No; the figures show that provision was made for an establishment of thirty men, but the garrison was not maintained at its full strength. Now we are proposing to bring the garrison up to a strength of twenty-six men.

Senator Lt.-Col. GOULD (New South Wales).—It is very unsatisfactory to hear the admission of the Minister that our garrisons are not sufficient to afford absolute security. A force of twenty-six or thirty men at a place like Albany is absurdly inadequate. I realize the difficulties by which the Government

are beset. If Parliament will insist upon cutting down the Estimates by large sums, it will be impossible for us to maintain an adequate Defence Force. I think a very strong effort should be made by Ministers to impress this fact upon honorable members so that they may realize the necessity of voting more money. I have no sympathy with those who desire to spend money unnecessarily upon our military forces; but at the same time we should not reduce the whole of our military arrangements to a farce. At our naval bases we should have a sufficient number of men to constitute a reasonable force upon a peace establishment. It is a notorious fact that the number of the rank and file of the permanent forces throughout the States is utterly inadequate. We have not sufficient men to properly care for the guns and fortifications in the different States of the Commonwealth.

AN HONORABLE SENATOR.—The fortifications have not yet been paid for.

Senator Lt.-Col. GOULD.—I do not know whether that is so. It is notorious that we have not sufficient paid gunners to properly supervise the guns and fortifications which have been placed under their control, and for which they are responsible. If honorable senators entertain the belief that we possess a force capable of defending our shores in case of attack they may as well realize at once that they are living in a fool's paradise. Probably it will be urged that there is sufficient manhood in Australia to repel any attempt at invasion. That might be true if we had a sufficient number of trained men to form the nucleus of an organized force, and if we possessed the requisite guns, rifles, and munitions of war. But it is a farce for honorable senators to argue that at the present time we have a sufficient number of men, even upon an ordinary peace establishment. I trust that Ministers will urge not only in this House, but in the other Chamber, that adequate provision shall be made in this respect, and that they will not be content with the absurdly insufficient number of men that is proposed for this particular naval base.

Senator DRAKE.—We have some militia there as well as garrison artillery.

Senator Lt.-Col. GOULD.—But the Attorney-General must recollect that these are only partially-paid men—men out of whom all the heart has been taken by the new regulations. When the present General

assumed command of the Forces the total number of permanent artillery in the six States comprised 50 officers and 1,170 men. Even prior to that period the States had cut down the number to a very dangerous degree. But what do we find now? First a reduction was made to 43 officers and 902 of other ranks; then a further reduction to 38 officers and 820 men was recommended, but only as a temporary measure.

The CHAIRMAN.—The honorable senator is speaking generally, and is not confining his remarks to the item which is under consideration.

Senator Lt.-Col. GOULD.—I desire to connect my remarks with the establishment which it is proposed to provide at King George's Sound. The Government propose to station twenty-six or thirty men there. My contention is that, in consequence of the total of the forces having been so largely reduced, it is impossible to station an adequate number of men at that base. Although the permanent artillery of the States originally numbered 1,200, their strength has since been reduced to 750. It is therefore very necessary that the Government should urge upon Parliament the importance of adequately manning the forts at King George's Sound and other bases. I have no desire to make a second reading speech, because I have no right to do so in connexion with the division which is under discussion. I presume that we cannot add to the number of men or whom provision has been made in these Estimates. Such a proposal must come from the Government in the first instance. Whilst honorable senators are anxious to retrench as far as possible, I believe that their good sense will prompt them to vote whatever sum may be necessary for the efficient defence of the Commonwealth.

Senator GLASSEY (Queensland).—I regret very much that I had not an opportunity to discuss the vote for the defence of Thursday Island. I merely desire to ask the Minister in charge of these Estimates if he will be good enough to give honorable senators some information as to the type of weapons which are in use at King George's Sound. Are they up-to-date and fit to repel any attack? I think that we should know whether they are muzzle-loaders or breech-loaders, and also when they were mounted here. It is of no use maintaining gunners if they are not provided with good weapons

for use in case of emergency. In this respect there is considerable room for improvement at Thursday Island.

Senator MCGREGOR.—The guns there would not kill mosquitoes.

Senator DRAKE.—The guns at King George's Sound are modern 6-in. breech-loaders, which are quite up-to-date.

Senator GLASSEY.—When were they erected?

Senator DRAKE.—I do not know. They are quite modern, and the garrison which is stationed there is sufficiently strong to work them.

Senator PEARCE (Western Australia).—I move—

That the House of Representatives be requested to reduce division 65, "District Head-quarters Staff, £3,890," to £3,828.

The reduction which I move represents the difference between the proposed vote and the sum actually expended in 1902-3. In that year we spent £3,828 upon the New South Wales Head-quarters Staff. The increase which is here proposed forms only part of a general increase in the expenditure upon the Head-quarters' Staffs of the various States. For instance, in the case of Victoria there is an increase of £8, in Queensland of £197, in South Australia of £39, and in Western Australia of £166.

Senator DRAKE.—Is the honorable senator comparing the expenditure of last year with the amount which we are asked to vote?

Senator PEARCE.—Yes.

Senator DRAKE.—That is scarcely fair.

Senator PEARCE.—When we are dealing with fixed salaries, why should the Government ask for more than was expended last year?

Senator PLAYFORD.—Because some increases have to be provided for. There are clerks, etc., who must receive increments.

Senator PEARCE.—Does the Vice-President of the Executive Council assure me that that is so?

Senator PLAYFORD.—I have not the figures before me.

Senator PEARCE.—Honorable senators will see that in the case of Tasmania there is an increase of £376.

Senator DRAKE.—We have not yet reached that item.

Senator PEARCE.—But if I allowed this vote to pass unchallenged I should be

told when we reached that item that I had already assented to the principle which is involved.

Senator PLAYFORD.—A man may retire, and his position may not be filled for several months. In the meantime his salary is saved.

Senator PEARCE.—It is singular that all these savings are on the wrong side. The fact remains that an increase is provided for in the expenditure of the head-quarters staff in each State.

Senator DRAKE.—No.

Senator PEARCE.—The head-quarters staffs in the various States are to cost £848 more than they cost last year.

Senator PLAYFORD.—The vote provides for £848 in excess of the amount actually expended last year; but that does not suggest that this year's expenditure will be in excess of that amount.

Senator PEARCE.—There are two columns in the Estimates, one showing the amount to be appropriated and the other the expenditure for the year 1902-3; but there are no detailed figures in the column relating to expenditure, and we have nothing before us to show why the expenditure was less than the amount appropriated. As a matter of fact, the expenditure was below the amount appropriated.

Senator DRAKE.—That is always the case.

Senator PEARCE.—It is a bad principle to allow when dealing with fixed salaries. Surely the Committee should know whose salaries are to be increased, and, if the officers concerned are under the Public Service Commissioner, whether the increases have been recommended by the Public Service Commissioner. Such information would be useful to the Committee. It is evidently proposed to raise the salaries of certain officers on the head-quarters staffs to the extent of £848.

Senator DRAKE.—That does not follow.

Senator PEARCE.—If the honorable and learned senator will give the Committee a guarantee that no increased salary is to be paid I shall be satisfied.

Senator DRAKE.—I should like to say a word or two as to the principle which the honorable senator, who states that he is endeavouring to protect the Committee, desires to establish. The principle enunciated by him is that the Committee should not vote this year a sum in excess of last year's expenditure. That would be a very unfair position to take up, because the expenditure

of any Department for any given year is invariably less than the amount actually appropriated for its service. It must necessarily be less. A Department cannot expend more than the amount voted for its use; but it may expend less. It would be impossible to ask the Committee to vote the exact amount to be expended, because various changes must take place even in connexion with the working of a staff of clerks. A clerk receiving a certain salary may be replaced by another clerk in receipt of a lower remuneration, and thus each item of expenditure cannot be given. They would overlap to a great extent, and if an attempt were made to put such information before the Committee, honorable senators would have a right to say—"The Government are attempting to deceive us." We might, for example, have the sum of £400 in one line, when as a matter of fact only a portion of that amount would relate to the corresponding figures in the second column. It is impossible to show why out of a total of £4,109 appropriated last year for the district head-quarters staff of New South Wales, only £3,828 was expended. The men whose offices are described were employed, and received their customary salaries; but from various causes the amount required was less than the sum actually appropriated. The sum which we are now asking Parliament to vote is less than the amount appropriated last year, but it is necessarily in excess of the actual expenditure for 1902-3. We must always make provision for contingencies, and it is unreasonable for the honorable senator to ask the Committee to request that the vote shall not be in excess of the sum expended last year. I can say from my knowledge of the working of the Department that it would be exceedingly unwise for the Parliament to adopt such a policy. It would tend to discourage all savings on the Estimates. At present a Department endeavours to work as economically as possible, in order to be able to show a good result; but the honorable senator would introduce a principle which would penalise a Department which evinced a desire to effect savings. The more it saved, the less would be the sum voted for its maintenance in the following year. That would certainly be most undesirable. So far as I can gather there were no increases last year. The savings effected were due simply to changes that took place owing to various circumstances. The amount actually

voted was not required. The same thing must invariably happen in relation to a given vote.

Senator STEWART (Queensland).—I rise to complain of the want of information conveyed in the summary prefixed to this vote. I wish to ascertain the cost of the permanent forces, the militia, the volunteers, the cadets, and the rifle clubs separately.

Senator DRAKE.—Has not the honorable senator the information which he seeks?

Senator STEWART.—No. If the honorable and learned senator will refer to the Estimates, he will find that a sum of £73,585 is set apart for the permanent forces in New South Wales, £51,544 for the militia or partially paid forces, and £7,309 for the volunteer forces. Then we have an item of £12,669 for ammunition. I wish to know how that ammunition is to be distributed. There is a further item relating to general contingencies, and I also desire to obtain some detailed information in regard to that vote.

The CHAIRMAN.—The honorable senator is going beyond the items in the division immediately before the Committee.

Senator STEWART.—We should be able to gain this information.

The CHAIRMAN.—The honorable senator will be able to obtain it when we come to the division to which it relates.

Senator STEWART.—We have now an opportunity to obtain general information as to the way in which the Estimates are framed. They should be so framed as to clearly show at a glance the way in which the items are distributed.

Senator Sir WILLIAM ZEAL.—The honorable senator is on the wrong track.

Senator STEWART.—We have here a summary of the expenditure.

Senator PLAYFORD.—But we do not vote the expenditure.

Senator STEWART.—Surely the summary should be so drawn as to enable honorable senators to see clearly how the money goes.

Senator PLAYFORD.—So it is.

Senator STEWART.—With all respect to the honorable senator I say that it is not.

The CHAIRMAN.—The honorable senator knows, of course, that on the second reading of the Bill he had the right to discuss the Estimates generally, and to deal with the way in which they are framed. When

we reach the several Departments, honorable senators are generally allowed at least some latitude in discussing the first division; but once that division has been passed, honorable senators must confine themselves strictly to the division immediately before the Committee.

Senator DRAKE.—I would refer Senator Stewart to division 80, which we have not yet reached, but which will probably give him the information that he desires.

Senator CHARLESTON (South Australia).—When we were discussing division 21, in which a sum of £1,000 was appropriated for the Inspector-General of Works, we were told that that gentleman would also discharge the duties of Assistant Adjutant-General. I find, however, that a sum of £700 is provided in this division for the "Assistant Adjutant-General and Chief Staff Officer," and I wish to know whether this gentleman is to receive a salary of £1,000 per annum as Inspector-General of Works as well as £700 a year as Assistant Adjutant-General and Chief Staff Officer.

Senator PLAYFORD.—The salary of Colonel Owen is not there.

Senator CHARLESTON.—We were told last week by Senator Smith, who obtained the information from official quarters, that the officer who is to be Inspector-General of Works, with a salary of £1,000 per annum, was also to be Assistant Adjutant-General, or was to be at the disposal of the General Officer Commanding.

Senator DRAKE.—That has nothing to do with this division; this salary is for the New South Wales Assistant Adjutant-General and the Chief Staff Officer.

Senator STEWART (Queensland).—I must again return to the charge. It is highly desirable that honorable senators should be able to find out at a glance exactly how much our Permanent Forces are costing. Of course, by wading laboriously through the Estimates, I can find that out for myself; but surely the clerks of the Defence Department ought to relieve honorable senators of this superfluous labour, and frame their accounts in such a way as to show at once how the money has been expended. That is my complaint, and I think it is a legitimate one.

Senator DRAKE.—I do not think that the honorable senator's complaint is legitimate. I would refer him to the statement furnished by the Minister for Defen

connexion with the Estimates of the Defence Department for the year 1903-4. It has been laid on the table, and I have no doubt that the honorable senator, with his usual diligence, has read it. He will find on pages 14 and 15 a most elaborate tabulated statement.

Senator STEWART.—Why should we not have the information on the Estimates?

Senator DRAKE.—The tabulated statements are so bulky that they could not be incorporated with the Estimates.

Senator STEWART.—The Attorney-General wishes to confuse us with a multiplicity of figures.

Senator DRAKE.—But the information has been supplied.

Request negatived.

Senator PEARCE (Western Australia).

—I wish to call attention to the item in division 66 "Gunnery Instruction in England, £125." What is the meaning of that? Is it proposed to send gunners to England, and is the instruction such as cannot be obtained in the Commonwealth. Who are the gunners who are to be sent?

Senator PLAYFORD.—I answered the question a few days ago, when I stated that a couple of officers are to be sent to England for gunnery instruction.

Senator DRAKE.—They are to go through a course at Shoeburyness.

Senator PEARCE.—What are the names of the officers?

Senator DRAKE.—The official recommendation has not yet been made.

Senator PEARCE.—Cannot the instruction be given in Australia?

Senator DRAKE.—No; we are not advanced enough for that yet.

Senator Lt.-Col. NEILD (New South Wales).—Is it a fact that members of the New South Wales Engineer Corps have refused to attend drills on account of the reductions made in their pay?

Senator PLAYFORD.—We have not the slightest information on the point.

Senator Lt.-Col. NEILD.—I wish to refer to the position of the partially-paid militia infantry and volunteer infantry of New South Wales. First of all, I draw attention to the material reduction in the numbers of the four volunteer regiments and the four militia regiments. The Attorney-General has already indicated that, in his opinion—and I suppose he was voicing the opinion of his colleagues—the forces are not adequate for our defence.

Senator DRAKE.—"For absolute safety," was my expression.

Senator Lt.-Col. NEILD.—"Absolute safety" means a great many things. In the four militia regiments alone there has been a reduction of no fewer than 500 men, and of £5,000 in pay. I turn to another page of the Estimates, and I find that in connexion with the volunteers there has been a much larger reduction. The volunteers in New South Wales have been reduced by over 1,000—from 3,544 to 2,482. In the unpaid forces, for mere clothing and management, there is a reduction from £11,300 to £7,300—a decrease of, no less than £4,000. Can Ministers give the Senate an assurance that it is possible to maintain in adequate order the forces when such reductions are made in the expenditure not for pay—not one penny piece is for pay—but merely for clothing and contingencies? It will be within the recollection of the Senate that a return, laid upon the table upon my motion a little while ago, showed that the Defence Forces of the Commonwealth had been reduced by 25 per cent. in the two years during which the Commonwealth Government have had charge of them: the reduction being 7,000 out of 28,000. There has been no recruiting for a length of time. I do not know how long that regulation has been in force; but, in addition, an extra number of men have left the force, and a great number have been discharged, while companies and corps have been broken up and disbanded. If inquiries were made, I think it would be found that at the present time the effective strength of the Defence Force is not much more than half of what it was when taken over by the Commonwealth. If one-quarter of the men had gone by 31st March, and there has been no recruiting, while companies and corps have been disbanded all over the States, the remaining three-quarters must have been materially reduced. When we come to consider the Estimates next year, we may find that, with those wholesale reductions, the amount required will be materially less than that for this year, for the simple reason that men are not available. It is mere affectation to close one's eyes to the figures given in these documents placed before us. There has been a tremendous reduction in the number of the citizen forces and in the amount expended on their equipment and maintenance. I have already shown a reduction of



practically £1,000 for each of four volunteer regiments, the difference in the total expenditure being as between £11,300 and £7,300. The number of troops, as I pointed out, has been cut down by about 1,100 men.

Senator DRAKE.—There seems to be six companies instead of ten in each regiment.

Senator Lt.-Col. NEILD.—There are now eight companies instead of six in each regiment, but the strength of the company has been cut down from 100 men to sixty men. I am now referring to the re-organization scheme which was recently laid on the table of the Senate, and has been published in the press throughout the Commonwealth. The number of each regiment in both the militia and the volunteers has been reduced by 125 men; and, in addition, several companies of volunteers have been disbanded. While four regiments of the partially-paid or militia forces have been reduced by 125 men each, the volunteer division has been reduced not by 500 men, but by 1,100 men. When we are voting these amounts for both the partially-paid and volunteer forces, is, I think, the proper time to express an opinion as to whether it is desirable to continue the two branches—whether or not the force should be all partially-paid or all volunteers. The present state of affairs is, I believe, admitted on all hands to be unsatisfactory. I believe it was desired on the part of the Government, and possibly on the part of their military advisers, when the Commonwealth was first established, to change the volunteer force into a partially-paid force. I believe that was in contemplation; but whether it was ever more than contemplated I do not know. Judging by the Estimates, it seems extraordinary that the volunteer force, the members of which receive no pay, are the most “slaughtered” in the way of reductions. The retrenchment falls most heavily on the unpaid men, and most lightly on the professional soldier. I shall not discuss the professional branch of the forces, because the Estimates in regard to these have already been passed. We have before us, however, the question of the partially-paid and volunteer forces, and in regard to the former the expenditure has been very materially reduced. The volunteers, however, suffer in that their clothing allowance has been reduced to 30s. per annum per man. It is an interesting problem whether it is possible for a uniform to be

provided for that amount, when we consider the wear and tear in camp, and on parade. All kinds of weather have to be faced, and uniforms have to be slept in, on the ground, when in camp, and as straw is very seldom permitted, a single blanket does not afford much protection from the dirt of an earthen floor. Under the circumstances, I am inclined to think that as in the past, it will not be found possible to provide a uniform for the amount mentioned, though of course if it were, it would be all the better for the pockets of the Commonwealth taxpayers. The Government appear to take considerable credit for not expending the total amount of the Parliamentary vote. I take exception to such an attitude, because in my opinion Parliament, having voted the money, desires that it shall be expended, and not that the defence forces shall be starved. In view of not only the large reductions made in the Estimates by the other branch of the Legislature, but also of the large savings effected by the administration of the Government, it seems to me that by voting the enormously reduced sum on the Estimates, we run a risk which is not in accordance with public interest. To reduce expenditure too far, especially in the case of the wholly unpaid men, would be to expose us to the danger that the Commonwealth may not get the efficient working force which the people would desire. It is true that we are voting, in round figures, about £500,000. How much of this will be treated as savings, I do not know; but it is wholly undesirable to vote such a sum unless an adequate force is the outcome. I am very much afraid, however, that we shall not get the adequate force for which Ministers hope. I know the difficulties caused by the reductions of expenditure which have taken place from time to time, and my object is to urge on Ministers the unwisdom of paring down, in administration, the paltry amounts we are now asked to vote. Had I thought of the matter, I should have given notice of a question, with a view to ascertain how many men are available for the defence of the Commonwealth at the present time. I fear that the numbers have been very seriously reduced, and that they will be still more reduced, unless the citizen forces are encouraged by a little more of that generosity which they have a right to expect at the hands of those to whom they give gratuitous services, or services paid for by a remuneration so paltry as to be hardly worth discussing.

Senator DRAKE.—No one can regret more than I do the necessity for having to retrench in the Defence Force generally, and in this branch of it particularly. Senator Neild of course recognises the peculiar circumstances of the present position. The necessity for economy has been strongly impressed upon the Government, and we have asked the General Officer Commanding to prepare a scheme of re-organization which will fit the economical desires of Parliament. Having to re-organize on the basis of the amount voted by Parliament, he has proposed a certain strength with regard to each of the divisions of the Defence Force. Some honorable senators have been deprecating any reduction in the permanent force; Senator Neild objects to a reduction in the partially-paid and volunteer branches of the Defence Forces; and, no doubt, other honorable senators will separately object to reductions in other directions. But when we have considered all these matters we get back to the position in which the General Officer Commanding is placed, and remember that we have required him to re-organize the Defence Force on a certain financial basis. I very much regret the necessity for reducing the number of partially-paid forces, but the reduction is carried out in accordance with a scheme of re-organization which, I think, should have a fair trial, and which we all hope will be successful. After the scheme is accepted and in working order, it will be for Parliament to say to what extent it will go in voting supplies for this Department. Whatever the Parliament may be willing to vote the Defence Department will be glad to expend in the most profitable manner.

Senator STEWART (Queensland).—I sympathize very much with Senator Neild in the strictures he has just passed upon the cutting down that has been going on in the volunteer forces. It is necessary, to begin with, that we shall have a clear idea as to the kind of Defence Force which the people of the Commonwealth desire to have. So far as I have been able to gather, it is the desire of the people that the Defence Force should be composed of a small nucleus of permanent men, together with a citizen force of volunteers. Apparently the Commandant and the Government cling to the idea of maintaining a partially-paid force in a comparatively strong position. I do not think that is in accordance with the wishes of the people. As I have been able to interpret their

desire, it is that the partially-paid force should be subjected to a reduction—should gradually disappear, and should be replaced by a volunteer force. In comparing the cost of the permanent men with that of the partially-paid men and volunteers, I find that the permanent men cost nearly £200; the partially-paid men nearly £15; and the volunteers between £4 and £5 per head per annum. I put it to honorable senators whether it would not be better to spend any sum between £5 and £7 per head per annum upon our volunteers, and have a much larger number of them, than to spend so large a sum on our partially-paid forces, and have so very few men to show for our expenditure. For an expenditure in pay of £51,544 we have only 1,966 partially-paid men, whilst, for an expenditure of £7,309, we have 2,482 volunteers. During the past year, as Senator Neild has pointed out, the numbers of the volunteer force have been reduced by 1,100. Honorable senators may fairly ask why the volunteer arm of the service is being reduced to such an extent. Have the people of the Commonwealth not stated their desire to be that our army should be composed as largely as possible of volunteer forces? That being generally accepted as the desire of the people, it was the duty of the Government and of the Commandant to reduce the expenditure on the partially-paid forces, and to offer every encouragement to our young men to join the volunteer forces. We must have a definite policy of some kind in connexion with our Defence Force. As the Attorney-General has pointed out, honorable senators complain that this or that branch of the Defence Force is not sufficiently considered, but we are always bound by the condition that the money which we are able to spend on a Defence Force is limited. That being the case, it becomes the paramount duty of the Government to get as much as they possibly can for the money they spend. What is the best way to do that? I do not know whether Senator Neild favours an increase in the partially-paid forces, but my opinion is that we cannot afford to add very largely to the numbers of that branch of the service. I think our policy should rather be the reverse of that, and that we ought to increase our volunteer forces. I have heard it stated that young men will not join the volunteers, and do not take any interest in military service, unless they are paid. I do not know whether that is

the case, but I know that when I was a young man, thousands of young men in Great Britain took part in the volunteer movement without ever getting a single shilling out of it. I am sure that we have in Australia large numbers of young men who would be glad to join our volunteer forces if sufficient inducement were offered to them—if only in the way of free ammunition.

Senator DRAKE.—Is not that another form of pay?

Senator STEWART.—Yes; but surely it is better to get men in that way than by merely giving them money?

Senator DRAKE.—We are giving free ammunition to the rifle clubs.

Senator STEWART.—We ought to very largely add to that method of establishing a Defence Force. Let us contrast the numbers. Including everything, the volunteers cost between £4 and £5 per head, while the militia cost about £15 per head. In New South Wales, for instance, we have 4,966 militia, costing £15 per head, and 2,842 volunteers costing between £4 and £5 per head. Would it not be much better to have 12,000 or 13,000 volunteers in that State for exactly the same sum as is now spent on 4,966 militia and 2,482 volunteers? By adopting the system I advocate, we should double the number of men available for service when required, and train a very large number of our people to shoot well. The Government should take seriously into consideration the question of whether it ought not to encourage the rifle clubs and volunteer arm of the service in the way suggested. I know that the General Officer Commanding is opposed to a citizen army, and is in favour of a permanent force.

Senator DRAKE.—He is not getting a very large permanent force.

Senator STEWART.—I know that he is not getting a large force, and that we are not able to give him it; but, as I said before, we have to cut our coat according to our cloth, and I think we could get the best service by encouraging volunteers. In my opinion the Government ought to put down its foot, and tell the General Officer Commanding that that branch of the service must be encouraged. The excuse has been given that men will not take an interest in the defence of their country unless they are paid, that the only way to bring them into the service is to enrol them as militia. I do not know whether that is the case or not. But it is very desirable that the other method should be

given a fair trial. I feel almost certain that we should get a very large number of young men to join the volunteer force if they were given the encouragement which I think ought to be given. Why not offer prizes for the best shots, why not have shooting tournaments all over the Commonwealth every year, in addition to giving each efficient volunteer a certain quantity of free ammunition, and supplying any additional quantity at the lowest possible price? I believe that if that were done a considerable number of young men would gladly join the volunteer force. I have nothing to say against the partially-paid force. I know that it includes a very large number of worthy men; but I also know that so far as a certain section of the force is concerned, membership is looked upon more as a pot-boiling expedient than anything else. Senator Neild said that in his opinion the Committee ought to express its opinion as to whether the partially-paid or the volunteer force should be encouraged, and in order to afford an opportunity for the expression of its opinion I move—

That the House of Representatives be requested to reduce division 74, "New South Wales Militia, or partially paid, £51,544," by £1.

This proposal, if carried, will be an instruction to the Government to reduce the number of the partially-paid force and to increase the number of volunteers.

Senator DRAKE.—I cannot say that I agree with Senator Stewart. I do not think that his proposition will meet with the support of Senator Neild, whose trouble is that we are reducing the partially-paid forces too much.

Senator Lt.-Col. NEILD.—No; reducing both branches.

Senator DRAKE.—I do not agree with Senator Stewart in endeavouring to show that we ought to depress one branch of the Defence Force in favour of another. The position is that we want all these branches. We recognise that one man may be able to render better service to the country by becoming a member of the partially-paid force; that a second man, who cannot spare so much time, may be able to do better by joining the volunteer force; and that a third man, who, perhaps, cannot join either of those branches, may be an excellent member of a rifle club. We are not discouraging any of these branches. We are giving more

consideration to the rifle clubs than was previously given. We are giving just as much consideration to the volunteer forces as was previously given. And with regard to the partially-paid force, we are reducing the number in consequence of the desire for economy. But what is happening, in many cases, is that we are converting volunteers into partially-paid forces. It is contrary to Senator Stewart's ideas, but I think it is a perfectly wise course to take. We recognise that these volunteers are performing certain service now; we believe that they are in a position to qualify as militia; and we say that if they do they shall be paid. That is the reason why the Estimates provide for a smaller reduction in the partially-paid than in the volunteer forces.

Senator Lt.-Col. NEILD.—The Minister is quite wrong.

Senator DRAKE.—The honorable senator has been quoting figures at large; but I have the figures in my hand. I am speaking of the re-organization scheme.

Senator Lt.-Col. NEILD.—I shall show the Minister that he is wrong.

Senator DRAKE.—I am not. Senator Stewart spoke about the policy which has been adopted with regard to the partially-paid and volunteer forces. I am not talking about what may happen in a particular locality, because in some cases there may be more volunteers, and in other cases more partially-paid men. What has happened throughout the Commonwealth under the re-organization scheme is that in many cases we have converted volunteers into partially-paid forces, and, consequently, men who were not paid before for their services will get payment in future. I think that the principle of partially-paid service is sounder and more wholesome than that of volunteer service.

Senator Lt.-Col. NEILD (New South Wales).—I should be at once ruled out of order if I were to proceed to discuss any question not relevant to the division of the Estimates before the Committee. While I am not going to contest the Attorney-General's sweeping statement with regard to the Defence Forces of the Commonwealth I shall discuss the position in New South Wales. My honorable and learned friend was entirely wrong, except in regard to one small matter. One company of sixty volunteers was transferred to the partially-paid branch, but that is the sum total of the transfers in

New South Wales connected with the items which we are now discussing. The Attorney-General has stated that the same inducements are being offered, and the same consideration shown to the volunteer forces at the present time as were given in the past; but, as to that, he is entirely mistaken. To begin with, for many years in New South Wales an allowance of £3 per man was given for clothing and sundries. The allowance now given is £1 10s. for clothing and £1 for sundries, and under the heading of sundries are included a large number of expenses which formerly were not charged against the £3 allowance. As a matter of fact, the men are worse off to the amount of £1 per head per annum now than they were formerly, and a difference such as that is likely to go a long way in accounting for the difference between efficiency and inefficiency. If Senator Stewart will again look at the figures, he will see that he rather overstated the cost of the volunteer forces. The total sum provided for 2482 men is £7,300, or less than £3 per head. With some little knowledge of what I am speaking about, I venture to say that that amount is materially less than was voted for the volunteer service some time ago. Referring to the re-organization scheme, I would point out that these volunteers—these particularly cheap soldiers—have allotted to them in the defence scheme which has been published everywhere the defence of the ports of Australia, apart from artillery defence. They will act as garrison troops, while the other branch of the service will act as a field force, and will roam about the Commonwealth, meeting the enemy if he goes sufficiently far inland. It is the volunteers who will have to bear the entire brunt of his attack. Therefore the policy of the Government should be, not to make this service less attractive, but to make it more attractive, and to induce the best men to enter it. I do not agree with the Attorney-General that the responsibility for this policy is to be thrown upon the General Officer Commanding. I do not throw the responsibility upon him at all; I throw it upon the Ministers. It is their policy that I am discussing. The General Officer Commanding no doubt does the best he can with the limited sum placed at his disposal; but I am discussing the public policy of the Ministry, not the military details for which the General Officer Commanding is, no

doubt, responsible. I have made these remarks, not because I believe that we have now an opportunity to alter affairs, for I know that that is not so, but because if nothing is said, if our opinions are never expressed, the Ministry will have nothing to guide it as to the views of Parliament. I cannot support the request for a reduction. I do not wish to set up the volunteer forces as against the partially-paid forces. In my opinion neither the one nor the other branch of the service is receiving adequate attention. I am afraid that experience will prove that the small sum which the partially-paid troops are to receive in the future will be insufficient to induce the attendance that is expected. I feel sure, too, that the volunteer force will be so pinched in ways and means that service in it will lose its attraction for suitable men. What will be the use of spending money upon training the members of rifle clubs and cadets if the partially-paid and volunteer services are so inadequately provided for that trained men will have no inducement to join them? The Government should look the position straight in the face. If they desire to have a useful Defence Force they must find the necessary money, and must not accept a negative vote in Parliament without daring the consequences of a division. I have made these remarks because I think it a duty I owe to the Commonwealth to say what, in my opinion, is desirable in the public interest in connexion with defence expenditure. I should like to have a vote which will give some indication of the wishes of the Committee, but as I do not wish to see the partially-paid forces reduced or discouraged in any way, I cannot vote for the motion of Senator Stewart. I would rather see him move a request for an increase of £1 in the vote than a request for a reduction. If he did so, I would vote with him with the greatest pleasure, in order to obtain an indication of the views of the Committee on this subject.

Senator STEWART (Queensland).—I am afraid that Senator Neild and myself look at this matter from different points of view. He thinks that we are spending too little upon both the volunteer and the partially-paid forces, whereas my opinion is that we are spending quite enough on defence, and cannot afford to spend more. I desire that we shall get the very best value for the

money that we consider we are able to afford.

Senator STANFORTH SMITH.—We want a better allocation of it.

Senator STEWART.—Yes. I wish to see more money spent on the volunteers and less on the partially-paid or militia forces. Senator Neild would like to see more money spent on both branches of the service.

Senator Lt.-Col. NEILD.—I wish to see enough money spent to make them efficient.

Senator STEWART.—The honorable senator would like to increase the defence vote all round.

Senator Lt.-Col. NEILD.—I have not said that.

Senator STEWART.—That is the only inference to be drawn from the honorable senator's remarks. In my opinion the resources of the Commonwealth will not permit us to increase our defence expenditure, and therefore I say that we should get the best value for the money we vote. That, I think, can be done by allotting more to the volunteers and less to the militia. It is for that reason that I have moved the motion. It is extremely desirable that we should express an opinion upon the subject. Any uncertainty or hesitancy as to the adoption of a particular course is likely to be fatal to the formation of an efficient Defence Force. We ought to make up our minds on the subject, and express our opinions clearly for the benefit of the Government and of the Commonwealth. I ask honorable senators, whatever their views may be, to give the Government an expression of opinion which will be a guide to them in this matter. If we desire that more money shall be spent upon defence, let us say so. I think we cannot afford to spend more; but a better allocation of the money voted is necessary.

Question.—That the request be agreed to—put. The Committee divided.

Ayes	...	...	...	8
Noes	...	...	...	13
				—
Majority	...	...	...	5

AYES.

Barrett, J. G.  
De Largie, H.  
Higgs, W. G.  
McGregor, G.  
Pearce, G. F.

Stewart, J. C.  
Styles, J.

Teller.  
Smith, M. S. C.

## NOMS.

Baker, Sir R. C.	Playford, T.
Best, R. W.	Pulsford, E.
Charleston, D. M.	Reid, R.
Drake, J. G.	Saunders, H. J.
Gould, A. J.	Walker, J. T.
Millen, E. D.	<i>Teller.</i>
Neild, J. C.	Keating, J. H.

Question so resolved in the negative.

Request negatived.

Senator STEWART (Queensland).—Under the head of general contingencies in connexion with the vote for the New South Wales military forces I find that provision is made for railway fares and railway freights, £3,000; steamer fares and freights, £150; other travelling expenses, £2,000; incidentals, £1,000; bank exchange, £100; fuel and light, £550 and so on. I think that some explanation should be given regarding these items, because the total is a very large one, amounting to £7,925. Then again, I notice that £500 is provided for postage and telegrams. I should like to have some explanation regarding that item.

Senator PLAYFORD.—Communications by post and telegram have to be exchanged by the various divisions of the Defence Forces, and, therefore, it is necessary to make some such provision.

Senator Lt.-Col. NEILD (New South Wales).—I think that I can throw some light upon the matter. The letters and telegrams sent by regiments and corps have to be paid for out of the vote previously dealt with, which is a very paltry allowance. This item must have reference to the expense incurred upon postage and telegrams by the staff officials.

Senator O'KEEFE (Tasmania).—I should like to know whether any further development has taken place in connexion with the request that the officers and men of the Tasmanian Defence Forces should be placed upon a footing similar to that of the forces in other States in regard to pay. It will be remembered that Senator Cameron moved the adjournment of the Senate upon this question, and that the feeling of the Senate was very strongly in favour of the view which he put forward. The Attorney-General then promised that the allowance for encampments should be increased. I desire to know whether that increase is provided for.

Senator DRAKE.—Not upon these Estimates; but provision will be made upon the Supplementary Estimates.

Senator O'KEEFE.—I wish to enter a strong protest against the discrepancy between the pay of the Tasmanian Forces, and that provided for in the other States. We have been told that this distinction was made in the interests of economy at the request of the Tasmanian Government. The Minister was unable to tell me who made this request. It appears, however, that it formed part of the general request made two or three years ago, that the expenditure in every department should be kept down to the lowest possible limit. I cannot be charged with having any great love for militarism, but I feel that if we are to have a Defence Force in Tasmania, the officers and men should be placed on exactly the same footing as those occupying similar positions in other States. So far as defence matters are concerned, Tasmania has derived no benefit from entering the Federation. I cannot understand why Ministers should have allowed themselves to be so far led away from their obvious duty as to listen to a request such as that referred to. They should not have consented to perpetrate an unfederal act and to inflict a manifest injustice upon the members of the Tasmanian Defence Forces. It has been admitted by the Treasurer that injustice has been done, and we have no distinct assurance that the present grievance will be redressed. I am sure that this question is likely to occupy a prominent place in Tasmania during the forthcoming electoral campaign.

Senator DRAKE.—Provision will be made to carry out exactly what I promised.

Senator O'KEEFE.—But the Minister's promise to Senator Cameron related only to an item of some £600 or £700.

Senator DRAKE.—I promised all that was asked, namely, that the rates of pay for the men when in camp would be upon the same scale as in the other States.

Senator O'KEEFE.—Although Senator Cameron specifically called attention to that matter, he also spoke of the discrepancy between the rates of pay in Tasmania and in other States at ordinary times. He went so far as to say that the grievance was such an old one that the members of the Defence Forces were disgusted, and strongly inclined to resign. In regard to the increase of the expenditure upon the head-quarters staff in Tasmania, I would remind Senator Pearce, who called attention to the matter, that the six staff officers, who constitute the District Head-quarters Staff in Tasmania,

draw salaries amounting to £1,460, representing an average of only £243 each, whereas in Western Australia—a State with which I think I may fairly institute a comparison—there are five staff officers drawing salaries amounting to £1,510 per annum, or an average of £302 each. I wish to ascertain why the Tasmanian officers—for whom I do not hold any particular brief—should perform the same work for an average of £243 per annum that the Western Australian officers perform for an average of £302? I ask Senator Dobson if he can justify that anomaly? Why should the six officers in Tasmania discharge duties for £243 annually, for the performance of which the five officers of the district headquarters' staff in Western Australia receive £302?

Senator PEARCE.—Does not the honorable senator think that the difference between the size of the States imposes more work upon the Western Australian officers?

Senator O'KEEFE.—I do not think so. They are engaged exclusively in the discharge of military duties. The relative size of the States has nothing whatever to do with the question. If the officers are fully employed they night as well be travelling over a large State as over a small State. Again, the Tasmanian Defence Forces, including the cadet corps, number 2,555, and the total expenditure upon them is £21,233, whereas in Western Australia the Defence Forces number only 2,181, and the total expenditure upon them is £28,348. Thus the Tasmanian forces number approximately 400 more than do those of Western Australia, and yet the expenditure upon them is £7,000 less. I put this illustration to show the discrepancies which exist. I trust that we shall have some further assurance from Ministers that these anomalies will be removed, and that the Tasmanian forces will be placed upon an equal footing with those of the other States. It is all very well to say that provision will be made to remedy them in the Estimates which will be submitted twelve months hence. That is not the right way to look at the matter. It is quite possible for Ministers to remedy these evils immediately, even if we pass the Estimates in their present form. I do not intend to move any request, although the serious injustice under which the Tasmanian

forces have laboured for some time past would justify the adoption of that course.

Senator CLEMONS (Tasmania).—I rise with considerable misgiving to deal with this matter, not because I entertain any doubts as to its merits, but because I doubt my ability to interfere successfully. Since this question was previously debated upon a motion for adjournment by Senator Cameron, I have devoted some time to investigating the state of affairs which he described. I trust therefore that Ministers will give me their attention, because what I have to say is, at least, accurate. The Attorney-General has stated, by way of interjection, that on the occasion in question he promised Senator Cameron that the grievances which he brought forward would be remedied. He is quite correct in that statement, and I have no doubt that he will carry out his promise. The unfortunate feature of the matter is that Senator Cameron asked for very much less than he ought to have done.

Senator DRAKE.—But I told him what the Tasmanian Defence Forces wanted.

Senator CLEMONS.—I am not blaming the Attorney-General for what he did. I simply desire to show that Senator Cameron, to put it mildly, made a blunder. The history of the condition of the Defence Forces in Tasmania is briefly this: Many years ago Tasmania annually spent upon those forces more than the amount which appears upon these Estimates. At that time they were a fairly effective body. But, later on, bad times were experienced, and, as a result, the Defence Forces had to be retrenched. They were retrenched to such an extent that their members grew disaffected—a condition of affairs which was dissipated only by the South African war. That war gave a fillip to the volunteer movement in Tasmania, and while it lasted things were all right. When it terminated, however, a reaction occurred, and the men again grew discontented. At that time Federation was on the eve of accomplishment, and accordingly they were told that when the Commonwealth assumed control of the Defence Department their grievances would be redressed. But the year 1901 passed without any alteration being effected. The same remark is applicable to the year 1902. Towards the end of that year Major-General Hutton visited Tasmania, and informed the officers and men that upon the Estimates for 1903

provision would be made to redress the disabilities under which they laboured. He therefore urged them to possess their souls in patience for a little longer, promising that justice would be done to them. Evidently something has intervened between the promise made by him and its performance, because nothing has since been done, and the men have now been asked to wait a year longer.

Senator O'KEEFE.—Why should they wait?

Senator CLEMONS.—The matter is complicated by the financial necessities of Tasmania. I admit the financial difficulty, and that it would be useless for me to talk upon this question if I were not prepared to make a practical suggestion with a view to remedy the existing state of affairs. I am, however, ready to offer such a suggestion, and I trust that Ministers will give effect to it, because I know that it will meet with practically the unanimous approval of the Defence Forces of Tasmania. Major-General Hutton has divided the forces of that State—apart from the permanent men—into the field force and the garrison force. As Ministers are aware, the members of the Tasmanian field force are not paid upon the same scale as are those of the rest of the field forces of the Commonwealth. In contradistinction to the garrison forces which remain in each particular State, those forces may be called upon to serve anywhere within the Commonwealth. Tasmania's grievance has reference to her field force. The position is briefly this: 500 men belonging to that force may be drafted from Tasmania to Queensland, there to serve side by side with others forming part of the same division who would be receiving a higher rate of pay. That state of things is not conducive to discipline. I know that the Attorney-General recognises that fact as fully as I do. The difficulty is to decide how an alteration can be effected. The field force of Tasmania aggregates about 882 men. Her total number of volunteers—using the term in its generic sense—is roughly speaking about 2,000. An attempt is now being made to spread a certain vote which appears upon these Estimates over the whole of these forces. Under that plan the Tasmanian field force does not receive the same rate of pay as do the field forces in any of the other States. Whilst I do not think I should be justified in asking for any

additional expenditure, I claim that the sum which it is proposed to vote should be spent more economically, and that the 882 men comprising the Tasmanian field force should be paid exactly the same rate as are the rest of the field forces throughout the Commonwealth. To permit of that being done we must effect economies in the other branches of the Tasmanian Defence Force. If we do that we shall be studying the true interests of economy, because honorable senators will recognise that that term does not necessarily imply limiting our expenditure so much as insisting that we receive good value for it. I admit that there are a few other men in the Defence Force of that State who do not quite come within the category of a "field" force and to whom it is desirable to offer more pay. These number about a hundred, and include a few members of the artillery and some of the engineers. The reason why it is desirable to grant the members of the Tasmanian field force extra pay is to insure that they shall engage in daylight training. Senator Cameron's claim a little while ago for the expenditure of an additional £692 was based upon a demand for camp pay to the men during a fortnight in each year. But if we desire them to become efficient, that is not all that is required. What is wanted is daylight parade or training; and we cannot obtain that unless we pay men to engage in it. It is quite unfair to expect members of the Tasmanian field force to undertake daylight training if they are not paid equally with those in the other States. In order that we may offer the 882 men who comprise that force the same rate of pay for daylight work that is enjoyed by the rest of the Defence Forces of the Commonwealth, I urge the Ministry to adopt the suggestion which I have made. Let us save the money upon the remainder of the Tasmanian forces—let them remain volunteers—and I can assure the Ministry that both officers and men will be perfectly satisfied. If we can arrange to place some 900 men in Tasmania upon the same footing as their comrades upon the mainland, the rest of the force will remain perfectly loyal as volunteers.

Senator DOBSON.—What would be the cost over and above the additional £600?

Senator CLEMONS.—I am not asking for any further expenditure. I admit the financial difficulty, and I simply urge the



Government to distribute the money in a different way. I suggest that they should give full pay to say 900 men, in order that they may become equally efficient with the field forces in the rest of the Commonwealth; and in order to provide the funds necessary for this purpose they should effect savings in respect of the remaining Tasmanian Forces, comprising over 1,000 men. The Defence Forces in that State would be abundantly satisfied with such an arrangement. I trust that the Ministry will accept my assurance, because I have taken pains to ascertain the opinion of the forces in Tasmania, and I am sure that this would be a reasonable solution of the difficulty. The better system to adopt would be, of course, to treat all the Commonwealth Forces alike; but the men in the Tasmanian Defence Forces are just as willing as we are to recognise that there is a difficulty in relation to that State, and they would be well pleased if the field forces there were adequately paid, and raised to the state of efficiency which prevails in other parts of the Commonwealth. I do not wish to embroil the State of Tasmania with the Commonwealth Government, but it is obvious that this is an instance, which will probably recur during the history of Federation, of a State endeavouring to retrench, not in connexion with some Department which it wholly controls, but in connexion with one controlled by the Federal Government. Tasmania is engaged in a financial struggle, and the Government there find it difficult to retrench.

Senator PEARCE.—They should impose a Land Tax.

Senator CLEMONS.—The honorable senator will readily understand that in present circumstances the State Government is strongly tempted to refrain from practising any further economies in Departments which it wholly controls, and, during the book-keeping period, to effect indirect retrenchment in a Department controlled by the Commonwealth. I have no desire to deal bitterly with the subject; but that is what the Tasmanian Government is doing, and it is for that reason that the Commonwealth Government have been induced by the Ministry of the State to cut down the pay of the Defence Forces in Tasmania. To put the position in a nutshell, the Tasmanian Government has used the Federal Government for its own purposes of retrenchment. Politically, the Federal Government

has been of service to the Tasmanian Government. The State Government has avoided the odium which it would possibly have incurred if, instead of effecting retrenchment in relation to a Commonwealth Department, it had retrenched nearer home. I frankly admit that I cannot move any motion on this Bill which would further the object that I have in view; but I feel certain that Ministers, in this Chamber at all events, will give the matter some consideration. I firmly believe that they will find my proposition not only practicable, but one that will meet with the hearty approbation of the Defence Forces in Tasmania.

Senator DRAKE.—I do not think that the honorable and learned senator has grasped this question in all its details. I have a very clear recollection of what took place upon the occasion of the recent debate on this subject, and I shall endeavour, as briefly as possible, to give honorable senators an idea of how the matter stands. The General Officer Commanding was requested to draw up a re-organization scheme for the whole of the Commonwealth, and he provided that the Defence Forces in each State should bear a reasonable proportion to the population of that State. The scheme allots a certain proportion of the forces to Tasmania, and, in order to give effect to it, we should require about £4,000 more than we are now asking Parliament to vote for the Defence Forces in that State.

Senator CLEMONS.—There is no occasion to do that; we might have a smaller number of men there.

Senator DRAKE.—If we have a Defence scheme for the whole of the Commonwealth, we cannot keep cutting and hacking it about in order to meet the exigencies of this or that State. The honorable and learned senator really complains of our failure to carry out the re-organization scheme in Tasmania, and that failure is due to our desire to meet the financial exigencies of the State. In order to carry out the scheme of the General Officer Commanding in its entirety, we should require about £4,000 more than we are asking for the Defence Forces in Tasmania. As I pointed out on the occasion of the debate to which I have referred, no specific request for retrenchment was made to us by the Tasmanian Government; but there has been a general desire that we should endeavour to so make our arrangements as to suit more particularly the

financial exigencies of Tasmania and Queensland. That was the reason why it was considered desirable, if possible, that we should lessen Tasmania's burden in connexion with the Defence Forces. As I pointed out before, there was another peculiarity, inasmuch as the Defence Forces in Tasmania, although technically militia, had almost ceased to be paid. They received only a small amount in respect of camp pay.

Senator CLEMONS.—That was the great grievance.

Senator DRAKE.—It was because they were treated as volunteers that the number of men enlisted in the forces there is in excess of the limit fixed by the Act. I believe that the Act expressly limits the number to 1,200, and at present they are about—

Senator CLEMONS.—Two thousand.

Senator DRAKE.—Something like that number. The Act gives no authority for the enrolment of so large a number. If it is said that all these men, because of their enrolment, are militia, we shall have to reply that there was no authority for the enrolment of so large a number.

Senator CLEMONS.—We do not require that number.

Senator DRAKE.—That is the position. I pointed out, in connexion with the last debate on this question, that we should have to incur an increased expenditure of £15,000, in order to allow all the members of the Defence Forces in Tasmania militia rates of pay.

Senator CLEMONS.—I recognise that we could not do that.

Senator DRAKE.—The honorable and learned senator will remember that Senator McGregor remarked on that occasion that I was confusing the issue in relation to the two sums of £4,000 and £15,000, and that all that would be required was a sum of about £620. Then Senator Clemons said that he would resume his seat.

Senator CLEMONS.—I foolishly accepted Senator Cameron's statement.

Senator DRAKE.—Believing that was the amount asked for, I said that we should find the additional £620. As it is, a much larger sum will be required in order that these men, while in camp, may receive the rates of pay which prevail in other parts of the Commonwealth.

Senator CLEMONS.—It is not nearly sufficient.

Senator DRAKE.—Quite so. I knew at the time, and I said so, that such a sum would be insufficient to place the Defence Forces in Tasmania in the same position as the forces in the other States.

Senator CLEMONS.—Could not the Government put the Tasmanian field forces, numbering some 882 men, on a position of equality with those in the other States?

Senator DRAKE.—The honorable and learned senator is unable to tell me how his proposal would work out. I am not quite sure what number of men Major-General Hutton proposed to provide for Tasmania; but if we were now going to make any alteration—if we thought that the general desire to conserve the finances of Tasmania should not be considered any further—we should have to carry out his scheme.

Senator CLEMONS.—I do not ask for that.

Senator DRAKE.—The Defence Department desired to carry out the scheme proposed by the General Officer Commanding, and it was only because of the position of the finances of Tasmania that we were induced to make an exception in the case of that State. It was not the desire of the Defence Department that such an exception should be made; it would be only too pleased to have the scheme carried out in its integrity.

Senator O'KEEFE.—The question is whether the Defence Forces are under the control of the Tasmanian or the Commonwealth Government.

Senator DRAKE.—They are certainly under the control of the Federal Government; but, in dealing with very many matters, we have had regard to the financial exigencies of the various States. We have done so in the case of Queensland and Tasmania.

Senator DOBSON.—Is the Tasmanian Government still asking the Commonwealth Government to have special regard to the finances of that State?

Senator DRAKE.—As I have already stated, I am not aware that any specific request has been preferred by the Tasmanian Government to the Government of the Commonwealth; but there is a general desire that we should have regard to the financial position of that State. If we thought that Tasmania should be asked to bear this additional expenditure, it would be necessary for us to provide a further sum of £4,000. I should certainly object to the

honorable and learned senator's proposal, although I do not know whether it would involve an increased or reduced expenditure. If Tasmania could afford to bear the increased expenditure, the scheme prepared by the General Officer Commanding should be carried out there as in the other States.

Senator CLEMONS.—That is shifting the point.

Senator DRAKE.—We are not going to be guided by the honorable and learned senator in regard to the details of military expenditure. I have every respect for Senator Clemons, but he does not know himself the exact meaning of his proposal. Who are the 882 men?

Senator CLEMONS.—I wish the Government to expend only the amount which they now propose to expend on the Defence Forces in Tasmania; but to distribute it among fewer men, so that the reduced number will receive the rates of pay given in the other States.

Senator DRAKE.—The number of men would be the number recommended in the General Officer Commanding's re-organization scheme.

Senator CLEMONS.—Not at all.

Senator DRAKE.—If that scheme were carried out, a small number of the men in Tasmania would become partially-paid forces of the Commonwealth, and would receive the rates of pay that are given in the other States; but the remaining forces in the State, who did not belong to the partially-paid forces, would not receive anything.

Senator CLEMONS.—That is what I desire.

Senator DRAKE.—That is the re-organization scheme, which proposes that the number of men in the Defence Forces in Tasmania, as in the other States, shall be in proportion to the population. As members of the partially-paid forces they would receive the ordinary rates of pay, namely, 8s. per day, while the others would receive nothing. The scheme would require an additional expenditure of £4,000.

Senator CLEMONS.—Where are the details of that scheme to be found?

Senator DRAKE.—The scheme has been printed in full and laid on the table of the Senate. It details the exact number of troops proposed to be maintained in each State. In the statement by the Minister, which has also been laid upon the table, it is set forth that in consequence of the position of the finances of Tasmania, it is considered better to retain the services of the

Defence Forces there as before. There may have been some misunderstanding in connexion with the recent discussion of this question; but it was certainly not on my part. The request then made by Senator Cameron, and supported, I believe, by other honorable senators from Tasmania, was that for this year we should give the whole of these men full rates of pay during the time that they are in camp. It was estimated that that would entail an expenditure of £600, but the outlay would be much more. Whatever it is, we propose to provide for it out of the Treasurer's advance, and subsequently to ask Parliament to vote the money. I think that the other matter might be allowed to stand over until next year. I thoroughly recognise the force of the case made out on behalf of the forces of Tasmania, and naturally the Defence Department very much regret that the re-organization scheme has not been carried out in its integrity in all the States. I think that honorable senators may rest assured that every effort will be made in the next Estimates to provide for that scheme.

Senator O'KEEFE.—The finances of Tasmania next year will probably be as unsatisfactory as they are to-day.

Senator DRAKE.—I hope not.

Senator MACFARLANE (Tasmania).—Under the heading of General Contingencies, we find the items—

Railway fares and freight, £350; steamer fares and freight, £50; other travelling expenses, £550.

I wish to know whether the Vice-President of the Executive Council has any information to give the Committee in regard to these items?

Senator PLAYFORD.—No; except that the appropriation is the same as last year.

Senator DRAKE.—Only £904 was spent last year, and we are now asking for £950. The honorable senator needs to add the three items together.

#### POSTMASTER-GENERAL'S DEPARTMENT.

Divisions 174 to 180, £2,460,299.

Senator MCGREGOR (South Australia).

—I desire to call attention to one or two matters which ought to be remedied. The first concerns the relationship between the Public Service Commissioner and the Post and Telegraph Department. The attention of the Committee ought to be called to the way in which officers who are doing permanent work are left in temporary positions. I believe that when the

Public Service Bill was introduced attention was called to this very question, and it was pointed out that where officers were doing a sufficient amount of work to keep them permanently employed, they should be placed upon the permanent staff. Has that been done?

Senator DRAKE.—In a good many instances.

Senator MCGREGOR.—In all instances where the services of an officer are permanently required, he ought to be given a permanent position. Neither male nor female officers have been treated fairly in this respect. I have had communications from officers who have been classed as temporary, although they are practically permanently employed. Under the Public Service Act, they can only be retained in temporary positions for a certain time, and then they have to be discharged. But what takes place? Some other persons with less experience are put in their places, and the work is not done so efficiently. That system is going on at the present time. I will take the instrument fitters by way of illustration. In a mechanical business of this description, men who have been engaged for a considerable time, and know the routine of the work, should hold permanent positions. But, instead of that, there are twenty or thirty of these officers who, although there is enough work to keep them permanently employed, are not placed upon the permanent staff, their services being dispensed with at the end of six months. I believe that three months' grace has been given; and, when that has expired, these men must go and make room for others, who will be permanently appointed. If they were really temporary hands, when their term of employment expired it would not be necessary to put others in their places. The very fact that it is necessary to replace them in order to carry on the work, is, as the lawyers would say *prima facie* evidence that they ought to be on the permanent staff. I want to know why they are not appointed, or whether the business of the Commonwealth is to be carried on as it has been in some of the States, where men have been discharged simply for the purpose of enabling others to be put in their places. Of course, if the officers in question were incompetent, they should be sent away forthwith, and competent officers should replace them. But, under our legislation, it

appears that competent men have to be replaced by persons of less experience. While that is the case our affairs are not being managed as they should be.

Senator PLAYFORD.—Can the honorable senator give any specific cases?

Senator MCGREGOR.—I can name thirty cases at least.

Senator PLAYFORD.—Where men have been put off and others have been appointed in their places?

Senator MCGREGOR.—Others have been appointed, or are about to be appointed. Another point to which I wish to direct attention is that when we entered into Federation certain conditions were imposed on the Federal Government in regard to taking over men and women who were in the employment of the States. Has that been done in all cases? Has every man and woman who was employed in the transferred departments before Federation been taken over? That question arises in connexion with the Post and Telegraph Department. Before Federation there were a number of persons employed in the cleaning of the central offices. In the majority of instances the charing and cleaning are done by widows. Some time ago I asked a series of questions as to the number of persons employed in the cleaning of the post-offices in the capitals of the States. The replies showed that these cleaners were not taken over, although they were doing work for the Commonwealth. In most of the States, with the exception of South Australia, a system of sweating has been carried on concerning the payment of the cleaners. That system ought to be considered a disgrace to the Commonwealth. I do not wish to enter into the particulars, but honorable senators have only to turn to the answers given to my questions, and they will find that unfortunate women, some of whom are widows, who have families to bring up in a respectable manner, have had to work for not more than 15s. a week.

Senator DRAKE.—Where is that?

Senator MCGREGOR.—Either in New South Wales or in Western Australia; the honorable and learned senator can ascertain by turning to the answers given to my questions. South Australia is the only State in which a respectable amount has been paid for the services rendered. Why were not those unfortunate widows taken over and made permanent employes just as were the other officers? There must have been some

reason for declining to take them over, and I should like to know what those reasons are. There have also been several instances where young women have been employed by the States in the Post and Telegraph Department for a number of years, and because they were not permanent officers they were discharged when the Department was transferred, other officers being put in their places. When anomalies of that description creep into our administration it is time that some inquiry was made, and something done to render justice to those who have served the States in the past and who are prepared to serve the Commonwealth in the future. I hope that when the Attorney-General or the Vice-President of the Executive Council replies, some explanation will be given of the anomalies which I have indicated.

Senator DRAKE (Queensland—Attorney-General).—When the Departments of the various States were taken over the officers were, of course, transferred from State control to Federal control. The permanent officers came over as permanent, and the temporary officers as temporary; but afterwards the Public Service Act was passed, and it is the administration of that Act with which apparently Senator McGregor has been dealing. Strictly speaking, this matter ought to have been discussed when another Department was before the Committee. That, however, is a question I do not raise.

Senator MCGREGOR.—I discussed the Department in which anomalies exist.

Senator DRAKE.—I presume that if such anomalies exist in the Post and Telegraph Department they exist in other Departments; and what the honorable senator has discussed is the action of the Public Service Commissioner in relation to the Post and Telegraph Department. The Public Service Act provides that the rights and privileges of all permanent officers shall be the same as they were under the States Acts, and that in certain cases temporary officers shall be made permanent, with all attendant rights and privileges. In other cases the Act deliberately provides that a person temporarily employed shall not be employed for more than six months, or, at most, nine months, and shall not be re-employed until after an interval of six months. That provision was deliberately adopted by Parliament in order to carry out the principle of rotation, and in order that permanent work shall not be monopolized by one set of

persons—that temporary employes should not by continual employment become practically the holders of permanent positions without complying with the requirements of the Public Service Act. Section 33 of the Act provides that where a person was in the employment of any State at the time of the establishment of the Commonwealth, he may, on the certificate of the Public Service Commissioner, be appointed to a permanent position without complying with the requirements as to age or as to examination. These were the provisions on which the Public Service Commissioner had to act, and he was supplied by the heads of Departments with a list of the officers employed temporarily, and also with a report as to any necessity there might be for making certain positions permanent. Upon the information supplied, the Public Service Commissioner recommended that in certain cases offices previously filled by temporary employes should in future be considered permanent and filled by permanent officers. In such cases the temporary officers employed were for the future employed permanently. Senator McGregor's complaint is that the power given to the Commissioner was not exercised in a sufficiently full and free manner.

Senator MCGREGOR.—My complaint is that the power was not exercised to the advantage of the servants.

Senator DRAKE.—The honorable senator's idea is that the power was not exercised to a proper extent; he thinks that a great deal of work at present performed by temporary officers should be regarded as of a permanent character—that it should be done by permanent officers appointed with all the rights and privileges of the position.

Senator MCGREGOR.—I complain that men who ought to be made permanent officers are still considered temporary officers.

Senator DRAKE.—That is how I understood the honorable senator. But surely that is an impeachment of the Public Service Commissioner?

Senator MCGREGOR.—I do not care whom I impeach so long as justice is done.

Senator DRAKE.—That may be; but how can a Minister, representing the Post and Telegraph Department, answer a charge or complaint which originates solely in the action of the Commissioner—a charge or complaint that the Commissioner has not exercised his judgment or discretion in

the direction in which the honorable senator thinks it should have been exercised? How are we possibly to discuss this matter unless we have specific instances? It rests with the Commissioner to say whether or not works shall be carried out by permanent officers or by temporary employés; and Senator McGregor is of opinion that the Public Service Commissioner should have made more appointments of a permanent character. It is possible, however, that honorable senators may be of the contrary opinion, namely, that too many officers have been given permanent positions. How can we discuss the matter and come to an intelligent conclusion if we have not the facts before us?

Senator PEARCE.—I can give the Minister particular cases.

Senator DRAKE.—In that case, I had better sit down, and wait for specific instances if this matter is to be satisfactorily discussed.

Senator PEARCE (Western Australia).—The Attorney-General, it seems to me, is not dealing with the objection which was raised by Senator McGregor. What Senator McGregor asks is not that work now being done by temporary officers shall be done by permanent officers, but that fresh permanent officers shall not be appointed to do work which is now being done by temporary officers. I shall give a case in which it was decided to appoint a permanent officer in the place of a temporary officer, who had been doing exactly the same kind of work for a year or two, but whose services had been dispensed with.

Senator DRAKE.—Was the temporary man eligible under section 33 of the Public Service Act?

Senator PEARCE.—In my opinion he was, although by a quibble it was held that he was not. The Public Service Commissioner may, nominally, decide as to these appointments; but as a matter of fact it is the ganger who decides.

Senator Sir JOHN DOWNER.—Who, under the Act, has to decide?

Senator PEARCE.—The Commissioner; but, as a matter of fact, it is not the Commissioner who decides. The case I have in my mind is that of a Victorian telegraph line repairer, named Tucker, who had been in the service for two years. This man was in the service as a temporary employé when the Department was transferred, and along with all the

telegraph line repairers in the various States was by proclamation exempt from the section of the Public Service Act which limit their employment to a period of six months. The object of the exemption was to enable the Public Service Commissioner to determine which of the men should be appointed as permanent telegraph line repairers. During the whole time of his employment, no fault whatever was found with this man Tucker, or with the way in which he performed his work; but when the list was issued by the Commissioner showing the men who were to be permanently employed, this man alone was excluded; and therefore his services had to be dispensed with. Tucker did not know why he should not be made a permanent employé, and his ganger, on being appealed to, said he knew of no reason why Tucker's services should be dispensed with. Eventually Tucker appealed to the Commissioner, and then learned that the reason he had not been recommended for permanent employment was that he had been reported as physically unfit. But Tucker had been employed by the Department for two or three years, and he never, during that time, had been found physically unfit to perform his duties. It must be remembered that permanent employment would carry no more wages, though, of course, it means certain rights and privileges. So confident was Tucker that he was not physically unfit, that he offered to undergo a special medical examination; but the Department refused to allow that test to be applied. Here we have the sort of case referred to by Senator McGregor. The services of a line repairer, who had been employed for two or three years was dispensed with, although during the last three months or so the Government have been assiduously advertising in the *Gazette* for a permanent line repairer to fill the position. Under the circumstances, it is idle to say that there was no vacancy for Tucker. If the man is physically unfit, how is it that he was employed by the Government for the period I have named? If the Government are sure that the man is physically unfit, why is it that objection was raised to his undergoing a medical examination?

Senator PLAYFORD.—Do not blame the Government.

Senator PEARCE.—I ought to have said the Commissioner.

Senator Sir JOHN DOWNER.—And he is the man authorized to consider these matters.

Senator PEARCE.—My vote was against the appointment of a Commissioner.

Senator Sir JOHN DOWNER.—But Parliament has appointed him.

Senator PEARCE.—We are told that we must depend on the Commissioner; but on whom does the Commissioner depend? In the case I have mentioned the Commissioner depends absolutely on the report of the ganger, who may get rid of a man for whom he has a dislike. Instead of these branches of the Public Service being managed by the Commissioner they are managed by the gangers; and in the place of political influence we have the influence of personal dislike and personal spleen. The ganger shields himself behind a charge of physical disability, which may mean something or may mean nothing. It is a commentary on the ganger that it took him two or three years to find out that Tucker was physically unfit; and, as a matter of fact, Tucker is in as good health now as ever he was.

Senator DRAKE.—What is the age of Tucker?

Senator PEARCE.—About thirty; and his case is typical of dozens.

Senator MCGREGOR.—I could cite thirty or forty cases.

Senator PEARCE.—No doubt a great number of cases might be brought forward; but men do not like to have their names mentioned in Parliament in connexion with such complaints. As a matter of fact, I have no authority for using the name of the man Tucker; and I may be doing him an injustice.

Senator MCGREGOR.—The honorable senator is doubtless putting a "black mark" against Tucker.

Senator PEARCE.—If permanent men are required, surely men who have been trained to the work ought to be appointed. Instead, however, the services of a line repairer are being dispensed with, and a man appointed who knows absolutely nothing about telegraph lines.

Senator DRAKE.—When has that been done?

Senator PEARCE.—I presume it is being done as a man has been advertised for.

Senator DRAKE.—Does the honorable senator presume that a man will be appointed who knows nothing about the work?

Senator PEARCE.—According to the Attorney-General, the whole of the temporary hands are debarred from appointment to the permanent position.

Senator DRAKE.—I do not say that.

Senator PEARCE.—My contention is that the temporary employes should have the opportunity of being employed permanently.

Senator DRAKE.—The Act says that they shall be eligible.

Senator PEARCE.—Where is the eligibility of the man who is being discharged because he is physically unfit?

Senator DRAKE.—It was not provided in the Act that the temporary hands must be employed permanently.

Senator PEARCE.—I am showing that it is not the Commissioner, but the ganger who makes the appointment.

Senator DRAKE.—The Public Service Commissioner cannot personally know every man in the service.

Senator PEARCE.—That is just what was said at the time the Public Service Bill was going through. I am glad the Attorney-General now understands that it is impossible for the Public Service Commissioner to know every man in the service.

Senator DRAKE.—I never thought he would. We appointed inspectors to assist him.

Senator PEARCE.—We were invited to believe that the Commissioner would be all eyes. The case to which I have referred is typical of dozens of cases that might be quoted. I am constantly receiving similar complaints from men in my own State. Temporary employes are dispensed with, and they find that within the year appointments are made in the Departments from which they have been discharged. After these men are dispensed with they are debarred from obtaining employment in the service for twelve months, and they can only assume that appointments are made of men who are altogether outside the service.

Senator Lt.-Col. GOULD.—They are debarred from temporary employment.

Senator MCGREGOR.—It should not be temporary, if men have to be put on in their places.

Senator PEARCE.—If men are required, those who have given satisfaction in temporary employment should have the preference when permanent appointments are made, if any preference at all is to be shown.

Senator Lt.-Col. NEILD (New South Wales).—I rise to make no animadversions upon the Public Service Commissioner or upon any one in the service; but as this matter has been broached, I should like to say that we have had sufficient experience of the Act to enable us to suggest that the amendment of the section referred to is worthy of Ministerial consideration. I shall cite a case for honorable senators. Some little time ago there were sixteen persons doing temporary work in one of the Departments. The officer in charge of the Department urged the Minister to put the whole of these men on the permanent staff as he considered their services necessary. For some reason or another the Minister put six of the men on the permanent staff, and the other ten have been employed temporarily from time to time. They have been discharged on the day before every public holiday, and taken on again the day after the holiday in order to save the pittance to which they would be entitled for the holiday under the Act. That discloses a beggarly state of things, and it is a scandalous proceeding for any Minister to consent to. After a great deal of trouble I managed to secure official recognition of the fact that these temporary employes were entitled to be paid for public holidays under the Act; but, as soon as ever I succeeded in getting their legal rights in this respect acknowledged, the practice was adopted of dismissing them before each holiday and taking them on again the day after the holidays, for the sake of the day's pay of about half a sovereign each. Now all these men are to go, and Johnny Raws are to be taken on to do the work which these men have been doing for nine months. I submit that it is not in the public interest that such changes should take place. These men could go to work without oversight, whilst new men will require to be trained, and the business of the country will be thrown into arrears. I am urging that Ministers should take notice of the discussion, and consider whether it is not in the public interest that the section of the Act referred to should be amended in such a way as to provide that appointments made for the performance of duties which are permanent should also be permanent. Ministers are welcome to the particulars of the case I have cited, and I am prepared to supply names.

Senator Sir JOHN DOWNER (South Australia).—Senator Neild has practically said by implication what I wish to say. We passed a Public Service Bill because we thought the political arena was not a good place in which to discuss the conduct of the Civil Service. We desired to remove the service from any political environment, but having done that, honorable senators proceeded at once to try to bring the question of administration back into the political arena from which we industrially sought to set it apart. Personally, I agree entirely with the policy of removing these questions from the political arena. If any attack is to be made, it should be directed to the Public Service Department, and we should not have irregular discussions upon particular instances. Whether names are mentioned or not, is a matter of no consequence; but these references to particular instances, while they interfere with the efficiency and independence of the Public Service Department, insidiously avoid the direct attack which is implied, but is not made.

Senator Lt.-Col. NEILD.—I made no attack upon the Public Service Department.

Senator Sir JOHN DOWNER.—I am not complaining of the honorable senator. Whilst the Public Service Act continues in force it should be supported, and honorable senators should not insidiously undermine it by bringing again into the political arena the very discussions which it was our object in passing that measure to avoid.

Senator PEARCE (Western Australia).—I desire to elicit some information from the Government on several matters relating to the Post and Telegraph Department. For nearly eighteen months the Public Service Commissioner has been in office, and during this period he has been engaged with the inspectors in drawing up a reclassification scheme. I desire to know whether it is nearly completed. I am aware that some months ago a large amount of information had reached the Commissioner from the inspectors, and I should have thought that by this time the Government would have been placed in possession of the scheme. In Western Australia there are officers in the Post and Telegraph Department who consider that they are entitled to increments of salary, but whenever the question is raised they are told to wait until the classification scheme is completed. More than 11,000 men and women are concerned in this



work, and we, as their representatives, are entitled to urge upon the Government that it should be done within a reasonable period. Another question in which the officers of this Department, particularly in Western Australia, are interested is the scheme of allowances which is being drawn up by the inspectors and the Commissioner. I understand that it is the intention of the Government to practically give equal wages and conditions in the capitals of the States, and on that foundation to build a scheme of allowances. In other words, the proposal is to give those officers who live in distant parts of a State or in the tropics an allowance which is based on the minimum in the capital. That is not a fair basis to adopt. The Government in this respect ought not to be in a different position from private employers. In Perth and Melbourne, for instance, private employers do not commence on the same basis. Taking any trade or occupation, it will be found that the employes receive a higher wage in Perth than in Melbourne owing to the difference in the cost of living. And yet the Commonwealth is trying to run its Public Service on quite a different line. It is proposed that £110 a year shall be the minimum wage in all the capitals, quite overlooking the fact that the cost of living is 20 per cent. higher in Perth than in Melbourne. I hope that that fact will be considered in devising the scale of allowances. I desire to know on what rule increases of salaries are being given this year? A statement has been made to me that certain increases in Western Australia were recommended by the Deputy Postmaster-General, and that his recommendations were referred back to him. I desire to elicit from Senator Playford either a confirmation or a contradiction of the report. It seems to me that if the Government have taken this course they are doing either too much or too little. When we bring other grievances before the attention of the Government, they tell us that they must abide by what the Commissioner has recommended. They apply the rule of Government responsibility to one case, but not to the other. I desire to know whether certain increases have been recommended to a far greater extent than is disclosed by the Estimates? I wish to refer also to the system of promotion in the Post and Telegraph Department. In framing the Public Service Act we attempted to make it possible for a man to start in

the general division at the lowest grade, and gradually to work his way to the top grade by displaying sufficient merit. We thought that, under its provisions, a man would be able to pass from the general to the clerical division, and subsequently from the clerical division to the professional division; but we find that the law is not being administered in that way. If, for instance, a man is classed as a letter carrier, his salary is increased until it reaches £140, and there he seems to stop. Suppose that the position of letter sorter, carrying a salary of £120 is vacant, and the letter carrier, who is receiving a salary of £140, wishes to become a letter sorter, he is called upon to sacrifice £20 a year in order to get into a different grade of the service. It may be argued by the Government that they cannot afford to increase the salary of the office in that case, but I wish to point out that no increase of expenditure is involved. When a letter-carrier becomes a letter-sorter, it does not necessarily follow that his successor will get the same salary as he received. I know a case where a letter-carrier who was receiving a salary of £140, desired to obtain a vacant position of letter-sorter. If he had obtained the position he would have had to sacrifice £20 a year, but the Government would not have been called upon to pay any more money to have the amount of work done, because he would have been succeeded by a man at a salary of £70 or £80, or if he had been three years in the service, £110. The letter-carrier would have obtained real promotion, and had his merits recognised, and the Government would have effected a saving. It seems to me that it was the will of the Senate that letter-carriers should have an opportunity of becoming letter-sorters, and finally passing from the general to the clerical division without being called upon to make a pecuniary sacrifice. That object, I submit, could be achieved without entailing the expenditure of an additional £1. The question of transfers from the general to the clerical division is another matter that demands attention. Suppose that an officer in the general division is getting a salary of £140, and that an office in the clerical division becomes vacant. No matter what salary may be attached to the vacant office that officer is required to start as a probationer, so that the provision in the Act relating to

transfers is a delusion. Of course it is said that a man should not be appointed over the heads of others ; but the Act contains a provision which enables the Commissioner in certain contingencies to promote over the heads of others any officer who has shown superior merit. Our object in making that provision for transfer from the general to the clerical division was to give an officer in the general division, who had shown ability and merit, an equal chance with an officer in the clerical division, but the Commissioner is not interpreting the Act in that spirit ; and, practically, by his administration, he is shutting off all transfers from the general to the clerical division unless an officer is prepared to make a pecuniary sacrifice and commence again as a probationer. I shall deal with some other questions when we come to the divisions of the Estimates relating to this Department in Western Australia. I hope that in his reply Senator Playford will be able to furnish satisfactory information on the points which I have raised.

Senator O'KEEFE (Tasmania).—The officers in the Post and Telegraph Department in Tasmania are not being paid for Sunday work, although a regulation under the Public Service Act says that all Sunday work shall be paid for at overtime rates as from the 1st January last. I understand that all officers in the Post and Telegraph Department of other States are being paid for Sunday work, if not at overtime rates. Some little time ago a representative of Tasmania complained of this act of injustice, and the permanent head in Melbourne said that he did not see why the officers should not be paid for Sunday work, and that the matter would be attended to. The Deputy Postmaster-General for Tasmania has since been approached by some of these officers, but he has informed them that he has never had, and has not now, authority to pay overtime for Sunday work. This seems an anomalous state of affairs. I do not know if the reason for it is that the Ministry have been asked because of the financial state of Tasmania—of which we have heard too much—to keep down expenses in the Post and Telegraph Department as well as in the Defence Department ; but, if so, it is not fair to save money at the cost of fair play to the officers concerned. I am satisfied that I have only to bring the matter before the Vice-President of the Executive Council to be assured that he

will give it his fullest consideration. I hope that he will look into the matter. If he does, he will find that what I say is correct—that the Tasmanian officers of the Post and Telegraph Department, and perhaps those of the Customs Department, too, are not being treated in regard to payment for Sunday work in the same manner as the officers of those Departments employed in the other States have been treated. I am sure that it is not the desire of any member of Parliament that there shall be differential treatment. The Department, being a Federal one, should be administered in a Federal spirit.

Senator PLAYFORD.—I am informed that the employes in the Post and Telegraph Department in Tasmania are treated in precisely the same manner as other employes of the Department elsewhere. If they are not, they certainly should be so treated, because it is the wish of the Government to deal with all its officers alike. I am informed that the officers of the Department concerned have to work a certain number of hours during the week to entitle them to overtime on Sunday ; but that the Tasmanian officers are treated in exactly the same way as the officers employed in the other States. Senator Pearce has complained that an officer of the general division who is transferred to the clerical division has to commence at the lowest rung of the ladder in that division, but I am told that that is not so. Such an officer is required to pass an examination to show that he is qualified for the position to which he aspires, and if he does that, and is appointed to the position, he is given the salary appertaining to it.

Senator STANFORTH SMITH.—Is a member of the general division entitled to present himself for examination for positions in the clerical division ?

Senator PLAYFORD.—Yes.

Senator STANFORTH SMITH.—I have been told of a case in Western Australia in which such an officer was not allowed to present himself for examination.

Senator PLAYFORD.—Whenever a vacancy occurs, officers are notified of the fact, and all who desire to do so, no matter to what division of the service they belong, may apply for the position. Those who belong to the general division are required to pass an examination to show that they are fitted to enter the clerical division, and regard is of course had to length of service

and qualifications generally; but all applicants are treated alike. I am informed that this rule applies to the promotion of letter carriers to be sorters, but that a number of letter carriers receive higher salaries than some of the lower paid sorters. If a letter carrier applies for a position vacated by a sorter receiving a lower salary than he receives, and obtains the sorter's position, he receives the sorter's salary. Why should he receive a higher salary?

Senator PEARCE.—It would not entail any extra expense upon the Government to continue to pay him the rate of salary he received as a letter carrier.

Senator PLAYFORD.—I believe that the rule is a fair one. If a letter carrier receiving £140 a year applied for and obtained a position vacated by a sorter receiving £120 a year, he would have to accept with the position the lower salary; but if he applied for and obtained a position vacated by a sorter receiving £150 a year, he would be entitled to the higher salary.

Senator PEARCE.—The practical effect of the rule is that letter carriers are prevented from applying for sorters' positions.

Senator PLAYFORD.—I have not inquired as to the effect. The matter is left entirely to the Commissioner; the Government do not interfere. All we wish is that every man shall be treated fairly, and we believe that the Commissioner is doing his best to provide for fair treatment. The honorable senator also referred to the fact that the Deputy Postmaster-General for Western Australia has recommended the payment of certain increases to the officers in the Post and Telegraph Department of that State, and the Government have been blamed for not granting those increases. The position is this: The officer referred to recommended an all-round increase for his subordinate officers. That is a common trick of men high in the service who want to curry favour with their subordinates, because they know that nothing will make them more popular. I have on many occasions, when Treasurer of South Australia, had to deal with cases of that kind.

Senator PEARCE.—Was that recommendation made this year or last year?

Senator PLAYFORD.—I am not sure. The Commissioner looked into the matter, and decided that certain increases which he considered fair and just, and on the same basis as increases granted to other branches of the service, should be paid,

and they have been paid; but the recommendations of the Deputy Postmaster-General for Western Australia were not accepted. With regard to the statement made about the scheme of allowances in addition to salary, I am informed that these allowances have not been absolutely decided upon yet; but they will shortly come before the Cabinet, and, when they do, due consideration will be given to the claims of officers who are forced to reside in places where living expenses are much higher than they are in the Commonwealth generally. That is the rule adopted in South Australia in regard to public servants who have to reside in the Northern Territory, where the cost of living is higher than it is in Adelaide, and the climate is not the most pleasant in the world. It is only fair and just that such officers should receive higher salaries, and obtain longer leave of absence from duty, than officers elsewhere. I have been asked if the classification of officers is yet complete. I am sorry to say that it is not; and that we anticipate that it will not be complete until next year. The inspectors have been hard at work in the different States obtaining the necessary information, and, when that work is finished, they will be called together in Melbourne, where a conference will be held between them and the Commissioner, and the scheme finally recommended will be submitted to the Government for consideration and adoption.

Senator DE LARGIE (Western Australia).—I do not know whether a certain case which has been brought under my notice has been accurately stated; but, as it involves a very grave charge against the Commissioner, I think I should bring it before the Minister, so that the officer concerned may have an opportunity to clear himself. I know that it would not be fair to condemn him upon hearsay evidence, because I dare say many things are done in the service of which he knows nothing, although his understrappers may say that the matter was referred to him, and his reply was so-and-so. The case which I am about to mention may be one of that kind. A letter-carrier in Western Australia applied to be examined, so that he might be transferred from the general to the clerical division. He therefore filled in an entry form and forwarded it, with the prescribed fee, to the proper authority. But, instead of being afforded an opportunity to rise in the

service—an opportunity for which we thought we were providing when we went through the Public Service Bill in this Chamber—both the application and the fee were returned to him, with the information that he could not be permitted to go up for examination.

Senator GLASSEY.—Was no reason assigned?

Senator DE LARGIE.—No reason was assigned. The man was prepared to submit himself for examination, but an opportunity was refused him. If this statement of the case is accurate, a grave injustice has been done to the officer concerned, though I can scarcely think that any one occupying a position such as that of the Commissioner would be guilty of such injustice towards a subordinate, no matter how humble. I mention the case in order to give him an opportunity to contradict what I have said, if he can do so. Other cases, which are nearly as bad, have been brought under my notice; and I have heard of many instances in which favouritism has been shown—men who should be given promotion being put on one side to allow of the advancement of the favourites of heads of Departments. If attention is not drawn to cases of that kind upon occasions like this, they are passed over, and grave injustice is done. I hope that the Government will inquire into these matters, and that a full explanation will be given of the case to which I have referred, when I hope it will be shown that there is no foundation for a charge of injustice.

Senator MCGREGOR (South Australia).—I wish to supplement a complaint which I have already brought before the Committee. I referred to a class of persons known as instrument fitters, and showed that certain men were to be dispensed with, although it was necessary to obtain other men to fill their places.

Senator PLAYFORD.—In what State is this happening?

Senator MCGREGOR.—In Victoria. I have a list here of twenty-nine or thirty names, of which the first two are those of a Mr. Myers and a Mr. Brownrigg. I will not weary the Committee by reading all the names. They are men who have had a long term of service in the Department, and it was not the intention of Parliament that men who were engaged upon practically permanent work should be discharged under the operation of the Public Service Act. These men should be classed as permanent

employés if their work is of a permanent character. I wish to point out to the Government, and to the Public Service Commissioner, that the Act should be interpreted and administered in accordance with the rules of common-sense. When I stated that a number of poor unfortunate employés, who have very little influence in the Commonwealth, were engaged in the post-offices of some of the capital cities at a weekly wage of 15s., the Attorney-General asked where they were to be found. I said they were in either New South Wales or Western Australia. I can now tell the Vice-President of the Executive Council that the position of affairs in New South Wales is bad enough, but that the State in which these women are engaged at the small wage of 15s. per week is Western Australia. That is the State in which Senator Pearce represents the cost of living to be so high, and which produces £8,000,000 worth of gold per annum. These unfortunate women, many of whom have families to maintain, are receiving only £3 per month. If the Vice-President of the Executive Council has any desire to investigate this matter any further, he might refer to the question asked by me on the 2nd September, 1903. Of course I had no idea when I mentioned this matter that I should be called upon to supply the names of the individuals affected, and the exact amounts received by them, because my statement had reference to the question which I had already asked. I should like the Minister to explain why instrument-fitters, possessing special skill and knowledge, are being dispensed with, whilst other men, without their special skill or lengthened experience in the service, are being taken on in their places; and also why the unfortunate cleaners in the post-offices are not treated in the same manner as other servants in the Department.

Senator GLASSEY (Queensland).—Perhaps this will be an opportune time to again refer to a question which I have raised on more than one occasion in this Chamber, namely, the overtime paid to letter-carriers and officers employed in the mail branch of the postal service in Queensland. For many years it has been the practice in Brisbane to make certain payments in the form of overtime allowances. For the last thirty years it has also been the practice to make special allowances to letter-carriers and others—

engaged in the mail branch for services rendered in connexion with the sorting of the English and American mails. Furthermore, fees have been paid according to a fixed scale for Sunday work. These fees were paid up to the 30th June last. Just prior to that date, an intimation was made that new regulations would be framed to provide for similar payments, but under a new system. When the question of entering the Commonwealth was being discussed in Queensland, special attention was directed to the fact that the Constitution contained a provision that officers transferred from the State to the Commonwealth service would have preserved to them their existing and accruing rights and privileges. A serious inroad has, however, now been made upon these rights. The salary and allowances of the officers referred to, when taken together, do not amount to very much; in fact, I consider that the remuneration is insufficient. Yet under the new regulations, which have been in operation since 30th June, a considerable reduction has been made. The men strongly object to the change, and intend to hold fast to all those rights and privileges which they believe to be safeguarded by the Constitution. It is perfectly clear that those who framed the regulations now in force either were woefully ignorant of the conditions prevailing in Queensland, or wilfully omitted to embody in them the provisions necessary to preserve to the Post-office employes concerned the rights and privileges to which they were entitled as transferred officers. I was at first inclined to believe that owing to the illness of the Public Service Inspector for Queensland, the regulations had been framed by some one without knowledge of the conditions existing in that State, but I ascertained from the Public Service Commissioner that that was not the case. I do not wish to say anything harsh regarding the Inspector, because, unfortunately, he is still on the sick list; but if the new regulations afford any indication of that gentleman's capacity, I am afraid that there is much room for improvement, if not for the appointment of an officer more competent to discharge the duties attached to his position. A resolution has already been passed in this Chamber condemning the system of paying for Sunday labour as if Sunday were an ordinary working day, and there were 365 working days in the year. Under this system, those who

have Sunday work to perform, receive far less for it than for their services on an ordinary working day. I am sure that that is not in accord with public sentiment. I cannot say whether the continuance of this system is due to any fault of the Commissioner. If the fault lies with the Treasurer or the Ministry, the sooner matters are rectified, the better. Sunday labour should be paid for at a higher rate, and not at a lower rate than that applied to work performed upon ordinary days. The employes in the Queensland Post-office, to whom I have referred, have not drawn the allowances to which they are entitled under the new regulation, lest they might compromise themselves. They do not intend to permit their rights and privileges to be taken away from them without contesting every inch of the ground.

Senator DRAKE.—Matters in connexion with the computation of pay for Sunday work are being rectified.

Senator GLASSEY.—Up to the time I left Brisbane on Saturday no intimation to that effect had been conveyed to the men, and the other matters to which I have referred were still unsettled. The Vice-President of the Executive Council has mentioned that the Public Service Commissioner and the inspectors are hard at work classifying the officers and framing regulations which will meet the requirements of the conditions which prevail in the different States. I desire to direct attention to the regulations intended to apply to officers who are stationed in outlying districts. It is provided that officers in remote parts of the Commonwealth shall receive a special allowance equivalent to 5 per cent. of their salary. For instance, an officer in receipt of a salary of £100 per annum would if transferred to some remote part, be entitled to £105 per annum. An increase of salary to even £150 per annum would not afford such an officer more than sufficient compensation if he were sent to some parts of north-western Queensland, because the conditions of life bear no comparison, so far as health, comfort, or the cost of living are concerned, with those which prevail in the more settled parts of the Continent. I am sorry that the Public Service Commissioner did not adopt the course which I suggested some time ago, of enlisting the assistance of officers from the different States, who would bring practical knowledge and experience to bear upon the framing of the

regulations. He would have found such assistance of extreme value, because it would have enabled him to avoid many difficulties. I mention these facts in order that the Vice-President of the Executive Council may have an opportunity to discuss the matter with the Postmaster-General with whom I have already freely debated it. I have no doubt whatever that if the Department adopt some method of the kind I have suggested, it will prove beneficial to all concerned. For the Public Service Commissioner and his staff to devise any uniform system which will operate satisfactorily or justly all round is absolutely impossible.

Senator STEWART (Queensland).—Several matters to which I wish to refer have been touched upon by other senators. There is one question, however, to which I desire to direct the special attention of the Vice-President of the Executive Council. It is the attempt which is being made to create what is termed "uniformity" in the administration of the Post and Telegraph Department. The idea seems to have got abroad that a uniform system should be adopted throughout Australia. Now, although uniformity may be very good in its way, it is an extremely dangerous thing if we make ourselves slaves to it. For instance, according to that doctrine, a man coming to Melbourne from Northern Queensland would still clothe himself in the way that he did up there, and *vice versa*. It must be apparent to everybody that, whilst the administration should revolve round one central idea, latitude and longitude, climate and other conditions, ought to be taken into consideration.

Senator DRAKE.—So they are.

Senator STEWART.—Probably they are, but not to a sufficient extent. Some little time ago I had an interview with the Public Service Commissioner, and the whole burden of his contention was that the Government desired him to bring about a uniform system of administration in the Post and Telegraph Department. Uniformity was the keynote of his remarks. I pointed out that the conditions which obtained in Sydney were different from those which prevailed in Melbourne or Brisbane, and that in Tasmania still other conditions were operative. How, in the name of common-sense, is it possible to effect uniformity without inflicting serious injustice upon the employés of the Department, or without hampering the Department itself in

carrying on its business? I do not think that we ought to become the slaves of any idea of that kind in the administration of this great Department. We ought to conduct it upon common-sense lines. I am very sorry to note that, in the administration of most of our public Departments, the ordinary garden variety of common-sense is conspicuous by its absence. What private individuals are able to do without any difficulty appears to be impossible in these Departments. This is a condition of affairs which is not creditable to us, and we ought to attempt, in some way or other, to effect an alteration. I trust that the Vice-President of the Executive Council will impress upon the Commissioner the absolute necessity of dealing not only with each State but with each portion of the Commonwealth, according to the climatic conditions which prevail there, and that he will throw entirely to the winds the idea of grinding the service down to one uniform likeness. Other honorable senators have spoken on the subject of Sunday labour, but, in my opinion, it is a matter which cannot be mentioned too often. It was thoroughly thrashed out in this Chamber, and we arrived at the conclusion that Sunday labour should be paid for at the rate of time and a half. Nevertheless I have not heard that the Public Service Commissioner has done anything in the direction of giving effect to the wishes of the Senate.

Senator DRAKE.—Did not the honorable senator send his resolutions to another place for its concurrence?

Senator STEWART.—I did. At the same time those resolutions were adopted by the Senate at such a late period of the session that there is very little likelihood that they will receive consideration in another place during the present Parliament.

Senator DRAKE.—It would not be polite of us to act upon that assumption.

Senator STEWART.—I am not discussing what is polite or impolite, but what is just and unjust. Is it fair to ask the employés of the Commonwealth to work at a lower rate on Sunday than that which they receive upon other days of the week? A private employer would not dream of making such a proposal. Most private employers pay their workmen either double rates or time and a half for Sunday labour. Everybody pays more for Sunday work except the Commonwealth. I do not know who is to blame for this state of affairs—

whether it is the Public Service Commissioner or the officials of the Post Office, or the Postmaster-General, or the Government, but surely somebody must be blamable. I know, however, that Parliament is responsible. One House of the Legislature has already expressed its opinions upon this matter, and I hold that some effect should be given to its views. I wish also to say a word or two upon the question of "mail" money to which Senator Glassey has referred. For thirty years certain officers engaged in the Post and Telegraph Department at Brisbane have been in receipt of a specific allowance for what is known as "mail" money. That allowance was discontinued on 30th June last, and as a result, a large number of men find their incomes reduced to the extent of £18 or £20 a year. That is a very serious item to men who receive comparatively small salaries—salaries which range from £120 to £150 a year. Repeated representations have been made to the Department and the Public Service Commissioner upon the matter, but up to date, no relief has been afforded. Instead of being paid a lump sum for Sunday work—as was previously the case—these men are now paid actually less than they received for labour performed upon other days of the week. I do not know whether this "mail" money can be regarded as one of their rights and privileges.

Senator GLASSEY.—Undoubtedly it can.

Senator STEWART.—It is a matter for the lawyers to decide. Possibly we may have a case before the High Court in connexion with it.

Senator GLASSEY.—It is part of the men's wages.

Senator STEWART.—Long custom has induced these employes to regard this money as a part of their regular income, but whether they are entitled to it under the Constitution is a matter which must be decided by the Courts or by some higher authority than I profess to be. I have also received a complaint from the western portion of Queensland in connexion with this question of Sunday work. Out there it appears that some officers act both as telegraph operators and post-office assistants. A telegraph operator works only six hours upon a Sunday, whereas a post-office assistant is required to work seven and a half hours upon that day.

Senator DOBSON.—Have these complaints been made to the Public Service

Commissioner? What is the use of creating a Department which costs £15,000 a year if we are to air such complaints here?

Senator STEWART.—If a complaint has been made, it has not been attended with success. In such circumstances to where should Commonwealth employes go for redress of their grievances but to Parliament? All that these officers claim is that where they act as operators and post-office assistants, they ought to be placed upon a level with operators, and that their Sunday's labour should consist of six hours only. I should like the Vice-President of the Executive Council to tell me how many officers there are in the service over sixty years of age. I am informed that in this Department promotion is blocked, and unnecessary expense incurred by the retention of a very considerable number of men who are over sixty years of age, and who are really not as capable as they were formerly.

Senator GLASSEY.—That is not a very good complaint.

Senator STEWART.—I do not know whether it is a good or a bad one. There is a Public Service regulation which declares that, unless for some very good reason, a member of the Public Service should retire on reaching the age of sixty years. After a man has been in the service for forty years, he ought to be retired. He has earned a pension, and should receive one from the State.

Senator PLAYFORD.—Public servants do not receive pensions in South Australia.

Senator STEWART.—It is a pity to see men at that age hanging on to their positions. There are some positions which such men can fill perfectly well; but there are others we are not so sure about.

Senator GLASSEY.—Does the honorable senator think that I could not carry letters, and yet I am sixty years of age.

Senator STEWART.—I dare say that the honorable senator could; but he is much more active than are a great number of men who have reached his age. He should also remember that we have some better work for him to do than carry letters. Some honorable senators have referred to the scanty encouragement which is given to men to endeavour to rise in the service. I presume that most honorable senators have heard of Napoleon's famous saying that he created his generals out of mud—in other words, that he promoted

them from the ranks; but it appears to be almost impossible for a young man entering the Post and Telegraph Department, more especially if he enters by the gate of the general division, to ever rise to anything superior to the position of a letter-carrier or a sorter. The intention of honorable senators when the Public Service Bill was before us was that every facility should be given to the humblest letter-carrier or sorter to rise, if he had the ability, to the highest position in the service. My information is that instead of encouragement being given to those men in the general division who are ambitious to rise, every impediment is thrown in their way; every obstacle that can be raised against them is raised. Why should that be the case? The Government say that they are not responsible. These evils have their rise mostly, I believe, within the service. There is a feeling of jealousy between the members of the clerical division and the general division, and probably between the professional division and all the other divisions. What the people want is efficiency, and I think it must be apparent to every one that a young lad who enters the Department as a messenger, who becomes in time a letter-carrier or a sorter, and rises step by step in the service, is likely to be a much more efficient post-office employé than is a man who has been confined during the whole of his career merely to one branch of it. The Government ought to make a representation not only to the Public Service Commissioner, but to the heads of Departments, that every inducement should be given to young men to endeavour to rise in the service. There is one other matter to which I desire to refer, and that is the fact that employés in the Post and Telegraph Department are not permitted to take an active part in politics. My opinion is that that is very wrong, and the framing of a regulation of this character is discreditable, to say the least of it, not only to the Government and to the parties who framed it, but to the Parliament which permits it to go unchallenged. Why should we seek to deprive an employé of the Commonwealth of any portion of his political rights?

Senator DE LARGIE.—According to the electoral law it is *ultra vires*.

Senator STEWART.—I believe that another question on which we may probably require the opinion of the High Court is whether it is in the power

of the Parliament, or of the Public Service Commissioner, or any other person to take even the least particle of his political power from any citizen of the Commonwealth. What is the good of giving men votes with one hand and taking their political power away from them with the other? I am familiar, of course, with the arguments which are raised in support of regulations of this kind; but they are altogether unworthy of a free people. What should we think of any private company which deprived its shareholders, if they happened to be employed by it, of the right to have a voice at a meeting of its shareholders? Such a thing could not be done according to law. If a man is a shareholder in a company and attends a meeting of shareholders in that company, he has rights equal to those of every other shareholder, whether he is an employé of it or not. When he is engaged in the work of the company he is under the orders of his superior officer; he is acting then not as a shareholder but as an employé. When he attends a meeting of shareholders, however, he does so not in his capacity as an employé, but as a shareholder, and I contend that he is entitled to have a voice and vote in the management of the affairs of the company, just as much as is a shareholder who is not an employé. If that is the position with regard to a private company, should it not apply also to the Commonwealth? Are not public servants citizens of the Commonwealth as well as employés of it? Have they not the same interest in the welfare of the Commonwealth as have men who are not in the employ of the State? Why, then, should they, under a regulation such as that to which I have referred, be deprived of any portion of their rights as citizens which have been conferred upon them by the Constitution? I hope that the Government, at an early date, will take this matter into their very serious consideration and will see that a reactionary regulation such as this is swept away. I have very little hope of much improvement being effected for some considerable time. We are told that the work of classifying the service will extend over another year, and after it has been completed there will still be endless trouble and confusion. I was one of those who strongly supported the appointment of a Public Service Commissioner. I am not very sure that I was right in doing so; but as Senator Glassey has said, we must not



condemn the principle until it has had a fair trial. While I have cast some strictures upon the Commissioner, I must confess that his task has been an exceedingly difficult one. He has had to fuse, so to speak, six different systems. He has had to bring about, in his own words, a certain uniformity, and his task has undoubtedly been one of extreme difficulty. For that reason we must not condemn the system too hastily. I trust that before all is over it will be found to be an advantageous one—beneficial, not only to the Commonwealth as a whole, but to those who serve the Commonwealth. I am hopeful also that as time goes on, and as the Commissioner gains more and more experience, he will be able to deal in a more liberal and truly national spirit with the various Departments than he appears yet to have done.

Senator PLAYFORD.—The honorable senator who has just resumed his seat has told us that he strongly supported the provision for the appointment of a Public Service Commissioner. All that I have to say in reply is that I think I did wrong when I voted against it. It appears to me that the Commissioner is an exceedingly useful buffer between the Government and Parliament. He saves the Government from a good deal of hostile criticism, and certainly from a considerable amount of hostile criticism on the part of the honorable senator. Senator Stewart opened his speech by dressing down the Commissioner in a very severe manner, but concluded with a few remarks to the effect that after all the Commissioner had had an exceedingly difficult task to perform, and perhaps had not done badly after all. The honorable senator has given us a re-hash of the speech made by him on the Public Service Regulations. One of the matters to which he has referred is the question of uniformity in relation to the rates of pay in the service. I do not believe in that uniformity. If he had listened to what I had to say shortly before the adjournment for dinner, he would have found that neither I nor my colleagues believe in it. We believe that the cost of living and various other circumstances which increase the expenditure of civil servants in certain parts of the Commonwealth should be taken into consideration, and that their salaries should be raised to meet additional expenses which public servants in more favoured positions do not have to incur. It seems to me that it would be a

very cruel thing to turn men out of the service simply because they have reached the age of sixty years. We have at the head of the Post and Telegraph Department in South Australia Sir Charles Todd, who is seventy-seven years of age, and yet to-day is as able as ever I knew him to be. He is better able to manage the affairs of the Department there than is any man of whom I know, and in view of the fact that he is in full possession of all his faculties, that he has been brought up in the Department, and is a skilled and intelligent gentleman, it would be a most unwarrantable procedure to retire him from the service simply because he is over sixty years of age. To turn out of the service a letter sorter, or any other officer, who had reached the age of sixty years, but who was still able to perform the duties of his office, would be simply shameful. Many of these men, because of family affliction and other causes, have not been able to save much money. In more than one State they are not entitled to pensions, and it would be cruel to turn them out on the world simply to make room for younger men, who would not be more efficient, and certainly not as discreet as they are. The honorable senator has also repeated remarks previously made by him as to the political rights of public servants. The honorable senator has drawn a parallel between the position of a shareholder of a company, who happens to be an employé of that company, and that of an officer in the Commonwealth service. All that we say is practically that a public servant shall not take an active part in politics; but Senator Stewart holds that because an employé of a company, who happened to hold shares in it, would be allowed to take an active part in its meetings, a civil servant ought also to be allowed to take an active part in political warfare. Would the honorable senator say that an employé of a company who was also a shareholder in it should have a right to take a prominent part in a meeting of its shareholders, and possibly to abuse his own directors?

Senator STEWART.—Why not?

Senator PLAYFORD.—If he did, he would soon get the sack. I should certainly sack him if I were a director of the company, and he failed to behave himself. What should we say if the head of any Department stood on a public platform and abused the Ministry? We may go down to the lowest man in the

service, and it will be seen that it is inadvisable that public servants should take part in political matters. Especially is this the case with regard to the employes of the Post-office, who have means of influencing the electors in country districts to a considerable extent. We do not deprive public servants of their votes, and we do not intend to do so. They have every right and privilege which is enjoyed by ordinary citizens. We do not propose to treat them as the railway servants of Victoria are treated, and to put them in a special class. If we did that we might have to allow them to talk politics to their hearts' content, although it would still be a most undesirable thing that they should stand up and oppose the Government of the day. One or two questions have been put to me, and I will reply to them before sitting down. With regard to Sunday labour we have made an alteration so as to make the payment equivalent to what is paid for ordinary overtime. That is to say, instead of reckoning 365 days for the year, we reckon the usual number of working days, excluding Sundays. Therefore, that grievance is remedied. With regard to payment for overtime, all the officers in the Post-office have been paid up to the end of June under the old scale. A new regulation has been introduced which reduces the amount of payment for overtime. In Queensland the officers say they will not accept it, and the whole question is being considered by the Commissioner with a view to meet the case as fairly as he can. With respect to what Senator McGregor has said regarding the instrument fitters, and what Senator De Largie has said as to the refusal to give permission to certain officers to be examined for the higher grades, I promise the honorable senators that I will have their speeches cut out of *Hansard* and forwarded to the Public Service Commissioner for his explanation, and when I receive it I will show it to them. The matter will thus be gone into fairly. I can say no more, because I do not know anything about the cases. Possibly, however, we shall find, when the matter is investigated, that there is some reason for the action which has been taken.

Senator PEARCE (Western Australia).—With respect to the vote for the salary of the Deputy Postmaster-General at Perth, I wish to know whether the Government have yet made arrangements for the

retirement of this officer? Negotiations have been in progress for some time between the State and the Federal Government. There is some trouble with regard to the liability for pension rights, and I understand that the Federal Government is hesitating as to whether the officer shall be retired or not.

Senator PLAYFORD.—Negotiations are still proceeding between the State Government and the Federal Government in relation to the matter, but no conclusion has yet been arrived at.

Schedule agreed to with requests.

Bill reported with requests; report adopted.

### NEW SENATOR.

The PRESIDENT.—I have to announce that I have received a communication from the Governor-General, which I will read. It is as follows:—

Commonwealth of Australia.  
Governor-General.  
Melbourne, 13th October, 1903.

Sir,

I have the honour to inform you that the Honorable Charles Kinnaird Mackellar, M.B., C.M., M.L.C., has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Richard Edward O'Connor, K.C., and to enclose the certificate which has been received from His Excellency the Governor of New South Wales, announcing the appointment.

I have the honour to be,

Sir,

Your most obedient servant.

TENNYSON.  
Governor-General.

Senator The Honorable Sir Richard C. Baker.  
K.C.M.G.,  
President of the Senate.

### APPROPRIATION (WORKS AND BUILDINGS) BILL (1903-4).

#### SECOND READING.

Senator PLAYFORD (South Australia)—Vice-President of the Executive Council.—In moving the second reading of the Appropriation Bill I explained the reasons why the various financial Bills were brought in separately. The measure now before us provides for the appropriation of £422,283 for new works and buildings. It is not included in the ordinary Appropriation Bill for the year, but is a separate measure, because it affords an opportunity to the Senate to make amendments, which we could not make in an ordinary Appropriation Bill. I move—

That the Bill be now read a second time.

Senator HIGGS (Queensland).—I am very sorry that at this early period of the career of the new Government they have done something which I think is very much in the nature of a trick or a subterfuge. I am very anxious to give the new Government a fair trial. I have a very great respect for the Prime Minister. He is an ornament to the Legislature. I quite believe that he has had to take over something in the nature of a legacy of wrong doing. But the Prime Minister and his Government should meet the case boldly, and refuse to carry on any negotiations or to incur any expenditure which meets with strong objection in the Senate and in the other Chamber. Every one knows that the present Parliament is about to close its work, and that many members of it are about to go before their constituents. Bills are brought forward dealing with the expenditure of millions of money, and one can well imagine that it would be possible to pass through the Senate proposals for the expenditure of several thousands of pounds with very little opposition, because honorable senators are in such a hurry to get away that they may not notice the items in the schedule. What can we think of a Government, which, having consented to a Conference with the protesting partners in the Pacific Cable, proposes in this Bill expenditure to the extent of over £22,000, which, if agreed to, will render absolutely nugatory any proceedings which may take place at the Conference? If honorable senators will look at page 9 of the Bill they will see that the expenditure to which I object is as follows:—For New South Wales, "Telegraphic line from Sydney to South Australian border, owing to the use of line having been granted to the Eastern Extension Company in connexion with international traffic, £11,100;" Victoria, "Telegraph line from Melbourne to South Australian border, owing to the use of a line having been granted to the Eastern Extension Company in connexion with international traffic, £5,043;" South Australia, "Additional wires from Adelaide to New South Wales and Victorian borders, owing to the use of lines having been granted to the Eastern Extension Company in connexion with international traffic, £6,000." These sums make up a total of £22,143. What use will it be for the protesting partners to the Pacific Cable

to make any protest at the proposed Conference if we sanction the expenditure of £22,143 for the construction of wires to carry out the proposed agreement with the Eastern Extension Company?

Senator DRAKE.—It will not make the slightest difference—not the slightest.

Senator HIGGS.—I am not prepared to accept the honorable and learned senator's statement, because, unfortunately, he has turned a political summersault in connexion with the Eastern Extension Company. When the Post and Telegraph Act was before the Senate, he pointed out how unfair it would be to the Pacific Cable to permit the Eastern Extension, or any other company, to enjoy the privilege that some honorable senators desired to give to them.

Senator DRAKE.—Not this privilege; this was not mentioned.

Senator HIGGS.—This is a part of the privilege. This is the scheme which is going to make the Pacific Cable a financial burden on the Commonwealth.

Senator DRAKE.—The other was a different matter altogether.

Senator HIGGS.—It was not at all a different matter. The proposal was in connexion with allowing senders of messages to send them by whatever route they wished. Senator Drake then said that that would be disadvantageous to the Pacific Cable. Now, however, it is proposed to give the company special wires and opportunities of transacting business in Victoria and Queensland to the great disadvantage of the Pacific Cable.

Senator DRAKE.—No; the Pacific Cable Board does not regard this as a concession.

Senator HIGGS.—What is this that we hear from the honorable and learned senator? Are we to understand that the Pacific Cable Board does not regard this as a concession to the Eastern Extension Company? Have not the partners—Canada, New Zealand and Great Britain—been protesting all along against the proposed agreement because it extends the concession granted to the Eastern Extension Company in New South Wales, to Queensland, and Victoria? The late Prime Minister and also Senator Drake know the Eastern Extension Company well enough, as I shall show the Senate at a later stage; and both know that no one has up to the present been able to "gain a point" over that corporation. So astute and clever, and so insinuating and insidious, are the company in their methods that they

are able to gain an advantage over any Government with whom they do business. Their history shows that their social and other influences are so great that they have been able to manipulate in their own interests the Governments of half-a-dozen nationalities. To allow this company to enter Victoria and Queensland would be to disadvantage the whole of the Commonwealth, and the partners in the Pacific Cable. Once this Parliament passes a Bill authorizing the expenditure of £22,143 in order to give this company special wires to Adelaide, so that they may send messages along their wires by the Cape or by Port Darwin, from that moment we give the company a legal status, and any effort to expel them from their position at a later stage may mean heavy damages awarded against the Commonwealth by the High Court. By passing this Bill we should give the company a footing, and they would be able to plead that they had been led into a considerable expenditure of money, because the Commonwealth had to all intents and purposes ratified the agreement entered into with them by the Prime Minister. It appears to be a very wrong proceeding—to call it by no harsher term—on the part of the Government, to sneak in a provision of this kind in order that the Eastern Extension Company may claim that the agreement has been ratified.

Senator PLAYFORD.—There is no sneaking about the Bill, which has been passed by another place.

Senator HIGGS.—If it is not proposed that the money shall be expended, why bring in the Bill?

Senator PLAYFORD.—The Government propose to expend the money.

Senator HIGGS.—Is it not a fact that to a certain extent the wires are now being laid, and that the Government in this matter have acted without the authority of Parliament? The proposed agreement was brought before Parliament in such a way that the members of the House of Representatives had not the time, or did not care to take the trouble, to study the details, and the measure was pushed through. It is claimed that there is a majority in Parliament in favour of the Eastern Extension Company's agreement.

Senator STANFORTH SMITH.—It is claimed that there is a majority in the Senate.

Senator HIGGS.—That is so. I urge those honorable senators who, through their

sense of justice and fair play, signed a requisition to Mr. Reynolds, the manager of the Pacific Cable Board, asking him to cable to his board the fact that there is a majority of the Senate who will not ratify the agreement until the Conference asked for is held, to stand firm and reject this Bill. The Attorney-General says that the Pacific Cable Board do not object to this expenditure.

Senator DRAKE.—No; I said that the Cable Board do not want it themselves. The honorable senator should not misquote me.

Senator HIGGS.—That the Pacific Cable Board do not want the expenditure themselves.

Senator DRAKE.—The Pacific Cable Board are not asking for any such concession themselves, because they do not regard it as valuable.

Senator HIGGS.—When I said that this was a concession to the Eastern Extension Company, I understood the Attorney-General to say that the Pacific Cable Board did not consider it a concession.

Senator DRAKE.—I shall tell the honorable senator what I said when he has done.

Senator HIGGS.—If that be what the Attorney-General said, I come to the conclusion that there must be something in the rumour that two or three members of the Cable Board, instead of being loyal to that Board, are pro-Eastern; and their conduct ought to be severely criticised and watched. Mr. Reynolds, when in Melbourne, appears to have been overawed or hypnotized by the influence of the Eastern Extension Company. Honorable senators will remember that a requisition, signed by twenty members of the Senate, was sent to Mr. Reynolds, asking him to cable to his Board the fact that this Chamber was not favorable to the ratification of the agreement with the Eastern Extension Company until the desired Conference was held, and to also inform his Board that what was tantamount to a motion of censure had been carried against the Government in the Senate. Will honorable senators believe that Mr. Reynolds did not cable that information at once, but wrote to me pointing out that when he last cabled he had instructions from his Board to say that the majority wanted a Conference, and that he had that very day received a cable stating that the Board were still in favour of a Conference, and he had informed the Prime Minister to that effect, and asking me whether, under

the circumstances, I still considered that a cable message was necessary? I had thought that Mr. Reynolds would be only too anxious to let his Board know exactly how the matter stood; and in order to find out whether the Government were still adamant, Senator Smith and myself endeavoured to see the present Prime Minister in order, if possible, to bring about a Conference. We could get no reply; but on the very day on which a reply had been promised, Mr. Warren, the manager of the Eastern Extension Company, dined with the Postmaster-General and Mr. Reynolds in Parliament House. I immediately wrote to Mr. Reynolds, asking him to be good enough to cable his Board in the terms of the requisition, and I got a reply stating that Mr. Reynolds had done so. But Mr. Reynolds cabled only a part of the requisition; and it seems to me that he was overawed by the Eastern Extension Company and the influences at work. The business of the Eastern Extension Company appears to be transacted mostly at dinners, and, of course, if the Postmaster-General gives a dinner to the representative of the Company, that representative must give the Postmaster-General a dinner in return.

Senator PEARCE.—It is the "lion and the lamb."

Senator HIGGS.—On all these occasions the "lamb" appears to have been the Government. I do not know the object of the Government in proposing this expenditure at the present moment.

Senator DRAKE.—Why does the honorable senator not give me a chance of telling the Senate the reason?

Senator HIGGS.—What is the use? What did Senator Drake say when I introduced the matter of the Pacific Cable some time ago? The honorable gentleman had a great number of notes, but we have not yet had his reply. When he does have the opportunity of speaking, I hope he will reply to some statements which I am about to lay before the Senate. I should like Senator Drake to explain this article, which he wrote in *Progress*, a paper published by him at Brisbane, on 3rd February, 1900. The article is as follows:—

A question which is going to play a very big part in the immediate politics of Australasia is beginning to show itself on the horizon. As most, if not all, of our readers are aware, this continent has to depend solely upon a private company for the transmission of all cable news to and from

Europe. The price per word, the rate and regularity of transmission, and the accuracy of the messages received and despatched depend entirely upon the officers of the Eastern Extension Telegraph Company—a gigantic corporation making hundreds of thousands per annum, and storing up millions in a reserve fund. This enormously wealthy company has received considerably over £3,000,000 from the different Governments of Australasia in the way of subsidies, and has conducted itself generally in the most approved monopolistic fashion by grabbing all it could get, demanding the highest rates procurable and paying the largest dividends possible. The interest on its capital has been guaranteed by some of our governments, and it has run practically no risk, while it has built up a monopoly which has become a crushing load upon the community, and threatens to dominate the governments of some of the southern colonies. The extortionate cable rates charged by this octopus combination have crippled free telegraphic intercourse between Australia and Europe, and been the primary cause of the meagreness of the daily newspaper information received from London. No country in the world of our commercial and political importance is so badly served with news as Australia, and the trouble is wholly due to the fact that all our cables must pass along the lines of a private company, which charges and does what it likes—and reaps a golden harvest in the process.

The selfishness and extortion of this mammoth monopoly at last became so apparent and intolerable that the statesmen of the continent were forced to look round for some means of escape from its clutches, and when the Pacific Cable project was mooted they welcomed the scheme as a possible liberation from the monopoly's growing power and influence. At last, after many conferences and much deliberation, it was decided that an All British cable should be laid, the cost to be borne in fair proportions by Great Britain, Canada, and Australasia. The main object of the proposed scheme was to have a cable touching only British territory, and owned solely by the State. The existing privately-owned cable is inadequate for present-day requirements, and, provision having to be made for the future, it was deemed advisable to seize the opportunity of breaking a monopoly which was yearly becoming troublesome, and would eventually become quite intolerable. But the proposed innovation no sooner began to take practical shape than the Eastern Extension Company brought pressure to bear upon the Imperial authorities, on the ground that the new cable was not at present necessary, and that when the requirements of trade demanded it, they were prepared to lay another to the Cape. But by this time Canada and Australia had entered into the idea of a State-owned All-British cable with enthusiasm, and had obtained the report of an independent Commission in favour of its practicability, economy, and necessity. And the British Government, wisely putting the appeals of the colonies before the interested claims of a private syndicate, consented to bear a share of the cost. Finding that no help in bolstering their gold-producing monopoly could be obtained from the Home Government, the Eastern Extension Telegraph Company set to work to undermine the opposing project by offering to reduce the rates and

construct another cable. The proposal, as given by Mr. J. E. Squier, acting manager for the company in Australia, was: "The company will entirely waive the renewal of subsidy and guarantee against competition, and in addition to providing a cable from the Cape all the way to Glenelg *via* Perth will at once reduce Tariff to 4s. for the whole of Australasia and make further reductions on a sliding scale as traffic increases until the reduction reaches 2s. 6d. per word in 1903. In return for the above the Company would only require the same privilege in Perth, Adelaide, and Melbourne as they have hitherto enjoyed in Great Britain of directly distributing their international telegrams to and from the public." The proposal of the company looks harmless, but when it is inquired into it is found to deal a death blow to the Pacific scheme. If the monopoly is permitted to collect and deliver messages throughout Australia it will doubtless force the large cabling firms to enter into long contracts, and when the State cable comes along it will find the best part of the profitable business absorbed by the syndicate. In this connexion we must remember that we are dealing with an immensely powerful and wealthy combination, which has millions to spare in fighting the opposition. If the company can secure specially favorable conditions now it will go on its way rejoicing, and the fortunate shareholders will continue to grow fat on the dividends provided by deluded Australians. It is clearly our duty to resist all concessions to the company and push ahead with the Pacific scheme, which would have its Australian terminal station in Queensland, which would grow into a valuable national asset and a rich source of revenue.

The question that now confronts the people of Australasia is whether they are going to remain at the mercy of this private company or construct and maintain an All-British cable to be owned and controlled by the people themselves. Apart from the fact that the Pacific line would only touch on British territory, and thus remove the risk of our being cut off from all European intercourse in time of war, the proposed line would be a strong binding link between Great Britain, Canada, and Australasia, inasmuch as it would form a valuable part of our joint national property and be wholly under the control of the people who could regulate the transmission rates and all other matters connected with the new department. The only argument that we have heard against the proposal—the argument of the company's special pleaders—is that it would ruin the Eastern Extension Telegraph Company—a private monopoly which is only now, after years of extortion, beginning to suggest reasonable rates and give a thought to public petitions. We submit that a new cable is necessary in the interest of Australasia, in order that we may be adequately supplied with old world news, in order that communication between this continent and Europe may not depend upon the caprice or business exigencies of a private company, in order that reasonable rates of transmission may be assured, and in order that the power of an unscrupulous and grasping monopoly may be broken. In this matter the interests of the people are paramount. In Great Britain and Australia postal and telegraphic affairs are controlled by the Governments, and private enterprise

*Senator Higgs.*

is not permitted to interfere with the State monopolies, and it is anomalous to permit all telegraphic intercourse between the Southern hemisphere and the heart of the world to be monopolized by a private, profit-mongering concern, the alpha and omega of whose existence is dividends, no matter who pays them. We content that no offer of the Eastern Extension Telegraph Company can possibly be so satisfactory to the public as the results sure to follow the inauguration of the Pacific Cable under State control. The chairman of directors of the monopoly told his shareholders, at the last meeting in London, that if the Pacific Cable were laid it would mean a sum of £250,000 per annum to his company. Presumably, he was then reckoning on still retaining a share of the Australian trade, so it is clear that this country has been a fine healthy milch cow to a number of fortunate European speculators. Is it not time the people took this profitable source of revenue into their own hands?

**Senator DRAKE.**—Was I editor of the newspaper at that time? The honorable senator will be able to see from the front page.

**Senator HIGGS.**—I have no desire to do the honorable and learned senator any injustice. I find that this is the title of the newspaper—"Progress: a journal devoted to the advancement and prosperity of Queensland as a Colony, and as a State of the Commonwealth. Proprietor, James G. Drake."

**Senator DRAKE.**—As the name of the editor is not given, I was not editing the newspaper at that time, and why does the honorable senator say that I wrote the article?

**Senator HIGGS.**—Does the honorable and learned senator deny having written the article?

**Senator DRAKE.**—I do deny it, and I was not editing the newspaper at the time.

**Senator HIGGS.**—The honorable and learned senator was the proprietor of the paper. Will he deny that every speech which he made upon the subject was in the same strain as the article I have read?

**Senator DRAKE.**—I do not know what the honorable senator may mean by the same strain. I have always advocated the Pacific Cable, and I do so still.

**Senator HIGGS.**—The honorable and learned senator denies that he wrote the article, and we must accept his denial. He was the proprietor of the paper, and, though no editor's name is published, it was generally understood at that time that Senator Drake was editor as well as proprietor. He must take the responsibility of that article.

It is a good one, and the honorable and learned senator need not be ashamed of it; nor need the writer. The article is written by a man who knows the ways of the Eastern Extension Company, and who understands the position. Senator Drake knows the insidious influence of the company, and that if it is allowed to get a footing the Pacific Cable will be a failure. He knows that if we permit the expenditure of this money, which is to give the Eastern Extension Company special facilities for sending cablegrams by their line, the loss on the Pacific Cable will continue for another period of at least ten or twelve years. It is the duty of every one who talks about the Pacific Cable being a binding link between us and the sister Federation of Canada, to do all he can to keep the Eastern Extension Company out of Victoria and Queensland. That can be done under section 80 of the Post and Telegraph Act, which provides that the Postmaster-General shall have the exclusive privilege of collecting telegrams, and performing all the incidental services connected therewith. If the Department is careful to guard its privileges, no person other than the Postmaster-General can collect, receive, or deliver telegrams in Victoria or Queensland. We have a right to keep the Eastern Extension Company out. Senator Drake denies having written the article which I have read, but he will not deny the speech which he made in the Senate when the Post and Telegraph Bill was under consideration. The honorable senator will not deny that he said then that the Pacific Cable, owned and controlled by the State, could not possibly compete with an outside private company. He will not deny having said that State ownership is a handicap, because the State must do its business in an open way. He will not deny that he said the opposing company would give rebates to cable users, and he will not deny that the Eastern Extension Company, if permitted to come into Victoria and Queensland, will make secret agreements with cable users to the detriment of the Pacific Cable, and the loss of all the partners connected with it. What are the figures published in connexion with this? From statements received from the British Treasury by the Postmaster-General, and published in the *Argus* newspaper of 1st July, it appears that, in connexion with the Pacific Cable for the year ending

31st March, 1903, the disbursements are set out thus—

	£
Interest on money borrowed to lay the cable (£2,000,000) ... ..	65,000
Head office salaries and expenses ... ..	5,500
Expenses of stations ... ..	26,000
Repairing cable ship ... ..	11,000
Renewals ... ..	12,500
<b>Total ... ..</b>	<b>120,000</b>

The cable was only opened for traffic in December last. Consequently three months' revenue was all that could be set off against this heavy annual charge. No exact statement of the receipts for this period has been supplied by the British Treasury, but in one despatch it was estimated that the revenue would average about £1,150 per week for one class of business, and £13,600 per annum for another class. These calculations indicate that the receipts for the quarter mentioned probably aggregated £18,910, so that the accounts for last financial year possibly read—

	£
Expenditure ... ..	120,000
Revenue ... ..	18,910
<b>Deficiency ... ..</b>	<b>101,690</b>

This loss would have to be made good by the parties to the scheme somewhat as follows:—

	£
United Kingdom ... ..	28,055
Canada ... ..	28,055
Victoria ... ..	11,222
New South Wales ... ..	11,222
Queensland ... ..	11,222
New Zealand ... ..	11,222

The estimates for next financial year—to 31st March, 1904—are—

	EXPENDITURE.	£
Interest ... ..	...	77,545
Head office ... ..	...	4,400
Cable stations ... ..	...	26,300
Repairing ships, salaries, &c. ... ..	...	19,500
Renewals and depreciation ... ..	...	35,500
Miscellaneous ... ..	...	2,255
<b>Total ... ..</b>	<b>...</b>	<b>165,500</b>

It is anticipated that the receipts for the year will amount to £73,400. The result of the year's operations will therefore probably be—

	£
Expenditure ... ..	165,500
Revenue ... ..	73,400
<b>Deficiency ... ..</b>	<b>92,100</b>

This loss will have to be apportioned amongst the Governments concerned in these proportions—

	£
United Kingdom ... ..	25,409
Canada ... ..	25,409
Victoria ... ..	10,172
New South Wales ... ..	10,172
Queensland ... ..	10,172
New Zealand ... ..	10,172

The total loss for the two years will therefore not fall far short of £193,790, of which Victoria's share will be £21,394. The interest charge, £77,500, will remain stationary for 50 years, but at the expiration of that period the money borrowed to construct the cable will have been repaid, and this annual charge will thereupon cease.

When the promoters of the Pacific Cable, Sir Sandford Fleming and others, were casting up their estimates, they calculated that, given a fair share of the traffic, say one-half, the Pacific Cable would pay well, but the Pacific Cable Board have not been able to get one-half of the traffic, and why?

Senator PLAYFORD.—We have got half of the traffic to Europe; we cannot get it to the East.

Senator HIGGS.—Because in the first place the insidious influence of this company was able to find its way into the Departments of the State, and in the next place the Federal Government, who should have done their duty by their partners in the Pacific Cable, allowed the Eastern Extension Company to come into Melbourne, where fully one-third of the cable business is done, open their offices, and canvass for business. Do members of the Ministry mean to say for a moment that that was fair treatment to the other partners in the Pacific Cable? Was it fair treatment to the public men of Canada? Every one, including Sir George Turner, the late Prime Minister, the present Prime Minister, and Senator Drake himself, admits that Canada, by its success in securing the construction of the Pacific Cable, has saved Australian cable users £750,000. Was it fair treatment to Canada to allow the Eastern Extension Company to find their way into Victoria? Senator Drake will tell us this evening or to-morrow that it will probably turn out to be a very good thing to allow the Eastern Extension Company these privileges, as we shall be able to get rid of them in twelve years time. When he was advocating that privileges should be given to the Eastern Extension Company he said that we could terminate the contract in twelve years if we pleased, or we could make another contract with the company. Evidently the honorable senator was not then of the same mind as he was when proprietor of *Progress* in 1900.

Senator DRAKE.—The honorable senator is back upon that, is he?

Senator HIGGS.—The honorable and learned senator has changed his mind. I am sure that any one who will take the trouble to go into this matter must confess that it is our duty to ourselves, as well as to our partners in the Pacific Cable, not to permit this expenditure on behalf of the Eastern Extension Company. This company is a most gigantic monopoly. Honorable senators will get some idea of the extent of the monopoly when they read a little book which is issued by the Eastern Extension Company, and which gives a list of the various companies which, with the Eastern Extension Company, are amalgamated in a company called "The Globe Telegraph and Trust Company." One of the most prominent individuals connected with the Eastern Extension Company, a son of the first Sir John Pender, Sir John Denistoun Pender, is a director of the Eastern Telegraph Company Limited, the Eastern Extension Australasia and China Telegraph Company Limited, the Western Telegraph Company Limited, the Eastern and South African Telegraph Company Limited, the West African Telegraph Company Limited, the West Coast of America Telegraph Company Limited, the Europe and Azores Telegraph Company Limited, the Direct Spanish Telegraph Company Limited, the Black Sea Telegraph Company Limited, and the Globe Telegraph and Trust Company Limited.

Senator STANFORTH SMITH.—They have spun a web round the world.

Senator HIGGS.—The honorable senator puts it nicely; they have spun a web round the world. The reason this company is fighting so hard in Australia to-day is because they see that their gigantic monopoly is threatened. They see that if this Pacific Cable, which is a State-owned scheme, is a success, other nations will be following the example of Canada, New Zealand, Australia, and the United Kingdom. They see that that is undesirable. It took nearly two months' hard fighting on the part of the friends of the Pacific Cable in the Senate to secure a Conference for the protesting partners. I believe that the Government would have done almost anything to thwart our efforts in that regard, and it is fortunate that they did not succeed. The Eastern Extension Telegraph Company have a fighting fund of £500,000 or more to look after their special interests in all parts of the world. It will pay them to expend that sum in reducing the rates to



cable users in Australia, so as to attract most of the business which is going to the Pacific Cable. That result is inevitable. The late Government, through the Attorney-General, led us to believe that the agreement which they were entering into was one to prevent the cutting of rates. The paragraphs to that effect in the Melbourne press were not denied. They were lulling us into a sense of false security. There is nothing in the proposed agreement to prevent the Eastern Extension Telegraph Company from reducing their rates. On the contrary, every privilege is given to them when there is any competition from the Pacific, or any other cable, to reduce their rates to whatever sum they like, and it will pay them to do so. Senator Drake knows that if the Eastern Extension Telegraph Company were to reduce their word from 3s. to 2s. 6d., and the Pacific Cable Board were to charge 3s., the whole of the business would go to the former. Because business people would not be so foolish as to pay 3s. a word when they could pay 2s. 6d. If the Pacific Cable Board found that they could reduce their rate to 2s. 6d. per word, the Eastern Extension Telegraph Company would come down to 2s. a word; and if the Pacific Cable Board reduced their charge to 2s. a word, the Eastern Extension Telegraph Company would come down to 1s. 6d., thence to 1s. per word—in fact, to any sum, I believe, to make the Pacific Cable such a huge burden on the general taxpayer in the Commonwealth, Canada, New Zealand, and the United Kingdom, that the State proprietors and the taxpayers would say, "The Government stroke is not a business stroke. The Government cannot run this concern successfully. Let us sell the cable to the Eastern Extension Company as old wire." The representatives of the Government in the Senate are not so unintelligent that they cannot see through this thing. They see through it well enough, but for some reason—I cannot give the reason, and I am sure that they cannot give a satisfactory reason to the public—they are prepared to allow the company to come in here and do this thing.

Senator PEARCE.—I desire, sir, to draw your attention to the absence of a quorum.

[Quorum formed.]

Senator HIGGS.—The Senate has a splendid opportunity of saving the position for Australia, as well as the protesting partners. We have committed ourselves,

together with Canada, New Zealand, and the United Kingdom, to an expenditure of, at the very least, £77,500, for a period of fifty years—that is, to pay interest and to provide a sinking fund—in connexion with the establishment of the Pacific Cable. If the Eastern Extension Telegraph Company are allowed to come in here in this way, undoubtedly they will make the Pacific Cable a financial failure; no other result can follow, as Senator Drake knows. I explained to him the other day how a telegram company in this city were giving rebates to their customers, and registering indicators free of charge, and I expressed the opinion that they are under an agreement to influence business over the lines of the Eastern Extension Telegraph Company, and that the inevitable result will be that, once the latter company get a legal footing in Victoria and Queensland, down will come their rates, and the loss on the Pacific Cable will be greater. It may appeal to some honorable senators who use the cable to a great extent that that company will reduce their rate from 3s. to 2s. 6d., from 2s. 6d. to 1s. 6d., and from 1s. 6d. to 1s.; but they should remember that the States which have entered into this partnership have already saved Australian cable users £750,000; that if there is to be a big loss on the Pacific Cable, those of us who desire to protect the general taxpayer against this burden will try to get a stamp duty imposed on all cables sent through the Post Office, and that, for the sake of securing a merely temporary gain—cheap cables at the expense of the Pacific Cable Board—they might have to pay a greater sum later on. As soon as the Pacific Cable Board had been made a mockery, and their lines taken up or parted with to the Eastern Extension Telegraph Company, the rate would be put back, if not to 9s. 4d. a word, to at least one-half of that sum, and a monopoly re-established. Twenty members of the Senate signed a document to the effect that they would not ratify any agreement until the desired Conference had been held. Other honorable senators declined to sign the requisition, but they said that they were in favour of a Conference being held. Dismissing for the present all the arguments against allowing the Eastern Extension Telegraph Company any footing in Victoria and Queensland, and appealing to honorable senators on the single ground of the rights of the protesting

messages of the Eastern Extension Telegraph Company by their own operators.

Senator KEATING.—How long is it since the use of a wire was granted to the company?

Senator DRAKE.—The agreements with the Governments of New South Wales and South Australia were signed in January, 1901, but the company did not ask for a wire until recently. The Commonwealth agreement was signed about May last.

Senator PEARCE.—If we struck out the item, would our action amount to repudiation?

Senator DRAKE.—It would be a repudiation of the agreement made by the Government of New South Wales with the Eastern Extension Telegraph Company. That is one of the terms. As I have already pointed out, this cannot prejudice the Commonwealth in the slightest degree.

Senator HIGGS.—What about the Victorian item of £5,043?

Senator DRAKE.—That is under the new agreement.

Senator HIGGS.—There is no agreement.

Senator DRAKE.—An agreement was made, subject to ratification by Parliament; but it will not now be submitted for ratification until a Conference has been held.

Senator PEARCE.—Is it on the same basis as the other agreement?

Senator DRAKE.—Under the proposed agreement a special line would be given to the Eastern Extension Company in the same way that is provided for in the New South Wales agreement.

Senator MCGREGOR.—Has the construction of the Victorian line yet been commenced?

Senator DRAKE.—I do not think so, because we do not usually commence to construct works until the money is voted.

Senator KEATING.—Was the agreement for the construction of the line from Melbourne to the South Australian border entered into after the transfer of the Department to the Commonwealth?

Senator DRAKE.—Yes. I find that there have been delays between Melbourne and Adelaide, owing to the increase of business arising from the lower rates; so that we really require the line, whether the agreement stands or otherwise. I do not know whether I should reply to the remarks of Senator Higgs with regard to the newspaper article which he so confidently

attributed to me, because he has since cheerfully withdrawn his statement. I think it is hardly fair, however, for the honorable senator to make rash and bold statements on the chance that they may be correct. The honorable senator should have known that at the time the article appeared I had ceased to be the editor of the newspaper to which he has referred. At any rate he might have found that out if he had made inquiries. It was difficult to say off-hand, after such a lapse of time, whether I had written such an article; but, owing to some peculiarities of style on the part of the writer, I came to the conclusion that the contribution quoted was not my handiwork. At the same time part of the article is correct. I have always advocated the Pacific Cable, because I considered that it would have the effect of reducing the cable rates. That result has been brought about, and the portions of the article referring to that point are absolutely correct. We were paying higher rates than we should have paid, and there is no doubt that the construction of the Pacific Cable resulted in a reduction. The proposed new lines have nothing to do with the agreement with the Eastern Extension Company. They must be constructed, and it is just as well that the money should be voted.

Senator MCGREGOR.—Why should it be necessary to refer to the agreement?

Senator DRAKE.—There is no objection to striking out the reference to the proposed agreement with the Eastern Extension Company.

Senator STANFORTH SMITH (Western Australia).—The items of expenditure mentioned as being necessitated by the agreement entered into with the Eastern Extension Company are so mixed up with the ordinary votes that it is very difficult to distinguish one from the other. As the Attorney-General has stated, the construction of the telegraph line from Sydney to the South Australian border was authorized by a State Act of New South Wales, and the construction of the line from Adelaide to the Victorian border was authorized by a State Act of South Australia. Therefore we have to carry out the engagements into which those States have entered. There is, however, an amount of £5,043 set down for the construction of a line from the South Australian border to Melbourne. That work has not been authorized by either State or Commonwealth. A special line is now placed at

the disposal of the Eastern Extension Company against the express wish of the Victorian Government. When Sir George Turner was Premier of Victoria he absolutely refused to give to the Eastern Extension Company the facilities now proposed, and the Commonwealth Government have not only agreed to incur certain expenditure in order to enable the company to divert business from the Pacific Cable, but have allowed the company to open offices in Melbourne against the wish of the State Government, and without authority from the Commonwealth Parliament. Their action has been quite unwarrantable. On the pure supposition that the proposed agreement with the Eastern Extension Company would be ratified, they have placed at the disposal of the company a special line from Melbourne to the South Australian border, and have thus placed the Pacific Cable Company at a disadvantage. It was very amusing to hear the reasons urged by the Attorney-General for the construction of the proposed new line. He stated that it would be necessary whether the agreement with the Eastern Extension Company were ratified or otherwise. He thereby admitted that for ordinary Inter-State traffic another line beyond those now available was required, and yet in the same breath he stated that one of the existing lines was placed exclusively at the disposal of the Eastern Extension Company. The Attorney-General declares that in any case we require this additional line for the purposes of our Inter-State traffic. Yet the exclusive use of one of the existing lines has been handed over to the Eastern Extension Telegraph Company. If that agreement is not ratified we shall probably close this line to the Eastern Extension Company altogether by charging differential rates, so that the traffic may be diverted to the Pacific Cable. The statement made by the Attorney-General is one of the most extraordinary which I have ever heard fall from a Minister. I would remind honorable senators that Mr. Larke, the representative of Canada, recently pointed out what are the desires of the Eastern Extension Company. Their object is to make the Pacific Cable absolutely unprofitable. We all know that in Great Britain the people have not adopted State socialism to anything like the extent that we have in Australia. Consequently we are apt to form an altogether erroneous idea of their views regarding the Pacific Cable. They look upon it as a rash

experiment, the success of which is very doubtful. Mr. Larke points out that if this line does not pay within the next few years it is exceedingly probable that the people of Great Britain will say—"We must sell it to a private company." That will afford the very opportunity which the Eastern Extension Company desires. If they can purchase it, they will practically control all means of communication with Australia, and will be able to treat us just as they choose. If they get rid of their present competitor by making the Pacific Cable a non-paying concern they will be in a position to exploit Australia to their heart's content. I trust that this item of £5,043 will be eliminated. Some time ago I declared my belief that the Eastern Extension Company granted rebates. I have since received a letter from Mr. Warren, in which he denies the accuracy of my statement. I am bound to accept his word, and therefore I have pleasure in mentioning the matter to the Senate.

Question resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clause 1 (Short title).

Senator HIGGS (Queensland).—The expenditure upon the works which are contained in the schedule to this Bill amounts to £422,283. I glean from page 9 of the measure that the sum of £11,100 which it is proposed to spend in constructing a telegraph line from Sydney to the South Australian border is rendered necessary by the agreement which was entered into between New South Wales and the Eastern Extension Company, and which the Commonwealth has taken over. I also understand that the £5,043 which is required for the construction of a telegraph line from Melbourne to the South Australian border, and the £6,000 which is set down for additional wires from Adelaide to the New South Wales and Victorian borders, are necessary altogether apart from any business passing beyond the limits of Commonwealth territory. If the Vice-President of the Executive Council assures me that this money is required to construct these lines for the purpose of carrying Commonwealth traffic, I shall agree to the clause without any opposition, but when the schedule is under discussion I shall ask him to agree to strike out the words "owing to the use of a line having been granted to the Eastern

Extension Company in connexion with international traffic."

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I am assured by the Department that these two lines are absolutely necessary for its proper working, and I am quite prepared to agree to the omission of the words "owing to the use of a line having been granted to the Eastern Extension Company in connexion with international traffic" in both instances. At the present time considerable delays occur between Adelaide and Melbourne because we have not sufficient wires.

Clause agreed to.

Clauses 2 and 3 agreed to.  
Schedule.

Senator WALKER (New South Wales).—I desire to ask where the "machinery and plant for printing-office," the expenditure upon which is set down at £15,000, is to be set up?

Senator PLAYFORD.—That machinery is intended for the city of Melbourne.

Senator HIGGS (Queensland).—I move—

That the item "Victoria— . . . Telegraph line from Melbourne to South Australian border, owing to the use of a line having been granted to the Eastern Extension Company in connexion with international traffic, £5,043," be amended by leaving out all the words after the word "border."

I may say that I am grateful to the Vice-President of the Executive Council for the open and frank manner in which he has met us. It is only in keeping with his characteristics.

Senator STANIFORTH SMITH (Western Australia).—I think this will be a distinction without a difference. Senator Higgs has expressed his gratitude to the Vice-President of the Executive Council for his action in agreeing to the omission of these words; but honorable senators must realize that the position will be exactly the same as before.

Senator HIGGS.—But Senator Playford now asks for the money on different grounds.

Senator STANIFORTH SMITH.—If an additional telegraph line be erected it will be immediately handed over to the Eastern Extension Telegraph Company. The Attorney-General has said that in any case we require a new line for our own Inter-State traffic; but what is the position? According to the honorable and learned senator the Department at the present time is working with two lines short of the number

which it actually requires—namely, the one proposed to be erected, and one the use of which has been granted to the Eastern Extension Telegraph Company. If that be so a very great injustice is being done to the people of Western Australia and South Australia, who require the use of the line handed over to the Eastern Extension Company. I should like to see the item of £5,043 provided for this line struck out.

Senator PLAYFORD.—The honorable senator knows that the Committee would not agree to that being done.

Senator KEATING.—In the interests of the Commonwealth we must have this line more than the other two. It is the one that we require.

Senator STANIFORTH SMITH.—For Inter-State purposes?

Senator PLAYFORD.—Undoubtedly.

Senator STANIFORTH SMITH.—We must remember that without the consent of the Commonwealth Parliament, or of the State Parliament concerned, the Government have handed over one of the existing lines to the exclusive control of the Eastern Extension Telegraph Company. This line will be used for exactly the same purpose, and the Vice-President of the Executive Council cannot deny my assertion. We are, therefore, making a distinction without a difference. I should like to see Senator Higgs move that the figures £5,043 be omitted.

Senator PLAYFORD.—He has acted very fairly.

Senator STANIFORTH SMITH.—Of course the honorable senator thinks so, because this amendment will not alter the position in the slightest degree.

Senator MCGREGOR (South Australia).—I disagree entirely from the position taken up by Senator Smith, and I accept the assurance of the Vice-President of the Executive Council that the additional line is required. It will be necessary whether we grant the use of an existing line or of a new one to the Eastern Extension Company. If the postal authorities tell us that the business is so large that we require another line in order to cope with it, it matters not to us whether the line be handed over to the Eastern Extension Company or not.

Senator STANIFORTH SMITH.—The honorable senator does not understand the position.

Senator MCGREGOR.—I understand it as well as does the honorable senator, who

seems to imagine that the handing over of a line to the Eastern Extension Telegraph Company has not relieved the business done by the Department. There will be work for this line, whether the agreement be ratified or not. Our internal business, and more especially the telegraphic business between Melbourne and Western Australia, is increasing so rapidly that I believe the wire will be required, and that is why I should like this sum to stand. I do not think we have a right to suggest that we are passing this item because of any agreement with the Eastern Extension Telegraph Company. We are granting it because we believe that our business warrants the construction of another line.

Senator HIGGS (Queensland).—I should not like to think that the Vice-President of the Executive Council was guilty of the fraud and deception of which he would be guilty if he were endeavouring to pass this vote, in order that he might point to it later on as an indication of some sanction having been given by the Senate to the Eastern Extension Telegraph Company's operations. I do not believe that he would do such a thing. He has informed us that he requires this money for the construction of a telegraph line, and that we shall want it whether any proposed arrangement with the Eastern Extension Telegraph Company be ratified or not. We shall agree to the item on that understanding.

Senator STANFORTH SMITH (Western Australia).—If the agreement with the Eastern Extension Telegraph Company be not ratified, the inference is that all Victorian cables from Victoria will be sent *via* the Pacific Cable. That being the case, the Eastern Extension Telegraph Company will not send any cables from Melbourne to Adelaide, and therefore that traffic will be suspended.

Senator PLAYFORD.—They must send some messages.

Senator STANFORTH SMITH.—But by means of the differential terminal rates we shall be able to stop them from sending any messages to Adelaide. The public will send their messages by the Pacific Cable. It is thus proposed to build a line which, in these circumstances, must be absolutely useless, unless Senator Playford is prepared to admit that the Department is at present working with two lines short of the actual number required between Melbourne and Adelaide. If that be so, it is a scandal

that a line should be placed at the exclusive order of the Eastern Extension Telegraph Company. Any one who is at all familiar with the transmission of cables to Europe knows that, owing to the difference in time, scarcely any messages are despatched in the morning. If a message were sent from here in the morning it would be of no service; but, if it were despatched at mid-day, the person to whom it was addressed would receive it in London when he went to his office at 9 a.m. If the Eastern Extension Telegraph Company has the exclusive use of a line, that line must remain absolutely idle every morning.

Senator MCGREGOR.—But messages are sent from here to South Africa and other places.

Senator STANFORTH SMITH.—Most of them are sent to Great Britain and Europe. To give the Eastern Extension Telegraph Company the exclusive use of one of our lines, when business is clogged as at present, is most unfair. It gives them a distinct advantage over the Pacific Cable Board, which has not the exclusive use of a line.

Senator PLAYFORD.—It is open to the Pacific Cable Board to obtain one.

Senator STANFORTH SMITH.—They may do so if they go to the expense of putting officers in charge here. If the agreement be ratified, the traffic from Melbourne to Adelaide of the Eastern Extension Company will stop, and in those circumstances we shall build a line which will be absolutely useless.

Amendment agreed to.

Amendment (by Senator HIGGS) agreed to—

That the item "South Australia . . . . Additional wires from Adelaide to New South Wales and Victorian borders, owing to the use of lines having been granted to the Eastern Extension Company in connexion with international traffic, £6,000," be amended by leaving out all the words after the word "borders."

Schedule, as amended, agreed to.

Bill reported with amendments; report adopted.

## SUPPLEMENTARY APPROPRIATION BILL (1901-2 AND 1902-3).

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I move—

That the Bill be now read a second time.

This Bill is for the purpose of legalizing grants made in excess of votes for the years

1901-2 and 1902-3. The money has all been spent, and if honorable senators strike out any items, I do not know that they will be any better off. The other House passed the measure without a word of objection. The object of it is to give parliamentary authority to expenditure incurred by the Treasurer out of a sum which he receives by way of an advance. Parliament votes the Treasurer about £200,000, from which advances may be made, and this Bill gives legal authority for the payments he has made out of it.

Question resolved in the affirmative.

Bill read a second time and reported without requests; report adopted.

#### SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL (1901-2 AND 1902-3).

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I move—

That the Bill be now read a second time.

The purpose of the measure is to make legal excesses on votes for new works and buildings for 1901-2 and 1902-3. It is precisely similar to the last measure which we passed, except that it is a measure which the Senate can amend. The money, however, has all been spent.

Question resolved in the affirmative.

Bill read a second time.

In Committee:

Clauses 1 to 6 and Schedule 1 agreed to.

Schedule 2 (Expenditure for additions, new works and buildings for the year ended 30th June, 1903).

Senator WALKER (New South Wales).—I desire to call attention to the expenditure on account of the Melbourne Printing-office. I find that the expenditure on this office amounts altogether to £23,000. That money has been spent for machinery and plant in two years.

Senator PLAYFORD.—Only £2,155 is voted under this Bill.

Senator WALKER.—I was under the impression that the Victorian Government Printing-office did the Commonwealth work.

Senator Sir RICHARD BAKER.—This expenditure is for new plant.

Schedule agreed to.

Bill reported without amendment; report adopted.

Senate adjourned at 10.50 p.m.

## Senate.

Wednesday, 14 October, 1903.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

#### RAILWAY PASSES: RIFLEMEN.

Senator KEATING.—I desire to ask the Vice-President of the Executive Council, without notice, if it is true, as stated in to-day's *Argus*, that the Minister for Defence has arranged to provide, at the expense of the Commonwealth, railway passes for riflemen officially attending the competition at Sydney, and if so, will a similar arrangement be made in connexion with steamer passes for riflemen from the States of Tasmania and Western Australia.

Senator PLAYFORD.—So far as regards the riflemen from South Australia, the statement is true, and I have not the slightest doubt that a similar concession will be given to the riflemen of the other States.

Senator KEATING.—Will the honorable gentleman make a promise?

Senator PLAYFORD.—I have not seen my colleagues, but I think I can safely say that it will be done; because in common fairness it should be done.

#### ELECTORAL ACT: REGULATIONS.

Senator STEWART.—I desire to ask the Attorney-General, without notice, whether the regulations under the Electoral Act will be laid before the Senate by to-morrow.

Senator DRAKE.—I think that I shall be able to lay the regulations on the table to-morrow; but in any case, I shall fulfil my promise to lay them on the table before the session terminates.

#### SENATOR SWORN.

Senator MACKELLAR made and subscribed the oath of allegiance.

#### LETTER-SORTER: BRISBANE.

Senator STEWART asked the Vice-President of the Executive Council, *without notice*—

1. Whether it is the case that in *Gazette*, No. 14, dated 4th April, 1903, a notification appeared inviting applications for the position of sorter vacant in the Brisbane Post-office?

2. If so, was any person appointed to fill that position and gazetted thereto?

3. If so, is the person so appointed and gazetted now filling the position advertised as vacant?

4. If not, what is the reason for the delay in filling the position?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow :—

1. Yes.

2. Yes.

3 and 4. Inquiries are being made, and answers will be furnished in due course.

## FEDERAL ELECTIONS: VICTORIA.

Senator MCGREGOR asked the Attorney-General, *upon notice*—

In reference to the notice issued by the Railway Department of Victoria to their employes to refrain from taking any part in parliamentary elections, as shown in Senator McGregor's question appearing in the Journals of the Senate, 19th August, 1903—

1. Has the Government made inquiry into this matter as they promised to?

2. If so, what is the result of the inquiries?

3. Do the Government propose to take any further action in this matter?

Senator DRAKE.—This matter has been inadvertently overlooked, but inquiry has now been instituted, and the result will be communicated to the honorable senator as soon as possible.

Senator MCGREGOR.—Will it take three months more?

Senator PLAYFORD.—No.

## APPROPRIATION (WORKS AND BUILDINGS) BILL (1903-4).

Bill read a third time.

## SUPPLEMENTARY APPROPRIATION BILL (1901-2 AND 1902-3).

Bill read a third time.

## SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL (1901-2 AND 1902-3).

Bill read a third time.

## SEAT OF GOVERNMENT BILL.

### SECOND READING.

Senator DRAKE (Queensland—Attorney-General).—I move—

That the Bill be now read a second time.

This is a Bill for the purpose of expressing the determination of Parliament with regard to the site of the future seat of government. I know that there is very great diversity of

opinion as to where the site shall be, but I hope, I may say I believe, that there is a distinct majority in Parliament in favour of coming to some decision on the question without any unnecessary delay. I do not shut my eyes to the fact—it would be useless to do so—that there are some who do not desire that the question shall be settled.

Senator LT.-COL. NEILD.—Senator Dobson?

Senator DRAKE.—I do not mention any names or indicate any persons but we know that there are some persons who would be pleased if in consequence of any difference of opinion which might arise and become emphasized, the determination of the question should stand over indefinitely. But I think there is a majority who will agree with me that it is desirable that the question should be settled as soon as possible. The Constitution lays down with clearness and definiteness the limits within which the capital site must be fixed, that is to say, within the territory of New South Wales, and at least 100 miles distant from Sydney. For years I have held the opinion that it is a most undesirable thing that the capital of a Federation should be coincident with the capital of any one of the component States. I think it should be recognised as one of the essentials of a Federation, that its capital should be in some neutral territory. That is recognised, I take it, by the provision in the Constitution. We may admit that the provision contains a compromise, but still it is a perfectly clear adoption of that principle. That being so, and it having been laid down in the Constitution that we shall determine upon the capital and commence to administer the government from the site chosen, it seems to me to be perfectly clear that there should be no unnecessary delay; because if the Constitution declares, as it does in its very terms, that it is desirable that the selection of a site should take place, then any delay in bringing about that result is in effect depriving the people of the Commonwealth of those advantages. There is another reason that appeals very strongly to me as to why we should settle this matter; and that is that any delay that can be avoided is distinctly unfair to New South Wales. The Government of New South Wales are, I understand, at the present time entirely friendly, and inclined to give all the help they possibly can towards effecting a settlement. At the request of the Commonwealth Government,

they are reserving from sale or occupation lands around a number of the suggested sites. But we can hardly expect that the New South Wales Government will continue such an arrangement indefinitely. If they are reserving lands around the suggested sites for the capital, in order to diminish the expenses which will have to be incurred, it is right that at the earliest possible time we should be in a position to tell them which site we have decided upon, so that we may get the advantage which arises from the lands having been reserved around the site chosen. The Government of New South Wales will then be free to sell or dispose of the lands in the neighbourhood of the other sites in any way they think fit. Another reason occurs to me, and it is this: We have already seen that there has been a good deal of competition on behalf of the people who are interested—not improperly interested—in various ways in the particular districts that have been named as probable locations for the capital city. It is very undesirable that anything in the way of speculation in lands should be encouraged. The longer the settlement is delayed the more probable it is that conflicting interests will spring up, which will make a settlement of the question more and more difficult, and perhaps may result, as has been the case in other countries, in bargainings which will be very much to be deplored. On a recent occasion when I was speaking upon this subject, I referred to what had taken place in the United States of America in reference to the difficulty that attended the choosing of the capital there, and I alluded to the fact that ultimately the decision was the result of a bargain to obtain political influence for the purpose of carrying a measure of a totally different character. It is very undesirable that there should be anything of that kind in connexion with our experience in this matter; and that is a very good reason why we should avoid any further delay. It is said sometimes that we should go very slowly in connexion with this subject, in order to make perfectly sure that when we select the site it shall be the very best possible site obtainable. We must all agree that it is very desirable that sufficient time should be taken to insure that a wise decision will be come to. But I claim that ample opportunities have been given for that. The territory of New South

is not an unknown land. I suppose

ator Drake.

that in connexion with the pastoral and agricultural occupation of that State every square mile has been surveyed, and is pretty well known. We have had this question before us ever since the Federal Parliament commenced early in 1901. In fact, before that time Mr. Alexander Oliver had made his report, and it was presented to the New South Wales Parliament some time in the year 1900. As soon as this Parliament commenced to sit, the members of it were supplied with copies of Mr. Oliver's report; and we may reasonably assume that from that time they have been interesting themselves in the subject. In January, 1902, an invitation was issued to the whole of the members of the Senate to go and inspect some fourteen of the sites which had been considered by Mr. Oliver, and which might be said to be in the running for the Federal Capital. A number of senators went—I think twenty-seven altogether.

Senator Lt.-Col. NEILD.—No, fifteen was the maximum.

Senator DRAKE.—I believe there were twenty-seven altogether who took part in the trip, though all of them did not visit all of the sites. Some visited some sites, and others visited others. The members of the House of Representatives have had a similar opportunity. Since then we have had another report by Mr. Oliver; and the Commonwealth Government also appointed a Commission of experts, who made an exhaustive examination of some of the suggested sites.

Senator Lt.-Col. NEILD.—Query.

Senator DRAKE.—It is almost inconceivable that, after all these pains having been taken to acquaint ourselves with this subject, there can be any locality having merits entirely superior to those which have been inspected which have been overlooked. We have no right to assume that any site particularly suited to become the Federal Capital has not been examined some time during the last three years with a view to ascertaining what were its merits. That being so, I can hardly see what good can result from any longer delaying the settlement of the question. Of course, if honorable senators are going to devote themselves to balancing advantages and disadvantages, they can go on endlessly. We know very well that we shall never find any site anywhere which will combine all the advantages



that are sought and none of the disadvantages. Such a thing is physically impossible. Some people tell us that they want a site on the top of a mountain, and they also want it to be provided with plenty of running water. We are not likely to find any extensive rivers on the tops of mountains. If they want a district which is extremely fertile, with an extraordinary depth of soil, they will probably find that wherever those conditions exist the sun is extremely hot in the summer time. It is not likely that a climate will be found anywhere which is warm in the winter and cool in the summer.

Senator Sir JOSIAH SYMON.—Except the garden of Eden.

Senator DRAKE.—I do not think that those conditions would be found to exist even in the garden of Eden. It being assumed that it is impossible to find any site which will have all the advantages and no disadvantages, as business men what we have to do is to try to decide upon that site which presents upon the whole the greatest number of advantages and the fewest disadvantages. The question of accessibility is continually coming up. We can see perfectly clearly that in the matter of accessibility every circumstance that is an advantage to the capital of one State must be a disadvantage to another. If we put out of consideration all of the capitals of the States except Sydney and Melbourne, is it not perfectly clear that if we are going to choose any site anywhere; the nearer it is to Sydney the further it must be away from Melbourne? We cannot find any site that stands on the top line with regard to accessibility with respect to every one of the capitals. There must be a certain amount of compromise—of give and take—in this matter.

Senator MCGREGOR.—Cannot we get a site exactly half way?

Senator DRAKE.—We might; but the honorable senator will see that there will be disadvantages, even with regard to such a site. My proposition is simply this—that the nearer we get to one capital city the further away we get from another. That is absolutely undeniable. We have also to bear in mind that individual senators are looking at this question from two points of view. An honorable senator may look at it from the point of view of the interests of his own particular State, or he may look at it from the point of view of the interests of the whole Commonwealth; if he looks at

it from the point of view of his own State he may prefer one site, whereas if he looks at it from the point of view of the whole Commonwealth, he may prefer another.

Senator Lt.-Col. NEILD.—He would prefer Lyndhurst from the Commonwealth point of view.

Senator DRAKE.—I do not know why the honorable senator should “barrack” against the Bill. It is very bad taste on his part at all events. If we are going to enter upon this question with the desire to come to some arrangement, I think that each one of us should have regard in the first place to the opinions of those persons who are particularly qualified to judge. We have the reports of the commission of experts and of Mr. Oliver—of course, we cannot leave him out. We have also the opinions of our fellow senators who have perhaps made a closer inspection of these localities than others of us have been able to make. We are also bound to give due weight to the views of those who have a right to decide this matter—that is to say, the members of Parliament generally. I regret that the proposition that was made by the Government in the first instance—that the Senate should meet the other House in Conference before any name was put into the Bill was not acceded to. I think it was the right way to come to an agreement upon the subject; because we should have been more likely to agree upon a site before we entered into any discussion upon the measure than can be the case afterwards. If that had been done we should probably have had to consider a Bill having in it a name which would have been the choice of the whole of the members of this Parliament sitting together. However, the Senate did not agree to that proposition, although there were a large number of senators in favour of it, and it was only lost by a small majority. That opportunity has gone, and it is now a matter of history that a blank in the Bill introduced by the Government has been filled as the result of a vote that was taken in another place. Consequently, we now have one name in the Bill. There are other provisions in the measure, to which I have no doubt that the Senate will give due and proper attention when we come to discuss its provisions in Committee. If we are going to carry out the intention of the Constitution and select any site, an agreement must be come to. But to arrive at an agreement we have to

they are reserving from sale or occupation lands around a number of the suggested sites. But we can hardly expect that the New South Wales Government will continue such an arrangement indefinitely. If they are reserving lands around the suggested sites for the capital, in order to diminish the expenses which will have to be incurred, it is right that at the earliest possible time we should be in a position to tell them which site we have decided upon, so that we may get the advantage which arises from the lands having been reserved around the site chosen. The Government of New South Wales will then be free to sell or dispose of the lands in the neighbourhood of the other sites in any way they think fit. Another reason occurs to me, and it is this: We have already seen that there has been a good deal of competition on behalf of the people who are interested—not improperly interested—in various ways in the particular districts that have been named as probable locations for the capital city. It is very undesirable that anything in the way of speculation in lands should be encouraged. The longer the settlement is delayed the more probable it is that conflicting interests will spring up, which will make a settlement of the question more and more difficult, and perhaps may result, as has been the case in other countries, in bargainings which will be very much to be deplored. On a recent occasion when I was speaking upon this subject, I referred to what had taken place in the United States of America in reference to the difficulty that attended the choosing of the capital there, and I alluded to the fact that ultimately the decision was the result of a bargain to obtain political influence for the purpose of carrying a measure of a totally different character. It is very undesirable that there should be anything of that kind in connexion with our experience in this matter; and that is a very good reason why we should avoid any further delay. It is said sometimes that we should go very slowly in connexion with this subject, in order to make perfectly sure that when we select the site it shall be the very best possible site obtainable. We must all agree that it is very desirable that sufficient time should be taken to insure that a wise decision will be come to. But I claim that ample opportunities have been given for that. The territory of New South Wales is not an unknown land. I suppose

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get the two Houses into accord; and each House is constituted of a number of persons holding different opinions, looking at the question from different points of view—some from the point of view of Commonwealth interests, and, perhaps, some from the point of view of State interests. It is extremely difficult to arrive at an agreement under these circumstances. I think, however, that the difficulty is not insuperable. If we approach the question in the true spirit of compromise, and with an honest desire to settle the matter, we ought to be able to come to a conclusion during this session. If we can do so, it will be very satisfactory, as we shall thus leave the hands of Parliament free next session for the very important business which must then be discussed.

Senator Sir JOHN DOWNER (South Australia).—Lord Eldon said, "Having doubted what my judgment should be for twenty years, I see no reason for further suspending my decision." The Government, having doubted what they should do for three years, apparently see no reason for further suspending their decision. Just before the present Parliament expires they bring down one of the most important matters which we could by any possibility be called upon to determine, and the settlement of the question is to be hurried through to gratify some Ministerial pledges, in which there can be no real and true integrity, otherwise they would have been redeemed long before the present time.

Senator Lt.-Col. NEILD.—This is a wild shriek of liberty.

Senator STYLES.—It is true.

Senator Sir JOHN DOWNER.—I do not propose to ally myself in the slightest degree with Victorian representatives in connexion with this matter. I am expressing my own opinion. So far as this Bill itself is concerned, if it is carried by the Senate it will be absolutely valueless, and the work will have to be done by the next Parliament, and not by us at all. I propose shortly to consider how I have arrived at that conclusion. The Federal Capital site is to be on property that shall have been granted to or acquired by the Commonwealth. It is inevitable, therefore, that we cannot do what is here proposed until we have secured the Federal territory. I do not see why, on the face of it, we may not express an opinion, though it may be an abstract opinion, in order to lead

to inquiries to find out what is the best we could do. If this had been an abstract motion instead of a Bill there might have been more to be said in favour of it. But we are not in a position to pass a Bill fixing the Federal Capital site on land that has been granted to or acquired by the Commonwealth. The words of the Constitution are: "shall have been granted to or acquired by."

Senator DAWSON.—Surely the territory will not be granted until we select the locality?

Senator Sir JOHN DOWNER.—I have said that if this were an abstract proposition intending to lead to some inquiry, I should not have been against it. But when we have to deal with a Bill which says that the Federal Capital shall be established in a certain place, I say that the Bill is absolutely useless, and should not be passed at the present time. The words of the Constitution, as I have said, are "shall have been granted to or acquired by the Commonwealth." Now, the word "grant" refers to what comes from the Crown. It refers to what New South Wales has to give, because the condition of the Constitution is that the New South Wales Government shall grant to the Commonwealth, without remuneration, the Crown lands which the Commonwealth may require. If Crown lands only had to be taken for the purpose, there would not be very much difficulty in connexion with the subject; but directly we get beyond the words "granted to," and come to the words "acquired by," we must discover how we are going to acquire land. There is no provision in the Constitution for acquiring. The Constitution is absolutely silent on the subject. It leaves it by implication for us to pass legislation by which we can acquire land, and I do not say that the implication is not sufficiently strong to warrant us in passing such legislation.

Senator Sir JOSIAH SYMON.—Does the honorable and learned senator think that we can acquire territory by our own legislation in the same way that we could acquire a piece of land for a post-office?

Senator Sir JOHN DOWNER.—No; I think that the words "acquired by" in this section of the Constitution imply the authority to acquire; but legislation is required to give them effect. We must have an Act of Parliament authorizing us to acquire, and defining the method of acquiring.

Senator Sir JOSIAH SYMON.—Does this not imply also a cession from New South Wales?

Senator Sir JOHN DOWNER.—I do not think so. The view which occurs to me is that when the section says “shall have been acquired” it implies the power to acquire, but it has to be exercised legislatively. The question we have now to consider is whether we have assumed that power legislatively, and if we have, what is the effect of our legislation? That we have passed no Act specially to deal with this matter is beyond question. We have never attended to it; as a matter of fact we have never thought of it. We have passed an Act called the Property for Public Purposes Acquisition Act to enable us to acquire land for post-offices and property of that description; but we never dreamt of extending that legislation to the acquisition of Federal territory. That Act is intended for the purpose of the special acquisitions required by the Commonwealth for special purposes. We never thought when passing the Bill that it would be extended to such a purpose as this.

Senator Lt. Col. NEILD.—The question was raised when the Property for Public Purposes Acquisition Bill was before the Senate, and it was discussed then.

Senator Sir JOHN DOWNER.—I do not think so.

Senator Sir JOSIAH SYMON.—It was said at the time that the Act could not be extended to the acquisition of Federal territory.

Senator Sir JOHN DOWNER.—Exactly. I always understood that it was distinctly denied that the operation of that Act was to be extended to cover the acquisition of 100 square miles, 1,000 square miles, or the whole of New South Wales, whatever it might be. It was intended for small acquisitions for Commonwealth purposes. It was repudiated generally in the Senate that it could have any such extension as is now suggested. But, assuming, for the sake of argument, that it does apply, what is the position? Away goes this Bill, and any possible effect it might have; because, although there is a power under the Property for Public Purposes Acquisition Act for the Governor-General in Council to declare in the *Gazette* that he takes certain land for public purposes, and it is also provided that the mere fact of that notification is an acquisition of the land;

there is also a provision under which the matter has to come before Parliament, and the proposal must lay upon the table of Parliament, if in session, for thirty days, and if not in session, then for thirty days in the next session of Parliament. If, during those thirty days, Parliament disagrees with the proposition, the title reverts to the persons who owned the land before, and the notification becomes void. Can we have any words which could more completely make a dead letter of this measure than the words of the only Act, if it applies at all, under which property can be acquired by the Commonwealth? Assuming that this Bill is carried, the Government would not dare to incur any considerable expense under it, because the proposal made must be laid upon the table for thirty days after the meeting of the next Parliament. And if the next Parliament decides that the property is not to be acquired, away goes the whole thing. No Government would dare in these circumstances, knowing the feelings and sentiments prevailing in regard to the Federal Capital, to risk their position by incurring any considerable expense.

Senator MCGREGOR.—On the same principle the next Parliament could repeal any Act we passed.

Senator FRASER.—Repealing is different to repudiation.

Senator Sir JOHN DOWNER.—I quite agree with Senator McGregor. I am only dealing with the possibility of carrying this proposal out. At the fag end of this Parliament, we have thrust upon us the decision of one of the most important questions which we could be asked to consider, and we are asked to hurry it through, and if we do, we can effect nothing. We shall, however, enable Sir William Lyne to go to his constituents and say that he has redeemed his pledges.

Senator DAWSON.—That is not a fair statement to make.

Senator Sir JOHN DOWNER.—I object to these references to fair statements. I mean to say that I never make any statements which are not fair. I attack no man.

Senator PLAYFORD.—This would come to something if the next Parliament agreed to the acquisition of the land.

Senator Sir JOHN DOWNER.—Exactly. And it would come to something if the next Parliament had the opportunity

of initiating the business; but it would then come to something in a proper and legitimate way, and not by our saddling the next Parliament at the dead end of the last session of this Parliament with the performance of a function which we cannot perform, and which they will have to perform for themselves. So much for what I may call the constitutional position. Senator McGregor always admires me as a constitutional lawyer; while disagreeing with me, the honorable senator always applauds. Coming to another point of view, this Bill, as it comes before us, is a Bill not to take 100 square miles, but to take 1,000 square miles. It is founded on the Constitution, which says, that the area shall not be less than 100 square miles. We should have settled the Federal Capital site some time ago, if the Kilkenny cats in the shape of the New South Wales people, had not been quarrelling amongst themselves all the time, and had been able to agree to anything.

HONORABLE SENATORS.—No.

Senator Sir JOHN DOWNER.—We should have settled this matter long ago, and the Government might have been clear of all the trouble if representatives from New South Wales could have arrived at any agreement amongst themselves.

Senator Lt.-Col. NEILD.—The honorable senator knows that that is not so.

Senator Sir JOHN DOWNER.—They have not arrived at any agreement amongst themselves now.

Senator MILLEN.—They are pretty unanimous to-day.

Senator Sir JOHN DOWNER.—There is not a single man of them who, when he speaks, will not speak against his own conscience. Senator Neild, in interjecting just now, did so against his own conscience.

The PRESIDENT.—I do not think the honorable and learned senator should say that.

Senator Sir JOHN DOWNER.—I withdraw that, and I humbly apologize to Senator Neild.

Senator Lt.-Col. NEILD.—The honorable and learned senator had better withdraw himself.

Senator Sir JOHN DOWNER.—Let us consider how much they are agreed amongst themselves at the present time. The House of Representatives sends us a Bill which offers to all Australia some means of getting to the Federal Capital quite apart from the wish or pleasure of

the Government of New South Wales. What is the position of the Government of New South Wales? They desire that the Federal Capital shall be a comfortable little *cul-de-sac* in the centre of New South Wales—a capital the means of access to and exit from which shall depend on the legislation of the State Government.

Senator KEATING.—If we choose Tumut!

Senator Sir JOHN DOWNER.—Yes. That is the *cul-de-sac* of which I am speaking. But if Tumut be chosen, and the Federal area extended to the boundary, so that all Australia may be able to get in and out, New South Wales will decline to have anything to do with it.

Senator KEATING.—Sir John See says that we shall not get the area extended to the boundary.

Senator MILLEN.—And Sir John See speaks the truth.

Senator Sir JOHN DOWNER.—Sir John See does speak the truth.

Senator FRASER.—Does not Sir John See always speak the truth?

Senator Sir JOHN DOWNER.—“Sufficient for the day——.” I do not say that Sir John See does not always speak the truth; but I am perfectly satisfied that the great opposition to Bombala in favour of Tumut is because the latter is a close borough in the middle of New South Wales, while the former extends to the boundary and leaves all Australia means of access and exit. I am strengthened in that opinion when I see the determined action of the Government of New South Wales. Both Sir John See and the leader of the Opposition, Mr. Carruthers, take the same view, namely, that the Bill before us is wrong and unconstitutional; and I agree with them in that opinion. When the provision was inserted in the Constitution that the Federal area should not be less than 100 square miles, the meaning was that it should be about 100 miles, though not less. Let me bring the argument in favour of the extended area to a *reductio ad absurdum*. If the Constitution means that the area may be any size we choose, the Bill before us could authorize the acquisition of the whole of New South Wales.

Senator PLAYFORD.—Except within the 100 miles radius of Sydney.

Senator Sir JOHN DOWNER.—That is so. If the words of the Constitution mean that the area may be as much larger than 100 miles as we choose, subject to the

distance limit from Sydney, it means, as I say, that we could acquire the whole of the New South Wales territory.

Senator DAWSON.—We cannot acquire the area without agreement with the Government of New South Wales.

Senator Sir JOHN DOWNER.—Certainly we can; the Government of New South Wales have nothing to do with the matter. I do not agree with the view that there must be an agreement with the Government of New South Wales; on the contrary, I am firmly of opinion that we have power to take the territory.

Senator DAWSON.—The Bill before us only expresses a desire for an area of 1,000 square miles.

Senator Sir JOSIAH SYMON.—The present Bill is merely the basis of negotiation.

Senator Sir JOHN DOWNER.—I am talking about the law as set forth in the Constitution. I suppose nobody will contend that the meaning of the words in the Constitution is that we have the power to acquire the whole of New South Wales, except that part within the 100 miles radius of Sydney. Therefore the only meaning the words "not less than 100 square miles" can have is that the area must be about 100 miles, but not less. The meaning is that the area may be 110 miles, 120 miles, or 140 miles, but certainly not 200 miles, because the last would be doubling the main proposition. I, therefore, agree entirely with Sir John See and Mr. Caruthers, that we have no power to take the extended area proposed; and for that reason I am entirely opposed to the Tumut site.

Senator DAWSON.—And to any other site.

Senator Sir JOHN DOWNER.—That is rather begging the question, is it not? The honorable senator says that I am entirely opposed to Tumut or any other site—

Senator DAWSON.—And entirely in favour of delay.

Senator Sir JOHN DOWNER.—Will the honorable senator follow me for a moment? I am opposed to Tumut or any other site which will have the effect of creating an inner circle in New South Wales to which the rest of Australia can be admitted only as the legislation of New South Wales chooses to direct. Whatever place is chosen must extend to the boundary, so that everybody may have free access, not by means of the legislation of the Government of New South

Wales, but by means of the legislation of all Australia. A comfortable snug little settlement, in regard to which the legislation of New South Wales can operate as the State Government pleases, would be opposed to the intention of the Constitution and repugnant to the feelings of the people of the whole of Australia. For the reasons I have stated, I am entirely opposed to the Bill, and I shall support any amendment which will have the effect of shelving the question. I shall support the Bombala site.

Senator DAWSON.—Simply for the reason that the choice of that site would mean the shelving of the question.

Senator Sir JOHN DOWNER.—No; I prefer Bombala, because the area extends to the boundary.

Senator Lt.-Col. GOULD.—No.

Senator Sir JOHN DOWNER.—If the area does not extend to the boundary of Victoria, I should make it so extend. But I shall not agree to any territory in New South Wales which leaves the State Government free and unfettered control over the means of access and exit.

Senator Sir JOSIAH SYMON.—Which leaves the State Government free to lock the gates of the Federal territory.

Senator Sir JOHN DOWNER.—I understand and sympathize with the view taken by the New South Wales Government. I admire people who are able to carry out a policy of profound and utter selfishness; but, personally, I am humbly trying to prevent the present efforts in that direction being successful. Any legislation we pass now can only be an expression of opinion, and, in any case, it is brought before us too late, when we have had no proper opportunity of considering the question. Whatever legislation we pass now will have to be ratified by the next Parliament before it can have any effect.

Senator HIGGS.—Will the honorable and learned senator give an illustration of any law which could be passed by the Parliament of New South Wales, and which would have the effect of "locking the gates of the Federal territory"?

Senator DOBSON.—The New South Wales Government could rip up the railway lines, and we could not prevent them.

Senator Sir JOHN DOWNER.—Senator Higgs asks me whether I know anything in the history of New South Wales to induce

me to suppose that if we give the Government of that State a power to which they have no right, they will abuse it in the future. The people of New South Wales are my best friends, and I have no reason to complain of them in any shape or form.

Senator Lt.-Col. NEILD.—You are showing a beautiful feeling of friendship now.

Senator Sir JOHN DOWNER.—The President every day before the commencement of business reads a prayer which contains the words "lead us not into temptation." Elevated as my opinion is of those gentlemen on the benches opposite, I feel that I am a sort of guardian of their consciences, and I shall be no party to any attempt to unduly strain the Constitution so as to tempt them to depart from the high line of rectitude which I have always observed on their part in the past. This is not a question of sentiment, but a question of hard business; and, to me, it appears to be ridiculous to pass the Bill at the present time.

Senator Lt.-Col. NEILD (New South Wales).—I am very sorry that Senator Downer should have to admit having been led into temptation. I have a strong personal regard for Senator Downer, judging him by his public statements reported in the press, and I regret that probably the last speech which he may deliver here as a senator should be such as to leave a blemish on his reputation.

Senator MCGREGOR.—It is the best speech Senator Downer ever made.

Senator Lt.-Col. NEILD.—Yes, from the stand-point—

Senator KEATING.—Of Australia.

Senator Lt.-Col. NEILD.—When the dog show has done howling, I shall refer to a leading article from the columns of a newspaper which rules the political destinies of certain gentlemen who sit in this Chamber. Against the opinions expressed by that newspaper those honorable senators dare not deliver a speech or cast a vote.

Senator KEATING.—Is that the Sydney *Daily Telegraph*?

Senator Lt.-Col. NEILD.—I am referring to a newspaper which adopts the phraseology of the dog show, and in its leading columns declares that the representatives of the greatest, oldest, and most important State in the Commonwealth are "not to be trusted with the trial of a dog."

Senator DAWSON.—The *Age* must have thought that it was on its trial.

Senator Lt.-Col. NEILD.—Very likely.

Senator FRASER.—The language of the honorable senator is not in order.

Senator Lt.-Col. NEILD.—I should give a dog a fairer chance by having it tried in New South Wales instead of in Victoria. Passing from that, however, I turn again to Senator Downer, who professed to be delivering a judicial speech, though he had his tongue in his cheek.

The PRESIDENT.—Order!

Senator Lt.-Col. NEILD.—I express precisely the same idea in language to which, I think, Mr. President, you will take no exception, when I say that Senator Downer spoke very seriously with a broad smile on his face.

Senator Sir JOHN DOWNER.—I meant what I said.

Senator HIGGS.—Surely Senator Neild does not expect Senator Downer to speak with his tongue hanging out.

Senator Lt.-Col. NEILD.—As Senator Higgs is not addressing the Chamber, I expect him to keep his tongue within his mouth.

The PRESIDENT.—I must ask honorable senators not to interrupt so much.

Senator Lt.-Col. NEILD.—I am not at all in a hurry. This matter has been before Parliament for three years, and it will not matter much if I occupy three or four hours this afternoon. But I am not going to be howled down by any political dingo that ever lived.

Senator FRASER.—Such expressions are not creditable. Every sentence is improper.

Senator MCGREGOR.—It is Paddington twaddle.

The PRESIDENT.—I really must ask the honorable senator who is speaking not to indulge in such strong language. I must also ask other honorable senators not to interrupt and endeavour to lead the senator who is speaking off the track.

Senator Lt.-Col. NEILD.—I seconded the motion for the second reading of the Bill. I am in favour of its second reading from the same point of view as that taken by the Government during the past two sessions, when they pressed the the second reading of measures, leaving the Committee to do what they liked with them afterwards.

Senator DRAKE.—The Government have never done that.

Senator Lt.-Col. NEILD.—But in supporting the second reading I am certainly not prepared to support all that is contained



in the Bill ; and if amendments are not made in Committee I shall not be found voting against the third reading. To begin with, I find that the Bill contains a provision—inserted, judging by the public press, at the instance of a Minister of the Crown—which nullifies the whole report on which it is supposed to be based. We find that at the instance of the Minister for Home Affairs, in whose Department this matter properly lies, although the Bill has been fathered by another Minister, this amendment was inserted in clause 2—

Provided that the site shall be within a distance of twenty-five miles from Tumut, and at an altitude of not less than 1,500 feet above the sea.

One of the most important features in a site to be selected for the capital is the question of water supply. And to those who have seen the Commonwealth from end to end, in almost every one of its sections and in almost every one of its acres, afflicted with the scourge of drought until quite recently, the question of water supply should be a paramount consideration. The Bill which we are asked to pass by Ministers who for three years have neglected their duty in this matter, contains, at the instance of a Minister, a provision which nullifies every proposition contained in the report of the Royal Commission in regard to water supply. The report suggests a water supply for a city at an altitude of 1,050 feet ; and the Ministry deliberately inserted in the Bill the provision to which I refer. If it was not done deliberately, it was done scandalously, because no Ministry has the right to throw off their airy nothings, whatever licence may be allowed to private members. To throw in an increased altitude of 450 feet, and thereby nullify every hope of a gravitation water supply to the site is a proposition which cannot for one moment be deemed creditable to the Minister who proposed the amendment, or the Ministry who accepted it. If the Minister for Home Affairs moved the amendment, without knowing that it would destroy the water supply for the capital site, or without caring whether it would, his action was not creditable to him personally, nor was it creditable to the Ministry that they accepted the Bill in such a form. But if it was done designedly, and that is the only other proposition—

Senator MCGREGOR.—He climbed up and christened the hill on which the reservoir is to be placed.

Senator Lt.-Col. NEILD.—If the Minister for Home Affairs is going to discharge the functions of Moses to the Federal Capital, and supply it with water, that is another matter ; but I do not think that that is included in the Bill. Such an amendment must involve one of three things—recklessness, ignorance, or design. Which was it ? All three are equally against the possibility of supplying the capital site with water.

Senator DOBSON.—It shows that there is no proper time to consider this important question.

Senator Lt.-Col. NEILD.—Exactly ; but the honorable and learned senator should remember that if there is one member of this Parliament who is responsible for endeavouring, in season and out of season, particularly the latter, to delay the selection of the capital site, it is himself. And if he has any respect for the high traditions that are supposed to give a halo to the subject of Australian Federation, he would do his reputation the highest honour by playing a different part from that which he seeks to play.

Senator MCGREGOR.—That shuts him up.

Senator DOBSON.—I am going to speak in a few minutes.

Senator Lt.-Col. NEILD.—If the honorable and learned senator moves certain remarkable propositions as an amendment, my mouth will not be shut under the new Standing Orders. He will perhaps bear that fact in mind and moderate the transports in which he sometimes indulges. With reference to the remarkable, and, I think, deplorable, deliverance of Senator Downer—he wanted to catch his train, and we must make allowance for his action—he laid down two propositions, one of which I submit was a scandal on every State in the Commonwealth. He said that he would not vote for any area that materially exceeded the 100 square miles provided by the Constitution, and from the legal stand-point he argued that the phrase, “not less than 100 square miles,” means 100 square miles or thereabouts ; no doubt he was correct in that contention. Do we not know that every grant or transfer says that the land comprises such and such an area, “more or less.” When the phrase “more or less” is used, is it ever intended that it shall mean ten times as much as the area stated ? That is an argument which is used by some of those who are clamouring, not for a site for a Federal Capital, but for a Utopia in

which they can practise Bellamyism. The proposition to claim ten times the area which is named or referred to in the Constitution is not one which reflects credit on any one who professes to be loyal to the Constitution. But whilst Senator Downer maintained that attitude—which, from the legal stand-point, I suppose no one will attempt to controvert—he laid down another proposition which was a scandal on the whole of the Commonwealth. He said he would give no vote for any site for a Federal Capital that was not equally accessible from every State in the Commonwealth. He knows perfectly well, if he knows anything, and I suppose a gentleman of his experience must know, that such a site is absolutely unobtainable in Australia.

Senator MCGREGOR.—He did not say "every State."

Senator DOBSON.—He meant, I suppose, a seaport.

Senator LT.-COL. NEILD.—Senator Downer said "every State," and *Hansard* will bear me out.

Senator DOBSON.—A seaport is accessible from every State.

Senator LT.-COL. NEILD.—If my honorable and learned friend will only cease from such unwise interruptions he will know that there is no capital site marked on the map or referred to in the report of the Commissioners that is within sufficient nearness to the coast of Australia as to permit of an access to the sea without the size being immensely extended beyond the area of 100 square miles. What did we hear a little time ago? Only last year we heard a clamour for a capital site extending from Mount Kosciusko to the sea. What does that mean? That is a claim for 3,000 square miles. The claim that is set out in this Bill is moderation itself compared with the claim of the enthusiastic picnickers. But if I am told that this is not claimed, I reply that the word "should," in clause 2—a weak attempt to disguise with a thin coating the cloven foot—means a great deal more than some people would have attached to it. Leaving out the unimportant words which are not required to show what the intention is, I shall read the clause as it stands as applying to this proposed grant—

It is hereby determined—

Who can possibly say that the word "determined" means merely an intimation of a desire or longing, as some would have us read it?—

It is hereby determined that the seat of government of the Commonwealth shall be at or near Tumut and the territory granted to or acquired by the Commonwealth . . . . should contain an area of not less than 1,000 square miles.

Senator DAWSON.—It does not say that it shall contain.

Senator WALKER.—Read on

Senator LT.-COL. NEILD.—

And shall extend to the River Murray and the River Murrumbidgee.

Senator DAWSON.—No, "should extend."

Senator LT.-COL. NEILD.—I like to meet with an intelligent interruption, but I do not know that I luxuriate in interruptions that represent an absence of acquaintance with the subject under discussion. It is hereby determined that there is to be not a piece of land for a Federal Capital; not a piece of land for a Federal territory, but 1,000 square miles for a Bellamy Utopia; and if that cannot be obtained every Bellamy-Utopian will join with advocates of the Victorian dog and poultry show caucus and vote against the Bill. Senator Downer was pleased to say that all the difficulties connected with this matter were due to the representatives of New South Wales, and yet in the next breath—for the first time almost since he has occupied a seat here—he turned on his ministerial joss and publicly flogged it; he attacked the Ministry of which he has been so faithful and useful a follower. But I have the report of a speech which he made here, so far back as June, 1901, on my motion in favour of the appointment of a joint committee of the two Houses to winnow out the number of proposed sites, then totalling fifteen. He opposed the motion, and when an amendment was moved he opposed the amendment. He would not have anything done which would in the smallest degree conflict with the personal and political convenience of the Administration to which he gave such undeviating support. The honorable and learned senator is reported as saying "I stand by the Constitution"—just as if the Constitution wanted to be propped up by him! Just as though it were not big enough to stand "on its own"! We all know the services which Senator Downer gave to the building up of the Federation. I should be the last

living person in the Commonwealth to deprecate or derogate in the slightest degree from the great services which he rendered to the cause as a member of the Federal Convention and of the drafting Committee. But when I make that small and respectful tribute to Senator Downer's services, I regret very deeply that his speech to-day—which may be one of his last, if not his last, as a member of the Senate—was one in which he indicated that this subject had been neglected for three years. Senator Downer has for three years followed a Government that has, on his own showing, neglected this subject, and I challenge him to turn up the pages of *Hansard* and to show that in his place in the Senate he has ever uttered one word to indicate a wish that it should be dealt with. He has been here, if not as a chock on the wheel, at least as a cumberer of the ground, and now he stands up in his place to deprecate the fulfilment of the contract which he himself, as a member of the Convention, is under an obligation to see fulfilled.

Senator STYLES.—The Convention did not insert that phrase in the Constitution.

Senator MILLEN.—But the people of Australia accepted the Constitution as it now stands.

Senator Lt.-Col. NEILD.—The Constitution arrogates to this Chamber a title that was borne by the most dignified and the most resplendent assemblies whose doings and records adorn the pages of the history of the civilized world; and I hope that, apart from a little badinage, the members of this Senate will not only bear that title with dignity, but emulate the wisdom and the justice and the high public spirit that have adorned the Senates of the older nations. I am not in the least degree put out by unruly interruptions; they merely compel me to speak a little longer.

The PRESIDENT.—I will ask honorable senators not to interrupt. It does not do any good.

Senator Lt.-Col. NEILD.—It does not do any good in the direction of brevity.

Senator STEWART.—It conduces to levity.

Senator Lt.-Col. NEILD.—I make great allowances for Senator Stewart, because this may be his last appearance in the Senate—from a different cause than applies in the case of Senator Downer.

Senator STYLES.—That is the reason why we are making such allowances for the honorable senator.

Senator Lt.-Col. NEILD.—The honorable senator who challenges me with that remark has been wandering through the length and breadth of Victoria on his own behalf for weeks, with the hope that he may be again returned to the Senate; whilst I have not considered it to be even necessary to indicate to the tens of thousands of electors who sent me here whether I am prepared to serve them again or not. It shows very ill manners on the honorable senator's part—when he is struggling in the throes of a distressing contest with a distressing outlook—to make such a remark.

The PRESIDENT.—The honorable senator must not divert from the question before the Chair; though I do not blame him, as he has been met by so many interjections. These interjections only lead to delay; they draw an honorable senator off the track, and they lead to remarks that would be better unsaid.

Senator Lt.-Col. NEILD.—Having indicated my support of the second reading of this Bill with certain exceptions, I now desire to state that when we come to the word "Tumut," which I suppose some honorable senator intends to propose to excise, it is my intention to vote for its retention; but when we come to the provision with regard to the 1,000 square miles area, I shall adduce several reasons for voting against it.

Senator Sir JOHN DOWNER.—Then the honorable senator agrees with me as to that.

Senator Lt.-Col. NEILD.—If Senator Downer had been present he would have heard that I entirely agreed with the legal proposition which he laid down in reference to that point, whilst I entirely disagreed with the illegal proposition which he laid down with reference to placing the site and the seat of government in an impossible position. Is there a justification for such a slur on the mother State, as Senator Downer unquestionably cast upon New South Wales, when he contended that though in the interests of the Commonwealth it was necessary to establish the Federal Capital within the bounds of New South Wales, where the honorable senator knows the Constitution provides that it is to be, there is nothing in the Constitution to provide that it shall be in an area that is bounded by

a second State. What has New South Wales done that it should be said that she is not to be trusted with a right of access to the Federal Territory? Neither in this Chamber, nor in the other House, nor in any place in the Commonwealth, has such a scandalous charge been made against New South Wales as Senator Downer has made against the mother State. A charge of that kind is little short of a charge of public infamy against the whole community. To say that a State of the Commonwealth is not to be trusted, is to defame that State. Has any member of the New South Wales delegation alleged or indicated that any one of the other States was not to be trusted?

Senator STYLES.—Yes; time after time it has been said that Victoria is not to be trusted.

Senator Sir JOHN DOWNER.—Why did the New South Wales people want the capital in that State? Why did they insist on that?

Senator Lt.-Col. NEILD.—If Senator Downer, at this late hour, is going to challenge the Constitution, of which he was one of the framers, I must ask him to answer his own conundrums. I opposed the Convention Bill, and I am not ashamed to say that I opposed it. I have heard enough this afternoon in this Senate to convince me, if ever I wanted convincing, that it was a deplorable thing for New South Wales that she ever consented to place her destinies in the hands of some of those who are now endeavouring to wring her political neck.

Senator FRASER.—We are dealing with the capital site.

Senator Lt.-Col. NEILD.—And the honorable senator wants a capital site that shall be nothing more nor less than a wedge of Victorian territory driven into the neighbouring State of New South Wales. The whole trend of population in Australia is eastward and northward, with the exception of those people who go to the far off golden shore of the Wild West; but we are not discussing a Wild West show this afternoon, though there have been times during the course of my remarks that made me somewhat doubtful, whether some of those interrupting me would not be more happily placed attending some amusement of the kind. I say again that the trend of population in Australia is eastward and northward.

Senator FRASER.—The drought has driven them back.

Senator Lt.-Col. NEILD.—I thought the honorable senator was deprecating any one interfering with me, but the moment I enunciate a proposition, he starts to "yap." The trend of population to which I have alluded is shown by the fact that the most southerly State on the mainland—Victoria—has for years past been depleted of the cream of her manhood who have gone some to the far West, but the greater number to people the great States of New South Wales and Queensland.

Senator MCGREGOR.—She is sending her pioneers everywhere.

Senator Lt.-Col. NEILD.—Yes, because they cannot make a living at home.

Senator STYLES.—She owns half New South Wales.

Senator Lt.-Col. NEILD.—I am thankful that New South Wales does not own the honorable senator, because he would be no credit to her.

Senator STYLES.—I am also thankful, because I should be in bad company.

Senator Lt.-Col. NEILD.—The honorable senator has tried half the States to get a living, and now let him stop where he is and hold his peace.

The PRESIDENT.—The honorable senator will take his seat. I ask honorable senators to keep order, or I shall be compelled to take stringent steps to preserve order. The interruptions which have taken place this afternoon have far exceeded any which have hitherto taken place since the Senate came into existence. They have been largely of a personal character, they lead to retorts, and they do not tend to keep up the dignity of debate which has hitherto characterized the Senate.

Senator MCGREGOR.—The speaker is in temperate, and we cannot help interjecting.

The PRESIDENT.—Honorable senators interrupt and the speaker retorts.

Senator Lt.-Col. NEILD.—I wish to be temperate. If honorable senators will pay themselves, if not the Chair, the compliment of proper conduct, I shall not be led into making retorts upon observations which lead to a waste of time, and break the continuity of argument. For the fourth, fifth, or seventh time I repeat that the trend of population is eastward and northward. The object I have in submitting that proposition is to follow it up by the argument that to squeeze the Federal Capital to the furthest point to the south and the furthest point to the east to which

it is possible to squeeze it, would mean the selection of a locality which, in the near future, and certainly in the far future, would be as much out of place as the capital of the Commonwealth as is the city of Brisbane out of place as the capital of Queensland. It is known to every one who has the faintest idea of Australian geography that Brisbane is in the far south-east corner of Queensland. It is within fifty miles of the border of New South Wales, and is almost on the sea coast. The only reason why it was placed inland at all was that when it was established as a convict settlement it was desired to have two tribes of cannibal blacks between the convict settlement and the sea in order to prevent the successful escape of convicts. The bones of those who did escape might be found picked clean, but that is all that could be found. The capital in Queensland is located, as I say, in the far south-east corner of the State, and no representative of Queensland will urge that it is in a position convenient to the great population of that vast and rapidly developing State. In like manner, to select a spot in the extreme south-east corner of New South Wales as the capital of the Commonwealth, is to select a spot that will fulfil for the Commonwealth exactly the conditions which are unhappily fulfilled by Brisbane as the capital of Queensland.

Senator PLAYFORD.—There is no comparison.

Senator Lt.-Col. NEILD.—Senator Playford objects to what I have said.

Senator PLAYFORD.—If we fix the Federal Capital at Bombala, on the borders of Victoria, it would not follow that that would be an unsuitable spot so far as the Commonwealth is concerned.

Senator Lt.-Col. NEILD.—The honorable senator could not have followed what I said. I say that to fix the Federal Capital as far south and east as is possible, is to fix it as regards the Commonwealth in the same way as Brisbane is placed in regard to the State of Queensland. We should have to go somewhere about the Gippsland Lakes to find an exact geographical counterpart, but I am considering the legal possibilities under the Constitution. The Constitution declares that the capital shall be in New South Wales, and I say that if we locate it at the southeasterly limit we shall get as far from the main body of the people of the Commonwealth, and from what in future will be

the centre of the Commonwealth, as the law will permit us to go.

Senator PLAYFORD.—It is no injury to the Commonwealth to do that.

Senator Lt.-Col. NEILD.—I hold that it is.

Senator PLAYFORD.—About half-way between Melbourne and Sydney would be a convenient position.

Senator Lt.-Col. NEILD.—Perhaps my honorable friend believes that I am arguing against Tumut. I am not doing so. I propose to vote for Tumut, and I hope that Senator Playford and I will be found sitting on the same side in the division. I was referring more particularly to the clamour of those who desire to get as far to the south and east from Tumut as possible. I do not look upon Tumut as an ideal site. I do not think that it is the best site, and if Tumut is omitted from the Bill, I shall be prepared to vote for another site. I have no hesitation in saying that as the Commonwealth stands to-day, for centrality and for accessibility, Lyndhurst holds the first place, and I may add that unquestionably also in the matter of climate Lyndhurst holds first place.

Senator MACFARLANE.—No, no.

Senator Lt.-Col. NEILD.—Senator Macfarlane has not seen half the sites, and is not in a position to make a comparison. I have seen them all. I have seen them as a member of the perambulating senators' party, and I have also seen them at my own expense, visiting them one after the other, and spending a good deal of time in studying their characteristics. I have heard—and I have reason for saying what I am going to say now—that it is assumed that members of the Senate who have paid individual visits to the sites have been provided for at the public expense. I have been told that the Minister in whose hands this matter rests is supposed to have provided for my expenses in the visits I have paid to the different sites. I have not had the smallest communication with the Minister, nor have I done otherwise than visit the sites at my own expense of time, money, and trouble. I have done so not merely because I am a representative of New South Wales. I do not know that I have shown myself to be prejudiced in favour of New South Wales as against any of the other States in connexion with any matter of fair agreement. If I am taking the part of New South Wales to-day I am

doing so, not only as a representative of the State, but as a representative of Australia, seeking to maintain a bargain not entered into by my consent or by my vote, but with the consent and by the votes of a majority of the people of Australia. I am not standing here, to use the eloquent phrase of the honorable and learned Attorney-General, "To barrack for New South Wales." If I am barracking at all it is for the fulfilment of an obligation under the Constitution.

Senator DRAKE.—I thought the honorable senator was barracking against New South Wales.

Senator Lt.-Col. NEILD.—The honorable and learned senator must have seen how unjust his suspicions were when I respectfully and humbly offered my services in seconding the motion for the second reading of this Bill. I say that I do not regard Tumut as an ideal site, and if so why do I under the circumstances express my intention to vote for it? There are six honorable senators in this Chamber who have more right to go into details of personal opinion than other members of the Senate. It must be recognised that representatives of New South Wales in the Senate are called upon to-day to give votes practically against eight sites within their own electorate, and, against the aspirations and wishes of the people residing in the localities of eight sites within their own electorate. All New South Wales is our electorate, and in giving a vote for one site I suppose we shall be alienating the good will of thousands of people connected with the other eight sites. We have to face what some persons might regard as a difficulty. I regard it only as, to a certain extent, a misfortune that one should be placed in the position of having to give a decision and a vote against the wishes and desires of so many who are looking to us hopefully. It is impossible for us to vote for each site. If I elect to give a vote for Tumut it is not, as I say, because I consider Tumut an ideal site either as regards climate, centrality, or the future development of Australia, but because the other Chamber by an overwhelming majority has decided in favour of Tumut, and I must, therefore, be prepared to make some sacrifice of my own opinion, and at the same time of the wishes of some thousands of my own constituents in order to do what? Not to do anything for myself as a politician, not to achieve anything in

particular for New South Wales, but in order to achieve so far as I can the fulfilment of one of the obligations of the Constitution, one of the obligations which the people of Australia took upon themselves when they voted for a Constitution which provided for the carrying into effect of such a proposal as that submitted by the Attorney-General this afternoon. If I thought that the votes to be recorded in favour of other sites were sufficiently evenly balanced to afford a likelihood of some other conclusion being arrived at in the selection of a site which would be more central and more advantageous in various ways, I should willingly give a vote to bring about such a result. But having regard to the fact that the matter has been decided elsewhere to an extent that appears to me to represent finality, I have to choose between giving a vote for the sites submitted in the Bill and giving a vote that means what so many honorable senators hope for, namely, the absence of finality, the establishment of a beautiful uncertainty, a splendid unlikelihood of the adjustment of this matter, and the leaving of it over, as Senator Dobson has publicly advised on more occasions than one, for the next ten years. I quite understand that when an honorable and learned senator comes forward definitely and says—"I do not care what is in the Constitution, or what may be the spirit of the Constitution, I desire only in accordance with my belief as to what is advisable, and not what is right, that this matter should be relegated to the distant future." I recognise at least that such an honorable senator is honest, however mistaken. However much one may deplore the honorable senator's view, that the provisions of the Constitution may be set aside for years in order to provide for some ill-advised expediency, he must be prepared to honour the honorable senator for being sufficiently honest to give the true reason for his opposition to this measure. But I have a very different kind of feeling in regard to those who will manufacture any excuse under heaven, or devise any subtlety that an enfeebled intellect or diseased mind can suggest, in order to provide themselves with a reason for doing surreptitiously that which they have not the courage to do openly. If I admire anything, it is patient, cheerful, unflinching willingness to execute what is in a man's mind; but I never can have any regard

for subtle minds which seek for excuses to avoid an honest deed or an honest conclusion. In the newspapers, and in the utterances of public men—whether the latter be poultry farmers, dog-breeders, or shire councillors, with which Victoria has been overrun for the last twelve months—

Senator FRASER.—Leave Victoria alone; we are dealing with a Bill to fix the Federal Capital.

Senator Lt.-Col. NEILD.—It may perhaps suit Senator Fraser better if I do not go into details which are unpleasant to him, as the truth is always unpleasant to certain minds.

Senator Sir WILLIAM ZEAL.—The honorable senator is indulging in nothing but personal abuse.

Senator Lt.-Col. NEILD.—I am referring to the fact that in Victoria at the time of the Cattle Show there was a great gathering of delegates, representing shire councillors, dog-shows, and poultry shows. The name and condition of each delegate were given in the *Melbourne Age*, a newspaper which has much influence, though I do not know whether Senator Zeal is interested in it. However, I shall simply quote the Prayer Book and say that there were gathered together "all sorts and conditions of men," bound together to oppose the establishment of a Federal Capital.

Senator Sir WILLIAM ZEAL.—We regard the abuse of the honorable senator as a compliment. For the last half-hour we have had nothing but the outpourings of a sewer.

Senator Lt.-Col. NEILD.—I did not catch the observation of the honorable senator. In the matter of selecting a capital site, whether by means of this Bill or by any other process, I may quote the words of the Attorney-General the other day, when he said that every one who was in favour of delay would vote against the motion he then submitted. Every one who favours delay will to-day vote against the Bill before us. There are those who, for any reason they can invent or conceive, will vote against the Bill in the interests of those who oppose the fulfilment of the compact, and in the interests of leaving unsettled the place at which the Commonwealth is to have its home—in the interests of those who think it is better for a newly-married couple to live under the wing of the mother-in-law than to have a home of their own. I suppose I am addressing those who are or have been married; and I always understood it was

desirable that when young people, or, for that matter, old people, got married, they should have a home of their own. But the desire on the part of a large number of people seems to be that the Commonwealth shall be homeless.

Senator STANFORTH SMITH.—We are taking lodgings, as is the fashion.

Senator Lt.-Col. NEILD.—And some honorable gentlemen who take lodgings in Victoria do not, according to the newspaper accounts, always get the best of the bargain. It is deplorable that when the people of Australia set to work to build up a great nation, as it is called, we should be content, even after three years of married life, to still live with mother-in-law Victoria. That State plays the part of mother-in-law; and at the present moment, we are in this very handsome chamber on sufferance; we are here with all the pleasure of being invited guests dunned for the income-tax.

Senator Sir WILLIAM ZEAL.—The honorable senator has not paid his income-tax, any way.

Senator Lt.-Col. NEILD.—No; I got a letter the other day withdrawing the claim against me. We have had plenty of evidence, even this afternoon, that it would be better for the Federal Parliament to meet on common ground, and not on uncommon ground.

Senator STYLES.—Why?

Senator Lt.-Col. NEILD.—It must be clear that there is a greater feeling of independence and mutuality if representatives meet on absolutely equal terms, and not some as proprietors and some as lodgers. The position would have been identically the same if the Constitution had fixed the meetings of Parliament in Sydney. In that case the New South Wales representatives would have been the proprietors, and the visiting members the lodgers, the latter without the rights and privileges of proprietors as against intruders. I think we have abundant reason for supposing that some of us are even regarded as interlopers in Victoria.

Senator STYLES.—The meeting of Parliament in Victoria is in accordance with the Constitution.

Senator Lt.-Col. NEILD.—The Constitution has so pleasant a flavour to some honorable gentlemen, especially to Senator Styles, that they apparently desire to see the fulfilment of its obligations and covenants indefinitely postponed. What their reasons are

be I do not pretend to say, and I leave it to Senator Styles and his conscience—if he is still burdened with so inconvenient a quality—to answer. I shall vote for the second reading of the Bill, and if Tumut is retained I shall certainly seek to alter the absurd provision that the capital city must be at an elevation of 1,500 feet. Otherwise, the scheme provided for in the report of the Royal Commission must go by the board, and the capital left on a hill-top without any water supply. I shall certainly vote against the proposal to acquire a strip of land of a size and shape that New South Wales will never grant, and which, except at gigantic expense, the Commonwealth will never be able to acquire; because, if necessity requires it, such land would all be made private property, and could only be obtained by purchase from individuals. It is most deplorable that, at this stage of the last session, Parliament should find itself in violent antagonism to the Legislature of one of the States, and that the Legislature of the chief State. That is a most unhappy termination to the career of the first Parliament of the Commonwealth. I quite agree with Senator Downer's complaint about the delay there has been in the consideration of this question. I wish the honorable and learned senator had, during his three years as a senator, tried, as some of us have tried, to prevent this question being relegated to the last hours of the Parliament. The discussion of this all-important subject should not be a sort of dying speech and confession of the first Parliament, but should rather represent matured judgment and careful consideration, which we cannot possibly apply under the circumstances. We are settling this question not for this present session or for the present Parliament, but for all time, and I trust in the interests of the great Commonwealth which we seek to serve.

Senator DOBSON (Tasmania).—We are engaged on what is, I think, the most important matter that will ever receive the attention of this Chamber. We ought, therefore, to discuss it earnestly, and give each other credit for sincerity and honesty of purpose. I deplore that we should have had so much personal abuse. I represent a State to whom the financial aspect of every question is one of the very greatest importance. I shall be a traitor to the electors who sent me here, and who have put

confidence in me, unless I fearlessly, and as forcibly as I can, represent my views, and I believe their views, with regard to the question of a Federal Capital. This, like every other question, is one of finance in the last resort, and a very large question it is. I move—

That the word "now" be left out with a view to the words "this day six months" being inserted.

I understand that if I moved the amendment which appeared in the *Argus* this morning the question might be raised whether it was strictly relevant; and therefore I content myself with the proposal I have just submitted.

Senator MILLEN.—Then the honorable senator does not intend to proceed with his other amendment.

Senator DOBSON.—No; but I lay it before honorable senators as containing my reasons for moving the amendment which I have just now submitted. The first reason is—

It is contrary to parliamentary practice to ask a moribund Parliament to settle such an important question as fixing the permanent seat of government for all time to come, and that it is only right and just to give the electors at the forthcoming elections an opportunity of expressing their opinion as to the desirability or otherwise of incurring the enormous cost of establishing a permanent capital in the immediate future, and under present financial conditions.

Nobody will deny that this Parliament is dying; it will be dead within a few days, almost hours. This is not the time to introduce an important question like that now before us. The electors are about to consider whom they should send to represent them in the new Parliament, and in all probability the members of both Houses will go before the electors within the next two or three weeks. Is it not a terrible mistake, when the Parliament might take the electors into its confidence and get some direction as to how the public regard this question, to proceed with the selection of the Federal Capital site at the present juncture? Is it not a blunder, and contrary to political practice, to rush this matter through in a dying session, imagining that we are doing the public business in a statesmanlike manner? In regard to the constitutional obligations to which Senator Neild has alluded, I believe every one is willing to carry them out. But we are also desirous that there should be discussion about some of them.



and notably about the obligation in regard to the Federal Capital, because the section of the Constitution which deals with it was admittedly a compromise. Honorable senators have been reminded already that this provision was no work of the Federal Convention, but was a compromise entered into by half-a-dozen gentlemen who had no mandate to speak for the electors of Australia. It is true that the electors afterwards confirmed every line of the Constitution, but there is no evidence that the section with which we are now dealing has the assent of the majority of the people.

Senator MILLEN.—The honorable and learned senator will admit that the acceptance of the Constitution as it was, involved the arrangement?

Senator DOBSON.—I do. I admit that there is a constitutional obligation which I am willing to carry out.

Senator MILLEN.—When?

Senator DOBSON.—I have always been willing that this obligation should be carried out.

Senator MILLEN.—When?

Senator DOBSON.—All I ask is that there should be discussion as to whether this compromise, which was the work of six men and not the deliberate work of the Convention, cannot be bettered and improved in the interests of the whole of the Commonwealth, and of the State of New South Wales itself. There has been no time given to any of us to discuss such a question. Therefore I was determined when it did come before the Senate, no matter how short the time might be, to move an amendment with the view of forcing a discussion. In view of the financial position of all the States, it will be a very great mistake to spend £2,000,000 or £3,000,000 in building a Federal Capital. I should certainly like to see the 100-mile limit struck out of the section, and then those of us who are in favour of not talking but practising economy would be able to vote that the capital should be in some part of Sydney, if we saw fit.

Senator STANFORTH SMITH.—Would that not be more expensive?

Senator DOBSON.—I do not think it would, and if I did I should not make the suggestion.

Senator STANFORTH SMITH.—Should we not have to build a Parliament House?

Senator DOBSON.—Let me ask honorable senators what is the reason for having

the Federal Capital in the backblocks? I am bound to admit that it is a kind of axiom that a Federal territory ought to be removed from the large cities. The only object, so far as I can make out, in having a national territory at Tumut or Bombala, is that it will produce national ideas. That was the view of the late Prime Minister; but it has not my sympathy. This is not a question of locality but of men. We might find statesmanlike ideas prevalent in the centre of Sydney, and very provincial ideas in a national territory at Bombala. It will depend upon the electors whether we shall get men with national ideas and sound legislation. I do not think it is worth while to spend millions in building a capital in the country, simply under the delusion—as I think—that because we have a territory of our own, whether it is one square mile or 1,000 square miles, we must get national ideas. It is said that we ought to have a territory of our own, because, in the big cities, the man in the street and the local newspapers may exercise an undue influence. It is also said that a mob of Conservatives, or a mob of workers, may come to the parliamentary buildings and try to intimidate the Legislature.

Senator PLAYFORD.—Like they did in Montreal and Quebec, in Canada.

Senator DOBSON.—That argument justifies every word that Senator Downer has said, and shows most conclusively that the Federal city must have a port of its own. I desire to point out to Senator Neild that, if we go to Bombala, the port at Twofold Bay will be accessible from all the States.

Senator DAWSON.—How could we have Twofold Bay as a port if we did not take 1,000 square miles?

Senator DOBSON.—That is a question which we are coming to. I am only saying that those men who argue that the capital must be not in Sydney, but 200 or 300 miles away in the bush, must go on, if they wish to be logical, and insist that a port is absolutely essential. I want these questions discussed. Will any honorable senator tell me that I have had them discussed? Will any honorable senator tell me that when we took eleven months to consider the Tariff, when we took ten days to settle the duty on starch, a fortnight to discuss the duty on sugar, and a week to discuss the duty on tobacco, that I am to make

up my mind about this most important question of a capital which is to serve us for all time, after hearing a twenty-four hours' discussion in another place, and a discussion occupying two evenings in the Senate? We are asked to do our business in a most unstatesmanlike manner. I shall enlarge upon the several parts of my original amendment as I proceed, and I shall divide the Senate on the amendment I have moved; but, if I am beaten, I shall do what I can to secure the selection of the best site. I hope to prove before I sit down that there are powerful reasons for not coming to a decision this session. We have not been provided with the necessary information. We have not had an exhaustive discussion on the subject. We do not possess the requisite knowledge, and the very documents which are submitted from the New South Wales Commissioner and the Commonwealth Commissioners are absolutely contradictory in terms, and contain such statements, that every one of the Commissioners ought to be brought to the bar, and made to answer for what he has written.

Senator Sir WILLIAM ZEAL.—The honorable and learned senator said, in the early part of the session, that he was in favour of Bombala.

Senator DOBSON.—What has that to do with the question I am discussing now? I said months ago that if I were forced to vote I should vote for Bombala. But I ask whether the state of our finances does not call for prudent action? What took place in this Chamber yesterday? For a considerable time we were discussing the fact that £4,000 of the Tasmanian revenue is required to pay the militiamen the same wages as the militiamen in other States. But, because the financial position of the island State is not too good, because we are straining every nerve to adjust our finances, we are keeping back from our militia £4,000. Should I not be a traitor to my constituents if I did not point out that we are not justified—and there are States in no better position than ours—in launching into this enormous expenditure, when a delay of a few years would be only reasonable? That is only what took place in the case of other Federations. I do not think that this undue haste was ever contemplated by the electors when they said "Yes" to the referendum. There has not been, for a generation or a worse time at which to launch into expenditure than the present. We

know perfectly well that the financial position has never been so bad. I do not mean to say that we are justified in taking a too pessimistic view, or that there are no centuries of progress and prosperity before Australia. But I submit that at this moment it would be positive madness to talk about a conversion scheme. It would be an egregious mistake, I think, for the Commonwealth to go to the London market for a loan for the purpose of building a capital in the bush. We know that a sum of £5,000,000 has to be found by Victoria during the course of a few weeks. But instead of the State getting the money at par, for 3 per cent. as in 1897, it will have to pay  $3\frac{1}{2}$  per cent.

Senator PLAYFORD.—It has never been got at par.

Senator DOBSON.—It has been got within 20s. of par. Victoria is called upon to pay  $3\frac{1}{2}$  per cent. and to give £108 for every £100 debenture, thereby adding £400,000 to the amount of the loan. Do my honorable friends look forward with any confidence or pleasure to a Bill being introduced here for a loan of £500,000 for the construction of a capital? Let us see what is thought of this proposal in the old country?

Senator STANFORTH SMITH.—We are not governed by the London *Times*, but by Australian opinion.

Senator DOBSON.—In a matter of credit we are governed by public opinion in England. I wonder that my honorable friend, considering that I am discussing a question of credit, does not see that if the people at home think we are proceeding in a wrong direction—that we are guilty of extravagance, of passing socialistic and unsound legislation—it is bound to affect our credit and the success of every loan we try to float on the London market. Therefore I submit that the opinion of gentlemen in England must weigh with us. At all events I intend to read an extract from the letter of the London correspondent of the *Argus*—

Most English people, and particularly those who have some knowledge of the many practical uses that the Commonwealth has for its loans and modest revenue, are unable to understand why the Australians—if they are as "shrewd" a people as they are reputed here to be—should be willing to give any serious attention at present to the bush capital project. The business aspect of the matter is being abandoned as an insoluble puzzle, and the English public are now getting more interested in the whimsical possibilities of the new enterprise. A writer in the *Daily Chronicle* has been

especially tickled by Mr. Reid's electioneerin proposal that the capital should be designed upon lines of Spartan simplicity, and offers him the following humorous suggestion:—"By way of setting a thorough example in this way it might be well for the versatile Opposition leader to recommend a primitive form altogether for the new scheme. Let the Federal Parliament meet openly on the bank of the Tumut, with the members seated on logs in the aboriginal fashion, and the Speaker poised on an ironbark stump, with a serviceable waddy to hand in lieu of the mace. The whips might be armed with stock-whips for 'rounding up' for divisions, and the whole system might be very cheaply worked." Other newspapers have been making fun of Tumut as being too quaintly modest a title to be in keeping with the ambitions of the Commonwealth Government. "Do let us have another Royal Commission on the name!" the *Pall Mall Gazette* urged the other day.

So that there are three newspapers in England ridiculing the idea of our launching at this early stage of our history into this unnecessary expenditure. May I ask honorable senators what they hope to gain by the creation of this new capital? What is Sydney suffering—if it is suffering—by the seat of government not being there? And is Melbourne gaining any such great advantage to justify all this heat and indignation? So far as I can make out, the people of New South Wales are under the impression that the people of Victoria will deprive them of their constitutional rights if they can. I believe that that idea is absolutely without foundation, but I recognise that a large number of persons in New South Wales sincerely hold that belief. But because they think that a certain State is going to play the part of traitor to the Constitution, because they are so unreasonable and unpatriotic as to doubt the honour and integrity of their fellow citizens, am I to be driven into doing something in which I do not believe—am I to try to do a wrong in order to quiet in the mother State a feeling which has no foundation, and which is simply created by agitation?

Senator MILLEN.—The cause of the trouble is that the honorable and learned senator and others are speaking differently from what they did prior to the acceptance of the Constitution.

Senator DOBSON.—I defy the honorable senator to show that I am speaking in any different way. I have said over and over again that I want delay, because we cannot afford to build the capital now. I want delay in order to have time to discuss this very important question.

Senator MILLEN.—The honorable and learned senator did not say that before the Constitution was accepted.

Senator DOBSON.—If I can show to the people of New South Wales that we could have the capital in Sydney, and give certain compensating advantages to Victoria, and both those States agreed to the proposal, surely that is business.

Senator DRAKE.—The other States do not count, I suppose.

Senator DAWSON.—Have not the smaller States any say in the matter?

Senator DOBSON.—My honorable friend should recollect that the Constitution cannot be altered except by the verdict of a majority of the people voting in a majority of the States. We know that the 100-mile limit was a compromise between Melbourne and Sydney.

Senator DAWSON.—And the object of this delay is to jockey New South Wales out of its bargain.

Senator DOBSON.—Why does my honorable friend talk about delay jockeying any body or any thing? That is not the way to do our business, to act like senators. Senator Downer said that for three years this matter had been neglected, and Senator Neild, with that sharpness and acuteness which distinguishes him, has alluded to that statement. In my humble judgment, Senator Downer hardly knew what he was talking about. How can any honorable senator say that the matter has been neglected for three years? We have not had one clear week for its discussion. Because the charge that there has been delay has been reiterated, because the Ministers have been so barracked into making promise after promise, for that reason, and that reason alone, the question has been brought forward at a time when we are all eager to get away, when the Parliament is practically dead, when the electors are anxious to hear our views, and say what they think about this vexed capital question. No honorable senator has the right to say that the matter has been neglected for three days, let alone three years. The documents on the table prove the correctness of my statements. There are certain charges in regard to the report of the Commonwealth Commissioners which ought to be cleared up. It is charged that they started with a brief, and that their report was prejudiced. Then we had placed in our hands a review of their report, which we have scarcely had time to study, and

which suggests that either the Commonwealth Commissioners were densely ignorant of their business or that the New South Wales Commissioner did not understand his business. In point of fact the Commonwealth Commissioners put Bombala last and Mr. Oliver put it first. The second reason which I give, is—

That any determination of Parliament as to a site arrived at by a less majority than the number of members who were absent in the House of Representatives when the determination was made is unsatisfactory and unfair to the electors, and that a call of the Senate should be made before the selection of a site is proceeded with.

Tumut was selected by a majority of eleven votes; but thirteen members of the House of Representatives were absent. Was not that an unsatisfactory determination? Was it fair to the electors? They sent us here knowing that Parliament had to choose the capital site; but in the one House of the Parliament thirteen members were absent when the site was chosen. The majority with which Tumut won was only eleven. Let me refer honorable senators to the results of the fifth ballot. The voting was: Lyndhurst, 24; Tumut, 21, and Bombala, 16. If the thirteen absent members had been present, and if six had voted for Tumut, and the other six for Bombala, Lyndhurst would have been struck out and Bombala would have been left. There is nothing to show anyone that the eleven members who constituted the majority for Tumut the other day might not have voted for Bombala, and then that site would have been at the top of the list. I have not had much experience during my political career with regard to calls of Houses of Legislature, but I should have thought that if ever there was a time when every senator and every member of the House of Representatives might be expected to be present, it was when a choice of a Federal Capital was being made. I think it was the duty of the Government to do all they could to see that there was a full attendance. There ought to have been a call of the House. Why did not the Government arrange for that? Simply because they had not the time—because the matter was being rushed on in an improper and unreasonable manner.

Senator DAWSON. — The honorable and learned senator said just now that the Government had made the most exhaustive inquiries.

*Senator Dobson.*

Senator DOBSON.—If the honorable senator wishes to answer me let him wait until I sit down. That would be far more satisfactory. I say again that the selection cannot be satisfactory, because there were sufficient members absent to put Bombala at the top of the list and Tumut lower down.

Senator DAWSON.—I suppose the honorable and learned senator knows how the absent members would have voted?

Senator DOBSON.—No; I simply judge from the facts before me. I think we ought to have a call of the Senate. I put it to the Attorney-General that if several honorable senators are absent when the Senate is ready to vote for this Bill there ought to be a call. Honorable senators have no right to absent themselves on an occasion of this kind. The electors have every right to suppose that every senator, unless prevented by absolute illness or urgent business, will be present. There is a way of making honorable senators attend. Any senator who is absent after a call is handed over to the custody of the Clerk unless he can give a good reason for his absence; and, of course, a good reason would always be accepted.

Senator PEARCE.—It would take six months to find some honorable senators.

Senator DOBSON.—Let a call of the Senate be made early next session, and then fix a day for the discussion of the question when honorable senators can be present. The third reason which I give is—

That the Bill was introduced too late in the session to permit of sufficient discussion being given to the important questions of (a) ought the 100-mile limit be struck out of the Constitution; and if not (b) is it not essential that the proposed Federal territory should comprise a seaport or be bounded by a navigable river; and (c) enlarging the area of the proposed site beyond 100 square miles?

I desire to express the opinion that in that third reason which I have read, and in the subdivisions a, b, and c, there is sufficient to require discussion for three weeks in each House of the Parliament. The whole gist of the matter is—must we have the capital 100 miles from Sydney, or should we alter the Constitution? If we are to be slaves to the Constitution let us know it; but let us discuss the matter first. Then if we determine to have the capital more than 100 miles from Sydney, is it not essential that it should have a port? Again, is it essential that we should have a larger

area than is specified in the Constitution? That is a question which has already been discussed in the House of Representatives, and a precious mess has been made of it. Most of the criticisms of Senator Neild on this point are justified. I have a doubt as to whether there is any warrant for saying that the Commonwealth may take 1,000 square miles. I do not think that the Judges of the High Court will hold that we have power to do any such thing. I feel convinced that they will say that as the Constitution provides that we shall have at least 100 square miles, although we may perhaps take 200, we are doing something utterly unreasonable in demanding 1,000. All that, however, will have to be a matter of negotiation and of arrangement. But I again insist that we have not had sufficient time to consider the matter fully. I was rather amused that some honorable senators should have objected to Tumut on the ground that it is in the middle of New South Wales territory, and it will have New South Wales territory all round it. Therefore, we shall be carried to our capital on New South Wales railways, over which we shall have no control. New South Wales will be able to make any charge she likes against us, and the trains will have to be run at such hours as the New South Wales Government thinks fit. If the Commonwealth Parliament does something of which the mother State does not approve, the Government might rip up the rails, and we should not be able to travel in the ordinary way. That is not an argument which I desire to use; but if we are going to be logical and to justify the choice of such a place, it is an argument which is bound to be met. If we object to having a capital in the midst of a large centre of population, and with the territory of another State surrounding us, what is the use of selecting a piece of territory out of which we shall be unable to find a way of our own? When a lawyer conveys a farm for a client, does he not see that his client has a right-of-way to and from that property? In the same way, when we select a capital, should we not have a port or some other water-way of our own? Bombala will give us a port, if we take steps to acquire it. I do not know whether an area of 1,000 square miles at Bombala would include the port of Eden. Bombala is sixty miles from that port. But if we selected a site, and showed that we were prepared implicitly to carry out the

letter and spirit of the Constitution it would be freely and readily given.

Senator MILLEN.—One thousand square miles would not include both Bombala and Twofold Bay.

Senator DOBSON.—We might take 100 square miles at Bombala, and then take in a narrow strip running down to the port.

Senator MILLEN.—A sort of stock route.

Senator DOBSON.—Of course, all these matters require discussion, and honorable senators expect to have them decided right off.

Senator Sir WILLIAM ZEAL.—The honorable senator has come to his decision; he said at the beginning of the session that he was in favour of Bombala.

Senator DOBSON.—So I am, if I cannot get something which I consider to be better.

Senator DRAKE.—If the honorable and learned senator has found time to decide the matter, why should not other honorable senators have found time? And, if so, why should they not decide?

Senator DOBSON.—I wonder at the Attorney-General using such an argument. The members of another place had so little time to deal with the matter that they have made many blunders. They have inserted a provision for taking 1,000 square miles, which we have good reason for believing to be illegal. They have also declared that the site is to be 1,500 feet above sea-level, without considering where the water supply is to come from. That is a specimen of the hasty legislation which I am being railed at and cavilled with for objecting to. My fourth reason is as follows:—

That the cost of constructing the capital should be paid out of revenue, and that a large number of the electors in most of the States are not prepared to surrender such revenue, and view with alarm the rapid rate at which the expenses of Federation are increasing.

The reason why I think the cost should be paid out of revenue is this: I believe that every State has been more or less extravagant in constructing public works, which do not pay, out of loan moneys. It must be evident to every member of the Senate that, to some extent—I cannot say to what extent—our credit in London has been diminished by that fact. It is also a fact that only in one or two of the States have sinking funds been provided; and no preparations have been made to pay off the debentures as they become due. Compare our position with that of Canada. A loan

became due last month, and Canada paid down £1,500,000 in sovereigns out of her revenue. Honorable senators pass over these things lightly. They say—"Let us choose a capital and ignore all these factors." The States have acted so extravagantly in the past that we are bound to set them a good example and reverse their policy. I firmly believe that no wiser or better decision has been arrived at by this Parliament than that which was greatly due to the Labour members in another place, in rejecting the proposal to borrow half-a-million of money, and in insisting that our post-offices and other public buildings should be paid for out of revenue. I desire to see the Federal Parliament keep to that resolution as long as we reasonably can; and I shall insist, as far as I can, that if the capital is selected, wherever it may be, the necessary works shall be paid for out of revenue. But I believe that a large majority of the electors are not prepared to surrender any large amount of revenue for the next three or four years. They are not prepared to be told that they have to put their hands in their pockets because there is an anxiety to begin to construct the Federal Capital. I believe the answer of nine out of ten of the electors to such a statement would be—"There is no immediate necessity to construct the capital; no one can show that its construction would advance the prosperity of Australia, or advance our legislation, or do any good, even if it is admitted that we shall, in order to carry out the Constitution, in the near future, have to make a beginning with it." The electors will not consent to any large expenditure while they are unable to balance the States ledgers and to pay the soldiers who defend our shores.

Senator MILLEN.—The honorable and learned senator should have thought of that before he advised the people to accept the Constitution.

Senator DOBSON.—I did think of it then, and I am going to continue to express these views unless I am shown by honest argument that I am wrong.

Senator DRAKE.—Does the honorable and learned senator allude to the Tasmanian forces when he says that we cannot afford to pay our soldiers?

Senator DOBSON.—Yes; I allude to that for the purpose of showing that it is our duty to conserve every pound we can.

Senator DRAKE.—The soldiers of Tasmania are going to be paid as much as they have been paid hitherto.

Senator DOBSON.—That is to say, something like £600 or £1,000 is to be spent instead of £4,000, which would be spent if the Tasmanian soldiers were paid similarly with the other soldiers of Australia. The electors view with alarm the rate at which Federal expenditure is increasing. The Vice-President of the Executive Council last week, made out the purely Federal expenditure to be about £270,000. I hold in my hand a copy of the Adelaide estimate of £300,000, which I see includes £54,175 for contingencies and £52,540 for interest. We have incurred an expenditure of £40,000, payable to the members of the Public Service, under the minimum wage provision; so that already we have got considerably beyond the £300,000 estimate, and have not provided a shilling for the capital. Therefore, I think that the electors of every State have a right to urge that the Federal Parliament in its first period has departed from the Adelaide estimate. The people have a right to say—"You have increased the expenditure more than we were led to believe would be the case when we voted for Federation. When the advocates of the Commonwealth Bill stumped our territory in its favour, they told us that £300,000 would cover all the expenditure. Here we are now in the second session of Parliament without any money whatever, and we are being asked to consent to the establishment of the Federal Capital without an hour's delay. These people say, "We want a little delay." Is that unreasonable?

Senator MILLEN.—The honorable and learned senator wants twenty years delay.

Senator DOBSON.—The fifth reason I give is—

That the evidence upon which the Senate is asked to select a site is insufficient and contradictory, and that the Constitution does not authorize Parliament to acquire from New South Wales a territory comprising the enormous area of 1,000 square miles.

I have already alluded to the fact that the two reports of the experts who have acted as Commissioners are absolutely contradictory, and the contradictions should be cleared up. It is not necessary that I should labour that reason.

Senator MCGREGOR.—Will the honorable and learned senator give us a guarantee that his mind will be made up in twenty years?

Senator DOBSON.—I cannot answer the irrelevant interjections of my honorable friend. This subject has been alluded to before, and it is perfectly clear that we have no warrant for the acquisition from New South Wales of a territory of 1,000 square miles. It can only be secured as the result of an agreement arrived at after negotiations, and by payment. New South Wales may, and I think probably will, require to have some voice as to what we are going to do with the territory. We may be inclined to enact land laws which might prove very unsatisfactory to that State. The whole matter is one for bargaining, which will take weeks of time and much consideration. The next reason I give is—

That it is the wish of a majority of the electors to postpone the establishment of a permanent capital for a few years; justice can be done to Sydney by the Parliament meeting there alternately, with Melbourne, or as may be arranged.

Honorable senators may recollect that two years ago it was suggested in one of the morning journals published in Victoria that, as we were not in a financial position which would justify us in thinking about establishing a big capital, an arrangement might be made until we could overcome our financial troubles, by which Parliament might meet for a few years in Melbourne and for a few years in Sydney. I have heard that suggestion discussed by scores of people. It appears to me to be a reasonable proposal, and it would do ample justice to New South Wales.

Senator Sir WILLIAM ZEAL.—Why not meet in Tasmania?

Senator GLASSEY.—May I ask the honorable and learned senator whether there are only two States in the union or six?

Senator DOBSON.—My honorable friend might as well ask me if two and two make four.

Senator GLASSEY.—Why confine the meeting of Parliament to Sydney and Melbourne? Why should not the Parliament meet in all the other capitals?

Senator DOBSON.—I shall deal with that question in a minute or two. What I desire to point out is that that suggestion, which was made a long time ago, might have induced some of the people of New South Wales to reflect that there must be very few,

if any, people in Victoria who desire to deprive the mother State of her rights. The Constitution could be amended in such a way as to have the temporary capital in Sydney; and then, if after a few years it were considered advisable, it would be fixed permanently there; and if it were considered that it ought to be moved from Sydney, it could be moved to some other place. I come now to a practical suggestion, which supports me rather in arguing that we may very fairly discuss whether the Constitution should not be amended. I hold in my hand the New South Wales *Hansard* for the session of 1896. I find that on the 11th November, 1896, Mr. Young, who was at the time Secretary for Public Works in New South Wales, moved—

That it be referred to the Parliamentary Standing Committee of Public Works to consider and report on the expediency of erecting new Houses of Parliament for the colony.

At that time I believe the majority of the people contended that the Federal Capital ought to be in Sydney. I know that many members of the Federal Convention so contended; and I find from this copy of New South Wales *Hansard* that Sir William Lyne and Mr. Reid believed at that time that the Federal Capital should be in Sydney, or at all events argued in that way. I shall read a few extracts only to show how necessary it is that the matter should be discussed. In discussing Mr. Young's motion, Sir William Lyne, who was then Mr. Lyne, said—

I think the Committee should report in favour of the designs for a building which will be sufficiently commodious to be used as the Parliament House of the Commonwealth of Australia.

Mr. Reid, on the same occasion, said—

The design is such that the Houses, if required, can be used for a Federal Parliament, so that there can be no objection on that score. Especially in the present uncertain state of things we should not commit ourselves to a building which might in the end be unsuitable for a Federal Parliament. The Committee will find, I think, when we investigate the design, that there is no force in that objection, because the place is there to be used for a Federal Parliament, if necessary, by a very simple contrivance.

So that in those days, and even much earlier, Sydney was the "tip" for the Federal Capital.

Senator FRASER.—It would have been the Federal Capital if they had not insisted upon the 100-mile limit.

Senator MILLEN.—We did not insist upon that.

Senator DOBSON.—If the claims of New South Wales had not been pressed too frequently, and may I say too aggressively upon the Federal Convention, I believe that Sydney would have been placed in the Commonwealth Bill as the Federal Capital. I desire to get back to that state of affairs. Three or four years having gone by, we are in a better position to discuss the matter, and I am prepared to vote that Sydney should be the Federal Capital. If Sydney is not to be the Federal Capital I am prepared to vote for Bombala.

Senator Lt.-Col. NEILD.—If the honorable and learned senator cannot get Sydney he will get as far from that city as he can.

Senator Sir WILLIAM ZEAL.—The honorable and learned senator has altered his mind.

Senator DOBSON.—I have not altered my mind since I saw Bombala and Tumut.

Senator Sir WILLIAM ZEAL.—The honorable and learned senator came back here and said he would vote for Bombala.

Senator DOBSON.—There is some very useful information given in this copy of the New South Wales *Hansard*. I find it stated that the foundation stone of new House of Parliament was laid in Sydney on the 30th of January, 1888, and the sum of £100,000 was voted for the erection of the building. The amount expended on repairs and additions to the existing buildings since 1885 amounted to over £100,000. The estimated cost of the new building, was £476,200. There is the foundation stone for the new Parliament House laid in the Domain at Sydney, and an arrangement could be made for the construction of that building which might be occupied by the Federal Parliament, who could pay the interest upon the cost of construction as rent. If hereafter it were decided to fix the Capital in Sydney, we should have our Parliament House constructed. If it were decided that the Capital should not be in Sydney, but should be at Bombala, an arrangement could be made by which the New South Wales people could take over their Parliament House which would have been constructed in the Domain, and close to the present State Parliament House.

Senator MILLEN.—Where is the money to come from for building the new Parliament House?

Senator DOBSON.—My honorable friend is going to vote for the establishment of a

Federal Capital, and he asks me where the money is to come from for building a Parliament House. I have no doubt it could easily be found.

Senator MILLEN.—The honorable and learned senator objects to the Federal Government incurring the expense of building a Parliament House, and I, as a representative of New South Wales, may reasonably object to that State being called upon to undertake expenditure for that purpose.

Senator DOBSON.—The money could be got out of revenue under certain arrangements. I find that it was estimated that the building which it was proposed to erect in Sydney would take five years to construct. If £100,000 a year were spent out of revenue, it would not be a very large amount.

Senator MILLEN.—Let the Commonwealth spend it.

Senator DOBSON.—The Commonwealth might spend it, under an arrangement that if the Federal Capital was to be at Sydney the building, with a few acres of land, should belong to the Commonwealth; and if not, the New South Wales Government should take it over at cost price, less something for wear and tear. These things have not been discussed, or have been so little discussed, that I am placed at an absolute disadvantage. Honorable senators come here with their minds made up that a capital site must be selected. Selected, I suppose it is going to be, but I contend that almost every question I have submitted to the Senate this afternoon is well worthy of hours of discussion, and far more worthy than many of the subjects which we have discussed here for days.

Senator PEARCE.—Does the honorable and learned senator object to our being asked to make up our minds?

Senator DOBSON.—No; but I say that honorable senators are making up their minds upon insufficient information, and because they think that the people of the mother State have some grievance. I contend that they have no grievance. I contend that Victoria made a considerable sacrifice in consenting to the 100 mile limit.

Senator MILLEN.—Victoria consented. Victoria forced that condition.

Senator DOBSON.—Victoria has given the Federal Parliament the use of this magnificent building absolutely without rent, though she has been obliged to spend from £50,000 to £70,000—and I have



heard both figures quoted—in providing another House for the accommodation of the State Parliament. I think that under the Constitution, Victoria has a right to have the temporary seat of government in Melbourne for some reasonable time. I cannot say for how long, but I certainly think that it was not in accordance with the spirit of the bond to which so much reference has been made that before we had sat here for one month, representatives of New South Wales should have been barracking the Ministry to select a site for the new capital of the Commonwealth. As Victoria gave in, and stipulated only for the 100 miles limit from Sydney, we are under a certain obligation to that State. What it really is I am not in a position to say. We have never discussed it. We are not acquainted with each other's views on this point. We are asked to discuss nothing, but simply to vote blindly. All along I have objected to that course, and I therefore submit my amendment, that the Bill be read this day six months. If that amendment is not carried, I shall do my best to assist in selecting a site, and the site for which I shall vote will be Bombala. It will be very much against my wish, because I believe that Bombala will prove to be a very expensive site. First of all, a railway will be required to connect with Bombala. That is another consideration. I do not think that the time is ripe for us at the present moment to vote for Bombala, although I propose to do so. We should have some knowledge as to who is going to construct the railway. After we have selected Bombala, and have spent some thousands of pounds in surveying a city, and preparing for an adequate water supply, some difficulty may arise as to who shall construct the railways necessary to connect with Bombala. In New South Wales, electors in the district have been advocating that a railway from Cooma to Bombala would pay, but they might change their minds. There have been other people in Victoria who have said that a railway from Bairnsdale to the New South Wales border would pay, but they might change their minds. People in both States might say that the Federal Government should build these railways for themselves. Then, if we adopt Bombala as the Federal Capital site, we must construct a railway to our port. That will involve sixty miles of a very expensive line. There will be no end of tunnelling to be done, and of construction

through very rough country for a part of the way. I contend that before we put Bombala into an Act of the Federal Parliament, and make our choice irrevocable, there are a number of most complicated questions to be considered—questions which really require years of thought, discussion, inquiry, and negotiation before we can say that, as statesmen, we have selected a site with due regard to the interests of the people of the Commonwealth.

Senator Lt.-Col. GOULD (New South Wales).—Senator Dobson may very well be termed the apostle of delay. Ever since this question has been raised, the honorable and learned senator has been consistent in this one respect, that he has thrown every possible obstacle in the way of a settlement of the matter under the terms of the Constitution.

Senator DOBSON.—Does the honorable and learned senator call the expression of one's opinions "obstacles?" I have placed no obstacles in the way.

Senator Lt.-Col. GOULD.—The honorable and learned senator has suggested an amendment of the Constitution so as to secure that the Federal Capital shall be in some other place than that provided for in the Constitution.

Senator DOBSON.—Yes; in Sydney.

Senator Lt.-Col. GOULD.—I therefore say that the honorable and learned senator has been the apostle of delay, in season and out of season, with regard to the settlement of this matter.

Senator DOBSON.—I deny it.

Senator Lt.-Col. GOULD.—The honorable and learned senator, in his last remarks, told us that if he could not postpone the settlement of the matter, he would vote for the selection of Bombala, and at the same time he gave most excellent reasons why Bombala should not be selected. He has pointed out the disadvantages of Bombala, and they are disadvantages which do not exist in respect of any of the other sites which have been brought under the notice of the Commissioners or of members of the Federal Parliament. Yet the honorable and learned senator is prepared to vote for Bombala. The honorable senator has submitted a large number of reasons as embodied in the amendment he originally intended to submit for the consideration of the Senate. I ask honorable senators whether in the whole of the arguments adduced there is sufficient to justify them in accepting his

conclusions, and, on that ground, postponing the selection of the Federal Capital site for some time longer. In the first place, Senator Dobson alludes to this as a moribund Parliament, which ought not to fix the capital site for all time to come. The honorable and learned senator urges that the forthcoming elections afford an opportunity to the electors to express an opinion as to whether we should incur the enormous cost of establishing a permanent capital in the immediate future, and under present financial conditions. The reply is that under the provisions of the Constitution a duty is cast on the Commonwealth Parliament, at some time or other at any rate, to determine where the capital shall be within the borders of New South Wales. It is absurd to talk about asking the electors to say whether, in their opinion, the matter should be settled now, or deferred for some indefinite period. Senator Dobson urges that in the Constitution, as framed by the Convention, there was no provision with regard to the selection of a Federal Capital site, and that it was not until some time afterwards, at a Conference of Premiers, that the present conditions were laid down. I would remind the honorable and learned senator that until a provision as to the capital site was inserted the people of New South Wales declined to accept the Constitution; and it was in order to induce the people of New South Wales to join in Federation that the changes were made in the Constitution at the Premiers' Conference. I took an active part in connexion with the consideration of the first and second Constitution Bills submitted to the people of New South Wales, and I say unhesitatingly that one of the strong contentions against the passing of the first Bill was the absence of any provision as to the locality of the Federal Capital site. It is perfectly true that the New South Wales people regarded as a *sine qua non* a provision that the Federal Capital should be within that State; and if they had had their will I have no doubt they would have determined on Sydney. That idea was given up, however, and it was agreed that the capital should be in New South Wales, though not within 100 miles of Sydney. The new condition was placed before the people of New South Wales as a reason for reversing their previous decision to reject the Constitution. I admit there were two or three other matters under

consideration, but the capital site formed one of the principal points at that particular juncture. While the people of New South Wales were very severe in their remarks on the action of the then Premier in assenting to the exclusion of Sydney from the possibility of being the capital, the Constitution was accepted by all the States, with the provision as to the Federal Capital as one of the conditions of Federation. It is utterly idle for honorable senators to argue as a reason for indefinitely postponing this question, that neither the people nor the Convention gave their consent to that condition. It did not matter what the Convention thought. The opinions of the Convention were embodied in the original Bill, which was submitted to the people, and accepted by South Australia, Victoria, and Tasmania, but rejected by New South Wales. I do not think that the people of Western Australia were asked to vote at that particular stage. The Constitution, as drafted by the Convention, was rejected by the statutory majority in New South Wales, and it was not until the present condition as to the Federal Capital was inserted, that that State consented to become a party to Federation. I contend that the agreement then entered into forms as sacred and as integral a portion of the Constitution as does any other section, and it is idle to argue in any other direction. Honorable senators may say—"We do not argue that way; we are quite willing to fulfil the provisions of the Constitution, but we are not prepared to do so now, and we are going to postpone it for an indefinite period." It is most unfair, most unjust, and most dishonest to put such an interpretation on the powers and rights of this Parliament under the Constitution. The Customs question, we know, was regarded as of such primary importance that a limit was fixed to the time within which it had to be dealt with. I believe that if there had been no limit we should have found advocates for delay for another year or two, and there never would have been a settlement of the Tariff. Although no special time was mentioned in regard to the selection of a Federal Capital, it was clearly understood that the provision was not there for show purposes—that it had not been inserted to cajole and deceive the voters of New South Wales into accepting Federation under false pretences. It was urged on every platform in

New South Wales that it was un-Federal, unjust, and ungenerous to doubt the honesty of the intentions of the people of the other States; and no voice was raised against this particular provision. Did Senator Dobson, in Tasmania, or Senator Downer in South Australia, or any other honorable senator ever raise any question on this score? There are honorable senators I know who are apostles of delay, and are prepared to vote in any direction which by any possibility may postpone the settlement of this question not for a limited but for an indefinite period. The people of New South Wales agreed that in the beginning the Federal Parliament should sit in Melbourne. Has there ever been a word of protest raised in New South Wales against that arrangement? The New South Wales representatives sit in Melbourne willingly, and are prepared to sit here until the site of the capital is selected, be that time long or short. But while we are prepared to abide by the provisions of the Constitution, it is only honest and just to give a fair, liberal, and just interpretation to the particular provision under discussion. Do not let it be possible for opponents of Federation to say—"Well, we said what would happen, and now we find our words coming true." There were many who prognosticated all sorts of evil effects to New South Wales from Federation, and we do not want those people to have an opportunity of saying that they were perfectly right in their forecast. It was said that New South Wales, by joining Federation, was giving over her rights, powers, and destinies to a number of States in Australia; and, unless the terms of the Constitution be observed, it will be said that New South Wales is being "sold" by States who are doing as they choose because they have the power. I dare say honorable senators will contend that that is not a true picture; but I am anxious that people should not have an opportunity of saying that it represents the fact. Depend upon it, if there be friction and feeling becomes strong, the difficulties of the Commonwealth will be greater than they are at present. A little while ago we heard wild talk about what would be done with regard to the Constitution if action were taken in a particular direction. That feeling, however, gradually subsided, and my desire is that it should not again arise. Honorable senators ought to remember that New South Wales is one of the

great States of the Commonwealth, and ought to be treated with, at any rate, common fairness and common justice. If we do not make an honest attempt to settle this question, we shall inflict a gross injustice on New South Wales, and, in a smaller degree, on the other States who accepted the Constitution containing the condition as to the Federal Capital. I make bold to say that, had not New South Wales joined the Federation Queensland would not have joined; indeed, I go further and say that if New South Wales had not joined there would have been no Federation. Under the original Constitution Bill an opportunity was afforded for the Federation of three States; but the idea was not accepted. It was desired to have New South Wales, which is the most populous, the oldest, and the wealthiest State, a member of the Union; and, had I been a Victorian or a South Australian, I should have taken exactly the same view. I should have regarded it as a farce to attempt to form a Commonwealth unless all the great States were brought together. If there had been a Commonwealth formed of Victoria, South Australia, and Tasmania, another Commonwealth would have been formed between New South Wales and Queensland; and then all the hopes of having one people, without the possibility of future quarrels or disturbances, would have vanished. We as a Parliament ought to show that we are doing all we can to play a fair game; and neither by intention nor by accident should we do anything which might be regarded as unjust. In a matter of this kind, the voice of New South Wales should have very great effect. The people of New South Wales joined the Federation under the condition that the Federal territory should be within that State; and their views, opinions, and wishes ought to carry a good deal of weight, not only as to settling the question at the present time, but also in regard to the determination of the site. It would be a mistake for Parliament to deal with the question in such a way as to cause friction, trouble, or annoyance between any of the States. I hope that an honest attempt will be made to come to a conclusion during the present Parliament. It is said that this Parliament is moribund; but we must remember that we were elected to deal with this question. It is high time, although these may be the last few weeks of our existence, that this matter should be

settled if possible. An honorable senator has suggested that it would have been as well if the Government had regarded this matter as of as much importance as the Customs legislation, and had attempted to deal with it instead of introducing measures which they were compelled to drop. There was notably the Conciliation and Arbitration Bill; and however earnest men may have been in the belief and desire that such a measure should be taken up by the Government, there were other matters of primary importance which should have received consideration. All the matters referred to specifically in the Constitution, such as that of the selection of the Federal territory, ought to have been amongst the first measures taken in hand by the Government.

Senator CHARLESTON.—The Government insisted on proceeding with their High Court legislation.

Senator Lt.-Col. GOULD.—That was quite right, because the High Court forms a portion of the foundation of the Constitution.

Senator CHARLESTON.—For the same reason the Government should have proceeded with the selection of the Federal Capital.

Senator Lt.-Col. GOULD.—For that same reason the question of the capital should have been dealt with at the earliest possible moment.

Senator DRAKE.—The Government did deal with the matter of the Federal Capital, but they could not deal with it exactly at the same time as they dealt with the High Court.

Senator Lt.-Col. GOULD.—I know that could not be done; and I am one who has not girded at the Government in its early stages in regard to this question. I recognise that the Customs legislation was all-important; but it is a matter of grievous complaint that there was such delay in the appointment of the Commission which was ultimately asked to report on the suggested capital sites. We determined last session that the Commission should be appointed, and we were promised that the report would be presented before the end of April following.

Senator STYLES.—It is twelve months since the Commission was appointed.

Senator Lt.-Col. GOULD.—If the Government, instead of backing and filling for four months, had appointed the Royal

Commission forthwith, we should have had a report long ago, and the Government would have been able to take up this matter at the beginning of the session. Had that course been taken I should have been prepared to stand by them, and to have said that I believed they had used as much expedition as they could, in view of all the trouble and business which was heaped upon them in the earlier stages of their term of office; but that is no reason why further delay should take place. The Government came down the other day with a proposition, by which they thought this matter might be settled. It occurred to my mind, although it had my support as a means of securing an early settlement, that it would have been better if they had proceeded by Bill. Whether the capital site should have been selected as it was in the other House, or whether the Federal territory should have been named in the Bill by the Government, is a matter which might very well be debated. I am not going to quarrel with the Government over the course which they adopted; but it is a great pity that we are driven, at so late a period in the session, into dealing with a question of this character. We are not brought face to face with the simple question whether Tumut and no other place shall be taken. It is well known that a number of honorable senators hold the view that the Bombala site is more suitable; but that is a matter which can very well be discussed and determined by our votes. The Bill raises the question as to whether the area shall be 1,000 square miles or only 100 square miles, and whether the altitude of the capital site shall be 1,500 feet above the sea, or left to be determined according to circumstances. It also raises the question whether the territory, instead of being within New South Wales, shall be on the borders of New South Wales and another State, whether it shall extend to a port or a river. When honorable senators suggested that the Government of New South Wales might adopt means which would prevent members of Parliament from getting access to the seat of government, they talked the wildest nonsense. I wonder that it should occur to sensible men to suggest such a thing as a possibility. What are we doing now? We are conducting our business in a building which has been placed at our disposal by the generosity of the Government of Victoria, and we have to travel over the Victorian

railways before we can discharge our parliamentary duties. Did anyone, in the wildest efforts of his imagination, ever think that the Government of Victoria would throw any obstacles in the way of our carrying on the business of the Commonwealth here? It is absolutely absurd to suggest that any body of people would attempt to do such a monstrous thing; but I object to the Federal Parliament staying longer than is absolutely necessary in territory over which it has no control. Let honorable senators realize this fact: that not one public servant beyond those who work in the precincts of this building owes the slightest allegiance to a member of this Parliament. We have no voice in the appointment of a constable or the humblest official in this State. The reason which was always advanced in favour of having a Federal territory was that the Federal Parliament should have its own home in which it could reign supreme and do what it saw fit. In the United States, for instance, Washington is situated in a territory which is separate from the other States. Originally it comprised 100 square miles, but it was found unnecessary to have so large an area, and, therefore, 30 square miles were returned to the State of Virginia. So that a Federal territory of 70 square miles is regarded as being quite sufficient for a Federation that embraces a population which numbers from 70,000,000 to 80,000,000, and which is increasing by many millions year by year. Is a word ever spoken there in favour of obtaining more Federal territory? The only object of section 125 is to place the Parliament in its own home in a territory in which it can transact its business apart from the influences which are necessarily brought to bear upon its members if it is located in a large city and centre of population. It is well known that when we were dealing with the Tariff last session, great pressure was brought to bear by means of local influence. What was the meaning of the little trips which honorable senators were invited to take day after day to this factory or the other factory? Was it not all done with the view of impressing upon them the advisability of doing something which would keep those factories in full employment? I have no doubt that that influence had an important effect on the moulding of the Tariff, nor have I any doubt that if the Parliament had been sitting in Sydney,

influence in the other direction would have been exercised and the Tariff would have been very different from what it is. The final form of the Tariff was due to the influence which was brought to bear by great centres of population on the Parliament.

Senator HIGGS.—Did not the free-traders use their influence here?

Senator Lt.-Col. GOULD.—The free-traders used their best efforts to get the duties reduced, but they were placed at a disadvantage in a protectionist State, just as the protectionists would have been placed at a disadvantage if the Parliament had been sitting in a free-trade city.

Senator STYLES.—Would it have altered one vote?

Senator Lt.-Col. GOULD.—I have no doubt that the representatives of New South Wales would have voted more free-trade than they did, just as our protectionist friends would have voted more protection, if it could have been obtained. I am not arguing whether the Tariff is a wise or an unwise one, but only seeking to show how improper influences may be exercised when the Parliament is legislating for all Australia, that, therefore, it should be established in its own home, and that the sooner it is established in its own home the better will it be for the good government of the Commonwealth.

Senator STYLES.—A very poor argument.

Senator Lt.-Col. GOULD.—It may be a very poor argument, but it is one which appeals to me, and is one which I think has appealed to much greater minds than my honorable friend's and mine, if we are to judge by historical reading. I come now to the question of what the area of the Federal territory should be. Ought it to comprise an area of 1,000 square miles? I know there are many honorable senators who think that it should be sufficiently large to enable them to experiment with land nationalization or other fads.

Senator O'KEEFE.—All great movements are called fads.

Senator Lt.-Col. GOULD.—Very likely, but there is no instance in which it has been done in the case of Federation. Take the small territory in which Washington is situated. Has any attempt ever been made to enlarge the area of that territory for the purpose of making an experiment with land nationalization, or carrying out any

socialistic scheme which might have occurred to the minds of different people during late years ?

Senator PEARCE.—And the city is over ears in debt as a consequence. All the money has gone to private land-holders.

Senator Lt.-Col. GOULD.—All I can say is that if my honorable friends are going to experiment with their socialistic principles in an area of 1,000 square miles, the Government will be found to be over ears in debt very soon so far as the Federal territory is concerned.

Senator FRASER.—I would willingly give them an area of 1,000 square miles if they would only go there and take their fads with them.

Senator Lt.-Col. GOULD.—Yes ; but they insist upon our going with them. My contention is that we have no right to attempt to create another State in which to experiment with fads. When the Federation movement was started it was intended to unite the States, and not to create a rival State in which the Federal Capital would be situated. It is made perfectly clear in the Constitution that the territory of a State cannot be dealt with without its consent. If honorable senators will take the trouble to go through the arguments which were adduced with regard to the capital site, they will not find one instance in which it was suggested that it would afford an opportunity to deal with some new socialistic problem, however dear it might be to members of Parliament.

Senator PEARCE.—They objected to the different land systems.

Senator MILLEN.—We can have a land system irrespective of the size of territory.

Senator Lt.-Col. GOULD.—The Constitution Act has carefully prevented the Commonwealth from dealing with the land system of any State, but of course in the case of the Federal territory we can do what we like. My argument is that the design of section 125 is that the Commonwealth shall have in New South Wales not a State but a territory, which shall be not less than 100 square miles ; and we are not entitled I submit, without the consent of New South Wales, to take a larger area.

Senator PEARCE.—Is that the honorable and learned senator's legal opinion ?

Senator Lt.-Col. GOULD.—My interpretation of the Constitution is that, without the consent of New South Wales, we have no

power to take one inch of its territory for the capital site.

Senator HIGGS.—The thirty-nine articles give us the power.

Senator Lt.-Col. GOULD.—The thirty-nine articles give the Commonwealth no power of the kind.

Senator PEARCE.—There are two sides to the bargain.

Senator Lt.-Col. GOULD.—Yes ; and, of course, if New South Wales declines to give the prescribed area of 100 square miles or thereabouts, it will have no right to complain ; we cannot fulfil our part of the bargain.

Senator FRASER.—The honorable and learned senator does not contend that New South Wales can refuse to give 100 square miles of Crown land ?

Senator Lt.-Col. GOULD.—I contend that as a matter of legal interpretation the Commonwealth cannot say to New South Wales, "We shall take 100 square miles here or there," and that New South Wales and the Commonwealth will have to agree on the area to be taken.

Senator FRASER.—But they gave their consent to that provision when the Commonwealth Bill was accepted.

Senator Lt.-Col. GOULD.—Yes ; they gave their consent to a grant of 100 square miles of Crown land, but I submit that the Commonwealth Parliament cannot say to New South Wales, "We shall take 100 square miles of your territory in Tumut, Lyndhurst, Armidale, or elsewhere," if it objects to that site being taken ? I admit that if New South Wales were to put up its back in that way it would only have itself to thank if the Federal Capital were never established within its territory.

Senator FRASER.—I cannot see how she could put up her back legally.

Senator Lt.-Col. GOULD.—New South Wales has never attempted to do anything of the kind. On the contrary from the very first New South Wales has said to the Commonwealth, "Make your selection, and we shall give you an area of 100 square miles." I have no doubt that if when the late Prime Minister had asked Sir John See what he suggested in regard to the territory, the latter had said, "Let us go into conference and see if we cannot fix on a site," a great many of our difficulties would have been overcome. But instead of taking that course Sir John See said, "We do not wish to fix upon a site ; take any site you

like. Tell us where you wish Crown lands to be reserved, and they will be reserved until you are able to make up your mind." His conduct was prompted by a desire to meet the Federation in every possible way. Let us look at the wording of section 125 of the Constitution, and see how far we have the right to determine any extra area—

The seat of government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and shall be in the State of New South Wales, and be distant not less than 100 miles from Sydney.

Such territory shall contain an area of not less than 100 square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.

The Parliament shall sit at Melbourne until it meets at the seat of government.

New South Wales is a party to that section. It is clear that we should continue to sit in Melbourne if New South Wales would not give us the territory. But the section only gives us power to determine where the seat of government for the Commonwealth shall be. It declares that it shall be within territory which shall be "granted to or acquired by" the Commonwealth Parliament, and that the Crown lands within the area shall be given free by New South Wales. We will assume, for the sake of argument, that the words, "not less than 100 square miles," will permit us to take 1,000 square miles. It is immaterial what the area is, if it is admitted that we can take more than 100 square miles. If we can take 1,000 square miles, we can take the whole State of New South Wales, except the part within 100 miles of Sydney.

Senator PEARCE.—Would the best lawyers in Australia have put in the words "not less than" if we could not take more than 100 square miles?

Senator Lt.-Col. GOULD.—Does not the honorable member see that, quite apart from the legal interpretation of the section, we could not go beyond the 100-mile limit without the authority of the Parliament of New South Wales? New South Wales has to give away her territory, and if the section enabled us to take 1,000 square miles, it would mean that the Commonwealth had the right to take all the Crown land within 1,000 square miles. If we can do that we can take the whole of Riverina, and can

require New South Wales to give to the Commonwealth the whole of the Crown land within that territory, thus reducing the taxable area and the population of New South Wales to an enormous extent.

Senator BARRETT.—That would be in the interests of Australia.

Senator Lt.-Col. GOULD.—The interests of Australia will never be built up by the destruction of the interests of any one State. The greatness of Australia will for all time be dependent upon the greatness of the States. The Federal territory will be a mere bagatelle, as is the case in the United States, in comparison with the greatness of the whole Union. Each State works out its own destiny upon its own lines, but all the States conduce to the greater destiny of the Commonwealth.

Senator BARRETT.—If New South Wales will not give us what we want, we will go elsewhere for it.

Senator Lt.-Col. GOULD.—New South Wales is prepared to act fairly and squarely by the Commonwealth. She will give the whole of the 100 square miles which the Constitution requires her to give. If the Commonwealth requires another 100 square miles for a catchment area, New South Wales will grant it without the slightest hesitation. I should be ashamed of my State if she did not. I am not now talking of what is laid down in the Constitution, but of what may be done by the consent of the people of New South Wales. When it was learned by the Parliament of that State that the Commonwealth Parliament contemplated taking 1,000 square miles, there was great excitement. Some very unwise things were said, showing the feeling that prevailed. But, when that excitement passed away, a strong feeling still remained. For instance, in the course of the discussion last night, Mr. Crick said—

It was useless discussing the legal aspects of the question. That could only be settled in the High Court.

It is a good thing that we have a High Court to settle it.

If the Federal Parliament had asked 100 square miles the Government would have granted it, and sought parliamentary sanction afterwards. The Government would not allow them to touch either the waters of the Murray or the Murrumbidgee. If it came to a fight they would find ample resources in the Land laws and make things very difficult for them.

I do not sympathize with expressions of that latter kind, because we have a High

Court to determine such questions. But Sir John See, at the opening ceremony of the railway to Tumut, is reported to have said—

As to the territorial area he would be prepared to accept the provisions of the Constitution, but he would refuse to give the Federal Government one inch more land than it was entitled to. He said this with deliberation, and he had confidence in the High Court, if that body was called upon for a decision.

Honorable senators cannot object to the means that Sir John See proposes to adopt to protect the interests of New South Wales.

Senator PEARCE.—We are quite prepared to submit our case to the High Court.

Senator Lt.-Col. GOULD.—I have no doubt of that, but we do not want to run before the High Court needlessly. Let honorable senators turn to section 125 of the Constitution. We find there nothing about the creation of a new State. If it is contemplated to form a new State, we have to act under quite a different section of the Constitution—

A new State may be formed by separation of territory from a State; but only with the consent of the Parliament thereof.

Then again—

The Parliament of the Commonwealth may, with the consent of the Parliament of a State and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State upon such terms and conditions as may be agreed on.

It was of course right and proper that the rights of States should be protected to the fullest extent. What would Senator Barrett say if New South Wales came to the Commonwealth Parliament and said, "We want to take the whole of Gippsland from Victoria?"

Senator PEARCE.—What is meant by a State in the section just quoted?

Senator Lt.-Col. GOULD.—It does not mean a "territory." We are not to take over such an area as would constitute a State, which should have its own representation. The 125th section and the previous sections, by which it is to be interpreted, do not contemplate that. It is assumed by some honorable senators that we have power under what are known as the thirty-nine articles of section 51 to acquire a territory of this description. Under sub-section 31 of that section Parliament has power to make laws for—

The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws.

This provision undoubtedly gives the Commonwealth authority to acquire land from any State that may be required in connexion with customs, defence, quarantine, and other kindred subjects which are intrusted to the management and control of the Commonwealth Parliament. But that is not a power that will give the Commonwealth a right to take the land of a State for the purpose of forming a Commonwealth territory. That power is dealt with separately by another section of the Constitution. If it were otherwise the Commonwealth Parliament could mop up the whole of the different States one after another. It might commence with the State of Victoria and resume the whole city of Melbourne, taking possession of it in order to put up certain buildings for public purposes. What would Victoria say to that? The Commonwealth Parliament might subsequently take over all Victoria for the purpose of carrying on some socialistic scheme of legislation for the protection of the poor people residing within the boundaries of the great cities. I contend that no such power is given to us under section 125. Senator Downer alluded to the word "acquire." It seems to be assumed that there is power on the part of the Commonwealth to "acquire" land against the will of a State. But Senator Downer admitted that there was nothing within the four corners of the Constitution to show how this power could be exercised.

Senator FRASER.—The word "acquire" was inserted to enable the Commonwealth to buy freehold land within the capital area.

Senator Lt.-Col. GOULD.—That was what I was about to point out. The word was put in to enable the Commonwealth to acquire land within the 100 square mile limit. Some honorable senators contend that it is necessary to have a seaport for the Federal area. I hold that it would be a distinct disadvantage to the Commonwealth to have a port as part of the Federal territory. If we have a port it will be necessary to make it available for shipping and to defend it. If trouble came to the Commonwealth in the shape of war, the port of government would be looked upon as a vulnerable point of attack.

Senator DONSON.—There would not be so much loot obtainable at the Federal Capital as there would be at Melbourne or Sydney.



Senator Lt.-Col. GOULD.—But look at the prestige that would accrue to the enemy from the capture of the Federal city. Of course we might do as President Kruger did during the Boer war — have the capital located in a railway train and shift it about from time to time. But it would be a most unfortunate position for Australia if her capital were situated too near the seaboard in time of war. We are much better off without a port. If we were to take Bombala as the capital and have Eden as the port, what should we have to do? We should have to construct means of access from the capital to the port. Railways would have to be built to begin with. The States might be unwilling to build them. According to the report of Mr. Darley, which was sent to Mr. Oliver at his request, if we had a port for Bombala it would be necessary to spend a million of money upon the harbor.

Senator DOBSON.—I think the report says that the amounts we should have to spend would be £152,000 and £130,000.

Senator Lt.-Col. GOULD.—I believe the amount quoted are £1,000,000 and a further sum of £200,000 for wharfage accommodation, and £500,000 to construct a railway from Eden to Bombala. Senator Dobson is very anxious that we shall not spend a large amount of money upon the Federal Capital. Yet he desires that we shall select a site involving an expenditure of nearly two millions sterling. We have had a statement from the Government that it should not cost more than £500,000 to resume land and erect sufficient buildings to commence with. I see no reason why that estimate should be exceeded. Of course, I admit at once that if we are to have a Parliament House such as that in which we are now sitting, and which cost £600,000, we should run into extravagance.

Senator DOBSON.—Mr. Oliver estimates the cost of the Parliament House at £750,000.

Senator Lt.-Col. GOULD.—We shall not want a building of that character for centuries to come.

Senator STYLES.—The estimate is already before us.

Senator Lt.-Col. GOULD.—The honorable senator will not swallow every estimate put before him. Let me point out again, with regard to the question of expense, of which so much is made, that we are at present sitting in a building which cost £600,000. What right have we to expect that the one

State of Victoria shall pay interest on £600,000 in order to house the Federal Parliament?

Senator CHARLESTON.—I do not think she will.

Senator Lt.-Col. GOULD.—What right have we to expect Victoria to do it? This State has treated the Commonwealth Parliament with great generosity in placing this building at our disposal, and incurring at the same time the expense of erecting premises for the accommodation of the State Parliament. But we are placed in the position of being under an obligation to the State of Victoria. What would be our position if the Victorian Government turned round to-morrow and said—"We have decided to terminate our agreement with you for the occupation of Parliament House. You must seek accommodation elsewhere."

Senator STYLES.—Victoria would not do that.

Senator Lt.-Col. GOULD.—Victoria would have the right to do that, and what would our position be then?

Senator MILLEN.—It would be fair for Victoria to ask us to pay interest upon the cost of construction of this building.

Senator Sir WILLIAM ZEAL.—We can consider that when the necessity arises; it has not arisen yet.

Senator Lt.-Col. GOULD.—I am pointing out the position in which we are. If we were told that we must seek accommodation elsewhere, as the seat of government must for a time be in Melbourne, we should have to purchase land, and erect a building, and, so far as I can judge, the cost of the land and the building would probably amount to more than it would cost to establish the Federal Parliament in our own territory. That must be done sooner or later, and the sooner we do it, the better in the interests of the people of the Commonwealth. As I have said, there are some honorable senators who are in favour of the selection of Bombala as against Tumut. We know what the voting in another place was for Lyndhurst. We know that the strength of the New South Wales vote went in favour of that site, and, failing to carry it, it was transferred to Tumut. I say that the opinions of New South Wales representatives in this matter should receive due consideration and weight. There are other good sites; but it may be said that there are only the three sites of Lyndhurst, Tumut,

and Bombala that are really in the running at the present. If honorable senators will carefully consider the report of the Commissioners, they will find that the balance of advantage between the three places is with Lyndhurst. Tumut is next, and Bombala third, and a considerable way behind the other places. With regard to present accessibility, there can be no doubt that Bombala is the most inaccessible of all the sites. The largest amount of expenditure on the part of the States of Victoria and New South Wales would be required to connect Bombala with the railway systems of Australia.

Senator STYLES.—That expenditure would be borne by New South Wales and Victoria.

Senator Lt.-Col. GOULD.—Very true; but the expenditure of a great deal of money is involved, though there can be no doubt that the selection of Bombala as the site of the Federal Capital would make the connecting railways pay much better than they would otherwise be likely to pay. There is still a big expense involved, and we cannot compel the States of Victoria and New South Wales to undertake that expense. They will incur the expense only if it suits their purpose to do so.

Senator DOBSON.—Is not New South Wales going to build a railway from Cooma?

Senator Lt.-Col. GOULD.—I do not know. I know that the construction of the railway has been advocated over and over again, but it has not so far been built. So much for the question of present accessibility. On the ground of distance from Melbourne and Sydney, it is probable that Tumut has an advantage as against Bombala, whilst Lyndhurst, so far as Sydney is concerned, has the advantage.

Senator STYLES.—It is on the western line—the direct route to Fremantle.

Senator Lt.-Col. GOULD.—As the honorable senator says, the transcontinental railway might go that way. It might be taken from Perth to Adelaide, thence to Broken Hill, and round by Cobar.

Senator STYLES.—The Inter-State railway.

Senator Lt.-Col. GOULD.—Senator Styles has suggested a very good line. Putting that question on one side, from considerations of climate, elevation, and picturesqueness, Lyndhurst is the most suitable site. I know that just at present the vote is not likely to be between Lyndhurst

and Bombala, but between Bombala and Tumut. It may be between Lyndhurst and Bombala later on, and I will refer honorable senators to a few extracts from the report of the Commissioners, giving a comparison of the sites. The elevation of the Lyndhurst site is about 2,280 feet, and the elevation of the Bombala site is very similar. In regard to general suitability, the Commissioners say of Lyndhurst—

The slopes in the lower part of the site fall with easy grades towards Mandurama and Grubbenbong Creek, rising again towards the Mandurama township. The higher part of the site is a pleasantly undulating plateau, which for picturesqueness will compare with any site visited. The country is well adapted for the laying out of a fine city, which would occupy an imposing and conspicuous position. Beautiful parklike undulations rise frequently into elevations, offering great advantages for the display of fine buildings. There is ample and suitable space for the extension of the city, and for the creation of pleasant suburbs. From all portions of the site, charming and interesting views reach the eye. In the distance, and in some cases forming the horizon, are mountains, such as the chain of the Canobon, the Weddin mountains, the Nangar Cliff, and the distant mountains at Sunny Corner. To the south-east, distant ranges, such as the Blue Mountain, limit the panoramic view of the landscape. The streets could be laid out in northeast and south-west directions, and the beauty of the city could be greatly enhanced by forming an artificial lake on Grubbenbong Creek, and by ornamenting a public park.

It is clear, from that description, that at Lyndhurst we might have an imposing and picturesque city. Honorable senators may say that we should not consider this matter from the aesthetic point of view, but I say that, whatever site we select, it will be our duty to make a beautiful city, if we possibly can. The surroundings of the site at Lyndhurst would greatly help us to do that. Then, as to the rainfall, I find it stated that—

The mean annual rainfall for twenty-four years, ending with the year 1892, was 29·54 inches, distributed over eighty-seven mean annual rainy days.

Senator CHARLESTON.—How did it fare during the late drought?

Senator Lt.-Col. GOULD.—I am not aware. Speaking of the climate, the Commissioners say—

In summer the heat is of a dry character, and even after hot days the nights are usually cool. Fogs or mists are very rare at that site; they are chiefly confined to the valleys and creek; and do not last longer than a few hours.

From the point of view of health, fogs and mists must be considered, as we should, if

possible, avoid a foggy or misty climate. I think I can show that this is a difficulty which would have to be faced at Bombala. With regard to water storage, the Commissioners say—

A dam 70 feet high, constructed across the Coombing Rivulet, at the point previously mentioned, where the elevation is 2,824 feet above sea-level, and where there is a very suitable storage reservoir, would impound 2,200,000,000 gallons of water.

It is pointed out that the catchment area would supply with water a city containing a population of 1,000,000. I need not enter into greater details in referring to the Lyndhurst site at present, though it may be necessary that I should do so later on. When we compare Bombala with Tumut, if we rely upon the report of the Commissioners, it must be admitted that Tumut is unquestionably the better site for the present, and for all time to come.

Senator PLAYFORD.—The honorable and learned senator is not referring to Mr. Oliver's report. Mr. Oliver tells a different tale.

Senator Lt.-Col. GOULD.—I am reading from the report of the Commissioners appointed by the Federal Government. Speaking of the Tumut site, the Commissioners say—

The centre of this site (which may be called the Lacmalac site) is about five miles easterly from the town of Tumut, in the valley of the Goobarragandra, the river of that name flowing through it. Along the banks of this river alluvial lands extend on both sides, with an average width of a little over three-quarters of a mile. From the edges of these lands the ground rises gently into low ridges which extend northerly and southerly to the boundaries of the suggested city site. On these ridges a large city could be built with ample room for expansion in almost every direction. The country through which the site is approached and its immediate surroundings are highly attractive, while the distant hills as seen from the valleys form pictures of great natural beauty.

They speak also of the river effects which might be secured, and they say—

Both the climate and soil seem for arborial and horticultural purposes to be perfect. This is most emphatically attested by the present conditions of the elms, willows, poplars, and other English trees, which flourish here in great luxuriance without cultivation.

They state further that—

The medical evidence shows that the climate is conducive to longevity, and has a beneficial effect on persons suffering from pulmonary disease.

On the subject of a water supply, a large number of places are mentioned from which

an adequate supply could be obtained, and the Commissioners say—

All these streams at the points named from which it is proposed to take the supply are at a sufficient elevation to supply water by gravitation; they have mountainous catchment areas, and contain more or less flowing water throughout the year.

That, of course, was written in view of the site having an elevation of 1,050 feet. It has since been proposed as a condition that the site should not be less than 1,500 feet above the sea level. A site has since been discovered, at which an elevation of over 2,000 feet could be secured, at Batlow which is no great distance away. But it must not be forgotten that that might affect a gravitation scheme of water supply. Personally, I should prefer to have an elevation of 2,000 feet for the site with a pumping scheme, than an elevation of 1,000 feet with a gravitation scheme. The water supply is, of course, most important, but I do not think that the consideration of the extra expenditure required for a pumping scheme should have weight when we might select a site with a better elevation.

Senator Sir WILLIAM ZEAL.—A pumping scheme would be very expensive.

Senator Lt.-Col. GOULD.—The Commissioners point out that—

The average elevation of the proposed city site is 1,050 feet above sea level, and the elevation of the Goobarragandra River below the junction of Emu Creek, the point from which it is proposed to take the primary supply, is 1,790 feet above the sea level, or 790 feet above the city site, which will allow a gravitation scheme giving a good pressure.

If the elevation of the site selected were 1,500 feet, the water supply could still be secured by gravitation from a site nearly 300 feet above that level. When we turn to Bombala we find the site described by the Commissioners in this way—

The formation of the site is almost wholly basaltic resting on granite, and resembles the open rolling downs country of which so much of Monaro consists. Standing high as compared with much of the surrounding country, which is very similar in character, the views from the site are extensive, but there are no striking features in the landscape to arrest the attention or attract the eye. The site is treeless and somewhat unsheltered.

When this is compared with the description of the Tumut site it will be admitted that Tumut must be placed in the first position. The report goes on to say—

The few trees which are occasionally met with growing upon the tops of the higher points of

land have a stunted appearance. There can be no doubt the exposed position has much to do with retarding their growth, otherwise, the soil and climate do not appear to be unfavorable.

Senator STANFORTH SMITH.—The Commission spent half an hour there, I believe.

Senator Lt.-Col. GOULD.—I do not know how long the Commission were at Bombala; but honorable members will see that there can be no question as to the superiority of Tumut from the picturesque point of view. The report contains a table giving particulars as to the prevalence of fogs, snow and frost at Bombala. In 1899, between January and July, there were 17 days of fog; in 1900, from March to December, 23 days of fog; in 1901, from April to August, 14 days of fog; and last year, from April to September, 24 days of fog.

Senator Sir WILLIAM ZEAL.—They have as many foggy days in London in a month.

Senator PLAYFORD.—There are more foggy days than that where I live on Mount Lofty.

Senator Lt.-Col. GOULD.—As to the productiveness of the soil at Bombala, the Commissioners say—

The soil in the Bombala district is of several kinds. Where there is basalt it is excellent, and it is good in the area of granitic rocks; but there are tracts of poor soil in the areas of Devonian sandstone between Bombala and Bondi. Disregarding these poorer areas, the country round Bombala is excellent as a pastoral district, and is held, with few exceptions, in large estates. According to the stock returns, it is capable of carrying about a sheep to two acres all the year round. Very little agriculture is carried on, and the crops grown are only for home use.

With regard to accessibility, the Commissioners point out that, taking a direct line, Tumut is 197 miles from Sydney and 251 from Melbourne, whereas by train the distance from Sydney is 318, and from Melbourne 389 miles. Bombala in a direct line is 240 miles from Sydney, and precisely the same distance from Melbourne, whereas by train the distance from Sydney is 324 miles, and from Melbourne 633 miles. The time occupied in the journey by train is 16 hours from Sydney and 25 hours from Melbourne, as against 11 and 12 hours respectively from Sydney and Melbourne to Tumut. No doubt more direct railway communication between Melbourne and Sydney and Bombala might be provided; but unless it could be shown that the lines would pay, the Railway Commissioners could hardly be expected to undertake the work. If honorable senators will take the trouble

to consult the report, they will see that, except in regard to elevation, the advantages are in favour of Tumut. Even if the advantages as between Tumut and Bombala were equal, it would be reasonable to select the site which the people of New South Wales seem to desire.

Senator Sir WILLIAM ZEAL.—That would be Lyndhurst.

Senator Lt.-Col. GOULD.—I am speaking of the two sites of Tumut and Bombala. If Senator Zeal considers that Lyndhurst is as good and as convenient a site as Bombala or Tumut, I urge him to vote for Lyndhurst. I recognise, however, that the choice lies between Tumut and Bombala, and the representatives of New South Wales have expressed themselves willing, as a matter of compromise, to accept the former.

Senator STANFORTH SMITH.—Is the honorable and learned senator willing that the Federal territory should extend to the Murray?

Senator Lt.-Col. GOULD.—I am willing that the area should be that mentioned in the Constitution, namely 100 square miles.

Senator STANFORTH SMITH.—But 1,000 square miles is the area provided in the Bill.

Senator Lt.-Col. GOULD.—I certainly do not think the Commonwealth is entitled to take 1,000 square miles, but I am perfectly willing that another 100 square miles should be added to the area mentioned in the Constitution, in order to provide for a catchment area for the water supply. It was never intended by the Constitution that the Federal territory was to be a kind of buffer State, but that the area should be as close to the 100-mile limit from Sydney as could reasonably be obtained, otherwise there was no sense in fixing a limit. It would no doubt have been much better if there had been no limit, because I believe a much better site could have been found nearer to Sydney, though not in Sydney itself.

Senator BEST.—Why not take Albury over as a going concern?

Senator Lt.-Col. GOULD.—Does Senator Best propose that the town of Albury should be acquired for a capital city?

Senator BEST.—No, but an area within a few miles of Albury.

Senator Lt.-Col. GOULD.—Then how could the site taken over there be described as a "going concern?"

Senator BEST.—It would be within a very few miles of Albury.

Senator Lt.-Col. GOULD.—There would be no "going concern" if the site were on Table Top, or at the spot which was first inspected. The strong objection against Albury is climatic, and there would be still less elevation from a picturesque point of view than could be obtained at Tumut. I have no doubt that Senator Best would prefer to have the capital city as near to Victoria as possible, because then it would be most convenient for representatives who reside in that State.

Senator BEST.—That, of course, is an insuperable objection from the New South Wales point of view.

Senator Lt.-Col. GOULD.—Honorable members will recognise that it would not be fair to drag New South Wales representatives a long distance to the capital, in view of the compact arrived at under the Constitution.

Senator BEST.—I was not aware that the Constitution excluded Albury.

Senator Lt.-Col. GOULD.—I do not say that the Constitution excludes Bombala or Albury, but it is only reasonable that the capital should be fixed as near to the limit of 100 miles as possible. If we were to determine the question, having in view only the present means of access, and the particular position of the residences of parliamentary representatives, it would no doubt be more convenient to have the capital close to Melbourne. It must be borne in mind, however, that the southern portion of Australia will not in future carry the great bulk of the population. The centre of Australia, from a population point of view, is moving north of Sydney to the territories on the northern rivers and tablelands; and as years roll on, there the bulk of the people will be settled. If the question of the capital site were postponed for another fifty years, I have no doubt that Armidale would be regarded as the *beau ideal* place. That site has a very poor chance of being selected at the present, but the situation would be an excellent one if we could get Parliament to realize the trend of population. We are prepared, at any rate, to accept a position which is reasonably near to both Melbourne and Sydney, and there will be no difficulty if honorable members select Tumut. I urge honorable senators to give their best consideration to the matter, and to settle it in

such a way as to preserve pleasant relationships amongst the States. Attacks are frequently made by one State on another; but I have guarded myself against using one ungenerous word. Every senator has the right to his opinion, and to consider the position of his own State and the people he represents. I hope we shall select a site which will be regarded as a fair compromise, and which will fairly meet the reasonable desires of the representatives of all the States. Before concluding my remarks, I desire to say a few more words in regard to the question of the Federal Capital site. I find that in Canada it has not been considered necessary even to have the capital fixed in Federal territory. Ottawa is situated in one of the great provinces, and there has not been yet any attempt, although there has been a desire on the part of some members of the Canadian Parliament, to have a Federal territory set apart in order that Ottawa may be separated from a province. So that not only in the United States has it not been considered necessary to have an extensive Federal territory, but in Canada it has been considered that under existing circumstances the capital may remain in one of the provinces. Of course, the provisions of the Canadian Constitution are different from those of our Constitution. In Canada the Dominion Parliament is invested with all powers except those which are granted to the provincial Parliaments, and provincial legislation is subject to the veto of the Governor-General; but it has not been considered necessary that any great territory should be granted to the Dominion Government in which special legislation might be tested. That should be an additional reason why the limited area which is prescribed in section 125 of our Constitution should not be exceeded, except for very special circumstances. Whatever we may do at the present time, it should always be remembered that there are some precedents which have been set us in America. I would urge upon honorable senators to abandon the idea of having a large area set apart in order to afford an opportunity to try different forms of State socialism which have been suggested from time to time. I hope they will realize that a large area of Federal territory is not required. All we want is a territory in which we shall remain supreme, and be under no obligation to a State Government for the housing of our Parliament or the protection of

our interests or the exercise of our legislative powers. It has been suggested that in a large city there is always a possibility of an attempt being made by the populace to overawe Parliament. I hope that such an event will never occur in the Commonwealth; but, at any rate, if we had a Federal territory we should be absolutely protected from any attempt of that character, and a limited area would preclude the Commonwealth from attempting to experiment with any fads or fancies. If they are to be carried out it is far better that it should be done in one or other of the States where the majority of the voters desire such a course of action to be adopted. We shall have sufficient work to occupy our attention in looking after the material and more general interests of Australia without experimenting with any fads. All the States have to work out their salvation as well as they possibly can, and their interests, if they are properly conserved by themselves, are identical with those of the Commonwealth. We shall have quite enough to do to deal with those matters which have been reserved to us in the Constitution, together with such matters as the States may hereafter refer to us. It is our duty to attend to those larger and more important movements which have a bearing on the interests of the Commonwealth as a whole, and not to experiment with fads or ideas which may occur to persons who sit in the Federal Parliament, and who have the opportunity of making such experiments through the agency of the State Parliament.

Senator STANFORTH SMITH (Western Australia).—I think I am as anxious as any one that the capital site shall be selected at the earliest possible moment. I have always held that view, and I hope that it will be possible, even at this late stage of the session, to select a site. The delay which has occurred over this matter is certainly not the fault of members of Parliament. If the fault lies with any one, it lies with the Ministry. The report of Mr. Oliver on the capital sites was made before the Parliament met, and it was only a few months ago that the Commonwealth Government appointed a Royal Commission to report on the subject.

Senator DRAKE.—It was in January of this year.

Senator STANFORTH SMITH.—We only received the report of the Royal Commission in July, and we have had no

opportunity of considering the site until the present time. Our friends from New South Wales must admit that the fault does not rest with members of Parliament, but with the Ministry. A great deal has been said on the subject of what portion of New South Wales the site should be selected in, and whether we are deviating from the spirit of the Constitution in asserting the right to select a site in any portion of its territory outside the 100 mile radius of Sydney. Within that ring fence we can select a site where we please, subject, of course, to ratification by the Parliament of New South Wales. I do not admit that its representatives have any greater authority with regard to the location of the site than the representatives of the other States. Our rights are clearly laid down in the Constitution and it is quite within our power, without violating even its spirit, to say in what part of New South Wales the site shall be fixed. When the senators from New South Wales say that we are guilty of an anti-Federal spirit in proposing the Albury or Bombala site because it happens to be near the border of Victoria they take up a position which is absolutely untenable. It is also said by the representatives of New South Wales that that State would never have entered the Federation if it had been suspected that a larger area than 100 square miles would be asked for. It is distinctly laid down in the Constitution that the area of the Federal territory shall be not less than 100 square miles. The area of the Federal territory is clearly a question which has to be decided in the best interests of Australia by this Parliament, subject of course to the consent of New South Wales. It will be a matter of arrangement between the Commonwealth and New South Wales as to how far the minimum of 100 square miles shall be exceeded. It is absolutely illogical for honorable senators to say that we have no right to ask for an area of 1,000 square miles. If the Bill is passed, it will be for the Government of New South Wales to say whether it will approve of that area being granted, and, if not, to arrange with the Commonwealth Government what area can be granted. It is amusing to see what the acceptance of the Bill will lead us to. Mr. Oliver, the New South Wales Commissioner, selected, so far as Tumut is concerned, a site called Gadara, which we went

specially to inspect. The Commonwealth Commissioners selected another site called Lacmalac, which we went specially to inspect. These sites are beautiful little valleys, surrounded by hills—one might almost say a crevice in the rocks, a pocket. The Lacmalac site, including some hills which we climbed in order to view the surrounding country, contains an area of seven square miles, while the Gadara site comprises about the same area or possibly a little more. I said to the people of Tumut, "Will you kindly show me on the map where the absolute minimum of 100 square miles is to come from?" They said, "Take in the Lacmalac site, take in the Tumut site, buy the town—at a cost of possibly £250,000—buy the Gadara site, run down to near Adelong and take in those valleys, and that will supply you with 100 square miles." If we did we should have a territory resembling an octopus in shape.

Senator Sir JOSIAH SYMON.—Or the picture of a gerrymander.

Senator STANFORTH SMITH.—Yes. The members of the other House recognised the absolute impossibility of having the Federal Capital established in a little valley, and in order to get out of a difficulty with which they were confronted they selected a somewhat vague area fifteen or twenty miles south of Tumut in a neighbourhood called Batlow. No expert who has been appointed to report upon this subject has approved of the Batlow site. The New South Wales Commissioner spent a week or ten days at Tumut, and inspected that site; and said that he preferred the Lacmalac site. On the other side of the hill is the region of the Gadara site. The Batlow site has never been suggested by either of the Commissions, and it has never been inspected by a member of either House of this Parliament, except during the last visit, when it was seen by two members. Is it not an extraordinary thing to ask the Senate to select for all time a Federal Capital site, which its members have never seen, and which no Royal Commission, State or Commonwealth, has recommended as suitable.

Senator MILLEN.—The Senate is not asked to do that. There is a sufficient latitude allowed.

Senator STANFORTH SMITH.—It is said that the site must not be more than fifteen miles from Tumut.

Senator Lt.-Col. GOULD.—No; twenty-five miles.

Senator STANFORTH SMITH.—If the report of the discussion in another place is followed it will be seen that it was not intended for a moment to select either of the sites suggested by Mr. Oliver, or the site suggested by the Commonwealth Commission; and therefore, in their opinion, the Batlow site is as good as either of those sites. We are practically asked to buy a pig in a poke, to select a site which no member of the Senate has seen, and which no expert has recommended.

Senator WALKER.—Senator Dawson has seen it.

Senator STANFORTH SMITH.—I know that the Minister for Trade and Customs took some members up there the other day, as a sort of final polishing off, to bring them in favour of Tumut. They went up there, and I believe they went round with umbrellas up and beads of perspiration dropping from their faces. Those members who were taken up there to bless came back to curse. I know of members who went up with an open mind, and who came back staunchly opposed to the selection of Tumut. Of this site we know nothing, except that the country there is practically the Switzerland of Australia. It is a mountainous country, and the climate is, I believe, as rigorous as or more rigorous than that of any part of the table-land of Bombala, of which we have heard so much.

Senator MILLEN.—That statement is utterly opposed to the official records.

Senator STANFORTH SMITH.—We have no official records concerning Batlow.

Senator MILLEN.—That has not been definitely decided upon.

Senator STANFORTH SMITH.—But the sites of Lacmalac and Gadara were repudiated as being unfit for capital sites. Then we go a little further, and consider what the other clauses of the Bill propose. They propose that the site shall be not less than twenty-five miles from Tumut, and that it shall run from the Murrumbidgee to the Murray River. I have carefully plotted upon the plan which I will lay upon the table, the exact position of the site. It is within twenty-five miles of Tumut, and running from the Murrumbidgee to the Murray River; and I never saw a more extraordinarily shaped piece of land upon which to erect a Federal Capital. It is sixty-three miles long, and sixteen miles wide. We know absolutely nothing about the character of the country. It may have

a backbone of mountain ranges running down the centre of it. We know nothing of the topography or of the water supply. Even my honorable and learned friend, Senator Gould, said that he did not know whether it would require a pumping scheme or gravitation scheme. Yet we are supposed to decide definitely that this site shall be the future capital of Australia. We are told also, that by selecting this site, we can have ready access to Victoria. The inference is that we should build a railway from Tumut across the Murray River. I was told by an engineer that the cost of such a railway would probably be £15,000 or £20,000 a mile. Surely that is something well worth considering. As I have said, the proposed territory is sixteen miles wide. Imagine a Federal city, like Washington or Ottawa, situated like that. Of course I am now speaking of the prospects a considerable time ahead. How could we possibly squeeze a city into a Federal territory like that? What would be the effect? There would be a city in the very centre of the territory, and if the city were only a mile in width, it would be, either way, only about seven and a half miles from the boundary. We should have all the land-grabbers and speculators tearing up there as hard as they could go, and the whole country around would be marked out in eligible sites for suburbs, with the result that the Federal Capital would be in Federal territory, whereas the suburbs would be in New South Wales.

Senator Sir WILLIAM ZEAL.—How could that be, if the territory were sixteen miles wide?

Senator STANIFORTH SMITH.—There are suburbs of Melbourne which are more than six miles away from the centre of the city.

Senator MILLEN.—The honorable senator surely does not suppose that the capital city will be a city of the size of Melbourne?

Senator STANIFORTH SMITH.—Not in our time, but we must assume that some time or other there will be a considerable city there. What will be the effect when we wished to lay out a fair sized city? The New South Wales people would have entire jurisdiction over the suburbs, and practically the city would be under divided authority. There would be no end of trouble.

Senator MCGREGOR.—That is what they want.

Senator STANIFORTH SMITH.—I will not say that, but I point out the absolute absurdity that would arise. We should be making a mistake with regard to a most momentous and important subject if we accepted the Bill which the Government ask us to accept. I am not going to dwell upon the merits of Bombala. I am going to vote for that site, but all honorable senators have received reports concerning it, and I believe they have read them. "Good wine needs no bush"; and it is not necessary for me to quote from the reports which have been supplied. But if we accept Bombala, the House of Representatives will have an opportunity of agreeing or of disagreeing with us. The probable result will be that if they refuse to agree with the Senate, it will be impossible this session to select a site for the Federal Capital. If that should happen, we can appoint a Commissioner or Commissioners—an independent body—to go to the two areas, Tumut and Bombala, and mark out whatever area we decide to ask the New South Wales Government for; and to give us information with regard to the topography, the accessibility, the water supply—whether it would have to be a gravitation or a pumping scheme—the fertility of the soil, and its suitability for building purposes. But until we have that information I contend that we have no right to select a capital site such as is proposed, twenty miles from Tumut, upon land of which we know nothing.

Senator MILLEN.—But the honorable senator is prepared to vote for Bombala on the information which he has.

Senator STANIFORTH SMITH.—We have seen the site at Bombala, but we have not seen the site at Tumut. We have seen the magnificent water supply of the Snowy River.

Senator MILLEN.—Let the honorable senator speak for himself.

Senator STANIFORTH SMITH.—I think that my honorable friend knows New South Wales as well as any of us. He has been to Bombala. The Commission which we appointed would be able to give us the information we require, and we should not have to act upon information concerning some vague area such as the Monaro tableland, or a site within twenty-five miles of Tumut. We should have a definite area recommended to us. The Commission would give us exact information as to the cost of a water supply. It is



impossible to give that information with accuracy unless the Commissioners know, first of all, where the site is to be. I admit that Tumut has a magnificent water supply. There is none better in New South Wales. We are told that if we accept that site we can have a magnificent gravitation scheme at a certain cost. Yet Senator Gould points out that if we take the site at Batlow he does not know whether a pumping scheme or a gravitation scheme will be required. What has been done is to take the most favorable place along the Tumut River. But that is not sufficient. We also desire information concerning the climate. That is a very important point. The climate of Tumut is warm. It is a climate where tobacco and maize can be grown. That fact is quite sufficient for these honorable senators who know the kind of climate in which those products can be grown. It is well-known that Tumut is a very warm place in the summer-time; but Batlow is away up in the mountains—a place where snow lies upon the ground for a week or a fortnight in the winter, and where they have sleety drizzling rain. I am told that the climate is more rigorous than upon any portion of the Monaro tableland. Of course I may have been misinformed; but if we had a report concerning an area of 1,000 square miles—or 100 square miles, or whatever piece of territory we chose to take—we should know definitely, and should be in the position to make a final definite choice. In conclusion, I wish to say that if we select Tumut, we have a definite statement from the Premier of New South Wales that he will absolutely refuse to grant to us the territory which we require. If we carry this Bill, we shall be no further forward.

Senator Lt.-Col. GOULD.—We can cut out the 1,000 miles provision.

Senator STANFORTH SMITH.—We do not propose to cut it out.

Senator Lt.-Col. GOULD.—We shall not be able to get 1,000 square miles at Bombala.

Senator STANFORTH SMITH.—But if we select Tumut we shall be in this position: that New South Wales can dictate her own terms to the Commonwealth. We shall have selected Tumut. The Constitution says that New South Wales must give to us the Crown land within an area of 100 square miles. New South Wales will say—"We will give you that area and no more;" and

we shall not be in a position to make New South Wales give us more. But if we take two sites we shall be in a position to bargain. We shall not have definitely committed ourselves, and shall be able to make some arrangement with the New South Wales Government as to the area we shall take. Senator Dobson has said that if we select Tumut we shall be absolutely at the mercy of New South Wales, and that they could cut off access by rail to the Federal territory. I do not believe that the people of New South Wales would do anything like that. We can banish that thought from our minds once and for all.

Senator MILLER.—Allow a little for that honorable and learned senator's sense of humour.

Senator STANFORTH SMITH.—Whether the remark was made humorously or not, I can point to an extraordinary analogy in the case of Western Australia. We are asking a State lying between Victoria and Western Australia to allow a railway to go through her territory in order to give us direct communication. But South Australia has absolutely refused to sanction a railway running through that State. Arguing by parity of reasoning, that statement made by an honorable senator, although probably made humorously, would absolutely represent no worse case than if New South Wales refused communication with the capital city. The analogy would be exact. I do not believe that the people of New South Wales will do that, but it is an extraordinary coincidence that we are suffering at the present time from the action of a neighbouring State to the very same effect. Although they know that we are not asking them to build the railway, they refused to give their consent to enable us to secure direct communication from one State to another. There have been accusations made that we are adopting an unfederal attitude. I can say on behalf of myself, and I believe for every representative of Western Australia, that we are all most desirous that the Federal site should be selected at the earliest possible moment. When the time comes for a definite decision, honorable senators will find that representatives of Western Australia will not be proposing amendments with the object of delaying the settlement of the question. But the people of New South Wales must meet the Federal Parliament in a fair spirit. To say that the maximum area granted shall be 100 square

miles, and that we shall not be given a Federal territory if the area is to be more, is to adopt an unfederal attitude. If the area were to be 1,000 square miles in country such as that at Batlow or Bombala, the New South Wales Government would not lose in revenue more than from £500 to £1,000 a year, because the land is at present only leased to pastoralists. If we take an area of 1,000 square miles, that will be only thirty-three miles each way, and I believe that Melbourne is about twenty miles each way.

Senator PEARCE.—An area of 1,000 square miles would be only 1-360th part of the total area of New South Wales.

Senator STANIFORTH SMITH.—It would not be a very large area if we desire that the Federal Capital and its suburbs shall be; for all time, in Federal territory. The actual monetary loss to New South Wales, by surrendering such an area, would be exceedingly small. If we are to be told that we must be limited to an area of 100 square miles, I shall not vote for any Federal Capital to be located in a territory of that area, because from that very centre it would be only five miles to the border of the Federal territory. It would be inevitable that the suburbs of the Federal Capital should in such a case be outside the Federal territory, and none of us can desire that the Federal Capital should be under the divided authority of the Commonwealth and State. If I could be assured that a sufficient area would be secured so that the Commonwealth Capital and its suburbs might for all time be within Federal territory, I should be satisfied.

Senator Lt.-Col. GOULD.—What about Washington? Is not that all in Federal territory, and yet the area is only seventy square miles?

Senator STANIFORTH SMITH.—I am not sure that the capital is all in Federal territory, though I am aware that the area is only seventy square miles.

Senator Lt.-Col. GOULD.—The United States Federal authorities gave up thirty-two square miles of the original territory granted.

Senator STANIFORTH SMITH.—It is just as well that we should profit by their mistake. It is a mistake for our New South Wales friends to impugn our motives if we express the opinion that the Federal Capital site should be near the border of New South Wales. Under the

Constitution we can select a site anywhere in New South Wales outside of the 100-mile limit of Sydney. If within that condition we believe that the most suitable site is one near the borders of New South Wales, we shall not be doing our duty if we do not select that site. I hope the Senate will select Bombala. If honorable members in another place will agree to that selection well and good, Bombala will be selected, but if they do not I think it will be impossible to select a site this session. Even if that should be the case there will be some advantage in the delay involved, as we shall be able to secure proper reports of the exact area to be marked out at Tumut and Bombala.

Senator Lt.-Col. GOULD.—Lyndhurst may be the site selected.

Senator STANIFORTH SMITH.—Possibly; but I think that the only two sites which are really in the running are Bombala and Tumut. In any case, we should have narrowed down the sites to two, and we can get Commissioners to mark out the exact area we require at each site. We can have more exact reports with regard to the locality when the Commissioners are better informed as to where we desire the site to be selected.

Senator DRAKE.—What about the alienation of land in the meantime? Suppose the New South Wales Government refuse to reserve land any longer?

Senator Sir JOSIAH SYMON.—They have held their hand for the last three years.

Senator STANIFORTH SMITH.—New South Wales has in this matter treated us with great generosity. As soon as we indicated our desire to inspect certain sites, with a view to the selection of one for the Federal Capital, they reserved Crown lands surrounding those sites, and the New South Wales Government has suffered pecuniary loss in that way for the benefit of the Commonwealth, because the greater the area of Crown lands contained in the site acquired the less the expense to the people of the Commonwealth.

Senator DRAKE.—We cannot expect them to continue that reservation.

Senator STANIFORTH SMITH.—We cannot expect them to continue it always, but we shall lessen the sacrifice they are called upon to make to a certain extent if we narrow the sites down to two. I am hoping that we shall be able to select a site this session, but if we are not able to do so,

when we meet again in six or twelve months we shall be in a better position to select one site or the other, if we now narrow the selection to two sites.

Senator MACFARLANE (Tasmania).—I very much regret that this question should have been brought forward at the end of the session. We have now had two long sessions extending over two years and a half, during which we might have considered this matter; and it is very much to be deprecated that the consideration of such an important question should have been delayed until now.

Senator DRAKE.—We have been very busy all the time with other legislation.

Senator MACFARLANE.—I deprecate the question being brought forward now, because the information before us is not reliable, and is disputed. Though I should like to see the settlement of the question postponed in justice to New South Wales, I feel that we cannot expect that State to continue to reserve Crown lands awaiting our decision. For that reason I cannot join with Senator Dobson in voting that the Bill be read a second time this day six months. It seems to me that it would be neither just nor fair to carry such an amendment. In my opinion the two considerations of most importance are those of climate and a plentiful fresh water supply. In the matter of climate, opinions differ as to the suitability of Tumut and Bombala. I speak on the subject from my own experience. When I went to Tumut I saw the balance of 450 tons of matured tobacco being taken from the neighbourhood of the Tumut site for transport to the Melbourne market. This convinced me, far more satisfactorily than any statistics could have done, that the climate of Tumut is subtropical during a great portion of the year.

Senator MILLEN.—The tobacco was surely never grown at the elevation of the proposed capital site.

Senator Lt.-Col. GOULD.—It is grown on the river flats.

Senator MACFARLANE.—That might be above the water supply. I consider that the question has not been carefully submitted to honorable senators, because with Bombala another site should have been taken into consideration, and that is Dalgety. The Government kept back, or, at all events, did not supply us with a report upon Dalgety until the very last moment.

Last session I joined with those who expressed the hope that the Government would see that we were supplied a report upon the Snowy River district. I believe that that district has not had justice done to it. With regard to the climate of Bombala, I form an estimate of it, also, from my own experience. I judge of it in this way: For years Tasmania used to get her supplies of fat cattle in the winter months of July, August, and September from the Southern Monaro district. Every one knows what the winter is, even in the highlands of Northern Monaro and the New England district, and it is clear that the grass must be very good, and the climate mild, when cattle remain fat in the Southern Monaro district during the winter. That is, to my mind, a powerful argument in support of the contention that the climate of Bombala is healthy and mild. The Federal Government's own Commissioners state that the climate of Bombala is a good one for consumptives.

Senator Lt.-Col. GOULD.—So is that of Tumut.

Senator PLAYFORD.—There are too many east winds in summer at Tumut.

Senator MACFARLANE.—I find that Mr. J. H. Maiden, curator of the Botanical Gardens at Sydney, and a high authority upon botanical matters, writes in a report that he considers the climate of Bombala a good climate for all temperate grown plants. He says—

I append a list of plants I found flourishing on or about the Bombala site: the list speaks for itself to those who know how to interpret soil and climate by means of vegetation. On the tops of the hills it is undoubtedly bleak; but the site, as a rule, contains such excellent soil, and water is so readily available, that I believe I could grow any temperate plants upon it and grow them well. An old landscape gardener would experience no difficulty in raising shelter-belts of trees. I must say that I was much impressed by the Bombala site, and believe it could be turned into a garden city.

There we have the evidence of one of the best experts in the Commonwealth. I do not think much can be made of the argument that the Bombala site is inaccessible. I have no doubt that in a very few years that disadvantage might be easily overcome. We have before us the possibilities of electric power by means of which people may travel at the rate of 100 miles an hour or even more on mono-rail. They are doing it in Germany now. We have in the Snowy River a water-power equivalent

to from 50 horse-power to 1,000 horse-power. That is running to waste now, and it might be utilized and made a valuable adjunct in developing the wealth of the Federal community. It might be used to provide the electric power required in the Federal city, and much of the power required to give railway access to it. For the reasons I have given I am not prepared to support Senator Dobson in the amendment he has moved for the postponement of the settlement of the question. I shall be glad to assist in making some amendments in the Bill, and I shall vote for Bombala as the site of the Federal Capital.

Senator PEARCE (Western Australia).—I regret that at so late a stage we are asked to deal with this very important question. The Government are deserving of all the blame which has been heaped upon them. There has been ample time, if the Government were in earnest, for us to have had a report from the Board of Experts had that board been appointed immediately after the visit of the parliamentary representatives to the proposed sites. At any rate, the Government having now done their part, no matter how slowly, there should be no excuse for our falling into the same error of delay. Senator Dobson has waved his tattered banner of delay, in which are written the words — “Delay, Detract, Destroy!”

Senator DOBSON.—The honorable senator ought to answer my arguments.

Senator PEARCE.—Senator Dobson practically proposes that we shall delay the settlement of the question, and in the meantime detract from the idea of having a Capital, with the view of ultimately destroying all hope of acquiring Federal territory.

Senator MILLEN.—Delay is first cousin to repudiation.

Senator PEARCE.—That is so. Senator Dobson is cheered on in his campaign of destruction by Senator Fraser.

Senator FRASER.—I have not spoken yet.

Senator PEARCE.—But the honorable senator's interjections form a speech in themselves. The alternative proposed is that Melbourne or Sydney shall be the capital. Senator Dobson supports Melbourne, while Senator Fraser says he is prepared to sacrifice himself to the extent of accepting Sydney.

Senator FRASER.—I said so in the Convention.

Senator PEARCE.—I am rather inclined to think that it is the democratic nature of the Federal Parliament which impels the honorable senator to get rid of us as soon as possible.

Senator FRASER.—I should like to get rid of some, but not of the honorable senator.

Senator PEARCE.—Senators Fraser and Dobson appear to hold a brief for the landowners of Melbourne and Sydney; they certainly do not hold a brief for the taxpayers of the Commonwealth. It would be immensely more expensive to remain in Melbourne than to found what has been called a “bush capital.” The Victorian Government have treated us very generously in allowing us the use of this magnificent building free of rent; but are we for ever to live on the generosity of the Victorian Government? Is it reasonable to expect that the Victorian Government will allow us to remain in the occupation of this building free of rent? The capital cost of this Parliament House was £600,000, and if the time should come when we are asked to pay rent, we shall have to provide a pretty large sum.

Senator FRASER.—The Victorian Government will never ask us to pay rent.

Senator PEARCE.—Whether or not, in the spirit of generosity, the Victorian Government allow us to occupy these buildings for ever free of rent, I am satisfied that the other States of the Commonwealth will not be content to act the part of the poor relation.

Senator DOBSON.—The honorable senator is raising some nice bogies.

Senator PEARCE.—What I am stating is not a bogy, but an actual fact. Are we not every month occupying fresh buildings for which we are paying rent to the private landlords of Victoria? Is it not a fact that our rent bill in Victoria is about £13,000 per annum?

Senator Sir WILLIAM ZEAL.—What about the transcontinental railway?

Senator PEARCE.—I have no doubt the honorable senator will support the construction of a transcontinental railway when the proposal is made. The truest economy is to get away from the State capital as quickly as possible. Senator Dobson has posed here as the high prophet of Kyabram—as the one senator who speaks true economy. The honorable senator ought to show that it would be true economy to remain in

Melbourne or to remove the capital to Sydney. In the latter city we should not have the advantage of a Parliament House, because the building there is unfit even for a State Parliament. We should have to purchase a large area of land at inflated values, and erect new parliamentary buildings, which would cost almost as much as is required to resume either Tumut or Bombala, taking the area at 1,000 square miles. I was somewhat surprised to hear the arguments advanced by Senator Gould. The representatives of New South Wales are falling somewhat into the error of regarding this as merely a New South Wales question. I protest against that view. This is an Australian question, and the only additional interest which New South Wales has in it is due to the fact that the territory must be chosen within that State. Senator Gould joins issue with those honorable senators who hold that the area of the Federal territory should be not less than 1,000 square miles, and he attempts to show that such a proposal is contrary to the Constitution. The honorable and learned senator holds that because the Constitution says that the area shall not be less than 100 square miles, the inference is that it shall not be more than 100 square miles.

Senator Sir JOSIAH SYMON.—That is a new interpretation.

Senator PEARCE.—It certainly is a new interpretation.

Senator FRASER.—The Constitution does not authorize a larger area.

Senator Lt.-Col. GOULD.—I do not say that we cannot have a larger area, but merely that 100 square miles is the area substantially contemplated by the Constitution.

Senator PEARCE.—Section 125 says—

Such territory shall contain an area of not less than 100 square miles. . . .

That is the minimum; but there is another portion of the section to which I specially direct the attention of Senator Gould. The section provides that the seat of government shall be "distant not less than 100 miles from Sydney." Does Senator Gould contend that the seat of government should not be more than 100 miles from Sydney?

Senator Lt.-Col. GOULD.—I have not so contended, but I say the spirit of the Constitution is that the seat of government shall be placed as near the 100-mile radius as possible.

Senator PEARCE.—Exactly the same words are used in each case, and yet Senator Gould says they bear two different meanings.

Senator Lt.-Col. GOULD.—The same words are not used.

Senator PEARCE.—The one provision is that the territory shall contain an area of "not less than 100 square miles," and the other that the seat of government shall be "distant not less than 100 miles from Sydney."

Senator PLAYFORD.—Such words always mean that there may be more.

Senator PEARCE.—Senator Gould had not the audacity to tell us that we ought not to select Tumut or Bombala, because those sites are 300 miles or over from Sydney. The meaning of the section is logically plain; and if we cannot acquire an area of 200 square miles, neither can we fix the capital site 200 miles from Sydney.

Senator FRASER.—Is New South Wales expected to give more than 100 square miles without any payment?

Senator PEARCE.—If the Constitution says we may take more than 100 square miles, my contention is that the language which governs the one matter governs the other.

Senator Lt.-Col. GOULD.—If the honorable senator's argument be good, we may take the whole of New South Wales, except the areas within the radius of 100 miles.

Senator PEARCE.—I do not think that is so. Supposing that within the site chosen the watershed area extends over 150 square miles?

Senator Lt.-Col. GOULD.—New South Wales would give us that area.

Senator PEARCE.—But, according to the contention of the honorable and learned senator, that would be exceeding the bounds of the Constitution.

Senator Lt.-Col. GOULD.—New South Wales is not bound to give that area, but may give as much as the State likes.

Senator PEARCE.—Then, it is not a question of the Constitution, but a question of the generosity of New South Wales.

Senator MILEN.—There may be a legal right to take a certain area, and then we must trust to the good sense of the State to allow any additional area.

Senator PEARCE.—The section was placed in the Constitution with the object of insuring that the site resumed should be sufficient for a city of generous proportions.

Surely the power to resume contemplates, as one of the first essentials, a good water supply. That means an uncontaminated watershed area; and if that area be the property of the State, the health of the Federal city will be absolutely at the mercy of the State. I quite agree with what Senator Macfarlane said about the climate of Tumut. Honorable senators have to consider the figures on this head in the light of their knowledge of Australian conditions in regard to vegetable growth. When we are told that in Tumut there can be produced 40 bushels of maize to the acre, and that tobacco is grown, any Australian, with knowledge of agriculture, knows at once that such products are possible only in a humid atmosphere.

Senator CLEMONS.—In a deadly climate.

Senator PEARCE.—In a deadly climate where the thermometer may register only 100 degrees, but where humanity suffers greater discomfort than would be experienced at Kalgoorlie with the thermometer at 120.

Senator MILLEN.—Tobacco is grown in Ireland.

Senator PEARCE.—Grapes are grown in England but in hothouses, and I dare say tobacco is grown under similar conditions in Ireland.

Senator MILLEN.—The tobacco is grown in the valleys at Tumut, and the Federal city will be on the hills.

Senator PEARCE.—Is what I have described a fit summer climate for a big city? A humid atmosphere is the best propagator of epidemics.

Senator Lt.-Col. GOULD.—The city is not going to be in the valley.

Senator PEARCE.—When honorable senators visited the site they were taken, like a certain divine being, to the top of the mountain, and shown the tremendous valley at their feet, and were told, "All that shall be yours if you will only make Tumut the Federal Capital." Senator Gould says that the Federal Capital will not be in a valley; but either the honorable and learned senator is wrong, or the residents and guides were out of their reckoning. Every site that was shown to us round about Tumut was in a valley. We have Tumut, with its humid summer and mild winter climate on the flats; but as Senator Smith has pointed out, the tablelands have a rigid winter climate, in which snow storms are frequent. What is the worst that can be said about the Bombala

climate? There is no objection to the summer climate of Bombala; but it is said of the winter climate that it is subject to bleak cold winds, with occasional falls of snow. This Senate is largely, or at any rate to some extent, composed of men, or the sons of men, who came from the United Kingdom. To which site is there the greater objection? To a site with a bleak winter, or a site with a humid summer? Is it not a fact that the white race reaches its greatest perfection in cold and bleak countries rather than in countries with humid atmospheres.

Senator Lt.-Col. GOULD.—Queenslanders will not agree with the honorable senator about the virtues of a bleak atmosphere.

Senator PEARCE.—Senator Gould ought to agree with me, judging by his speeches on the kanaka question.

Senator Lt.-Col. GOULD.—I could understand the honorable senator wanting a humid climate when he would put white men into a stokehole in the Red Sea.

Senator PEARCE.—That is a dry heat. It should be remembered that, if anything is done which will have the effect of delaying the settlement of this question, certain contingencies may arise, and it may become the sport of political warfare. It should be settled when no party question is involved. It has been said that it was a very great advantage to have the question of federating the States settled without the presence of the danger of war. Senator Dobson says—"Let us leave this question to chance—let us leave the ball lying about until the political team gets into the field—and when it becomes the sport of circumstance, it can be settled."

Senator DOBSON.—I never said any such thing. That is very unfair criticism.

Senator PEARCE.—That is practically what the honorable and learned senator meant. Is it not a fact that much of the opposition to the selection of the capital site, and of the opposition to the provision for a Federal territory of 1,000 square miles arises from the fear that we are going to have a splendid object lesson in land nationalization at the Federal Capital.

Senator DOBSON.—Nonsense.

Senator PEARCE.—Honorable senator too thinly disguise that what they fear is not a Federal territory of 1,000 square miles, but the fact that in each House of this Parliament a majority is pledged to land nationalization in the Federal Capital.

Senator MILLEN.—In New South Wales it has been tried for fifty years, and it is a ghastly failure.

Senator DOBSON.—The honorable senator is off the track this time.

Senator PEARCE.—When the prophet of economy stands on the floor of the Chamber and asks for delay, he knows very well that during all this delay the land values of Melbourne are gradually creeping up, as the result of the expenditure of public money, and that, if we were to move the seat of government to Sydney, the same result would accrue. On the other hand, he knows that if we had land nationalization in the Federal territory, and the Federal Capital became a commercial city, the people would realize what the adoption of that principle or its concomitant in the States would mean. Let us just glance at the land values of Melbourne. The land comprising the city of Melbourne was sold in 1837 for £2,479, and in 1889 it was valued at £15,287,000. All these lands belong to private owners, who collect immense ground rentals. Senator Smith could tell the story of a little block in the main street of Kalgoorlie which was given to the municipality by the State of Western Australia, and which to-day is bringing in a magnificent revenue, because it has been kept for the people. He could also tell us that the magnificent buildings which are to be seen in its main street, have been erected on leased land, and that the ground rentals are going into the pockets of private landlords. That disposes of the argument which, no doubt, will be brought forward that people will not erect good buildings on leased land. I would ask Senator Dobson, and others who have quoted Washington to us, to remember that in that case the land was bought from private owners, but, through a mistake, it was resold. There is a debt of £4,000,000 on the city of Washington. Why? Simply because the values which have been created by the people of the United States, have gone into the pockets of private landlords. And, instead of the city using the rentals from the values for making and beautifying its roads, it has to raise money by taxation for that purpose, and its little population of 200,000 persons is loaded with a debt of £4,000,000. By adopting the principle of land nationalization we can not only improve and beautify the Australian Capital, but insure that the big rentals shall go into the pockets of the people, and that no debts shall be created.

It does seem to me that behind this advocacy of delay, and this denunciation of an area of 1,000 square miles, lies the fear of land nationalization—the fear that the private landlord will not reap the benefit which he has reaped in the case of Melbourne and Sydney. I have carefully thought over this matter since the first report of Mr. Oliver was distributed. I have visited all the sites, occupied my time in forming the best impressions that I could, and gone through the voluminous reports by the Commission of Experts, and I believe that in voting for Bombala I shall vote for a site which will be worthy of the future Australian Capital.

Senator WALKER (New South Wales).—It is my intention to vote for the second reading of the Bill, which, with other speakers, I shall endeavour to amend, as regards the area of 1000 square miles and the height of the capital site. I have ascertained to-day that that part of the Lacmacle site, on which the public buildings would probably be erected, is about 1,300 feet above the sea, and that if we were to go to Batlow we could get an elevation of 2,200 feet, and an area nine miles square if required, with fine volcanic soil.

Senator Sir WILLIAM ZEAL.—Where is the water to come from?

Senator WALKER.—There is a magnificent supply of water to be had. I exceedingly regret that the Government's proposal for a joint sitting of the Houses was not agreed to. I think that a great mistake was made when it was rejected. I recognise that the Government have afforded us every reasonable opportunity to visit the sites. Whether the visits were made late or not, at all events Ministers honestly endeavoured to afford every member of the Parliament an opportunity to see the sites. We are under a debt of gratitude not only to the Government, but also to public bodies and private hosts, who were so kind to us on the occasion of our visits that I feel rather sorry that we cannot support more than one site. I take this opportunity of informing honorable senators that they have largely to thank Sir George Turner that the provision for a Federal territory was inserted in the Constitution Act. It may perhaps be remembered that at the Adelaide Convention I proposed that the capital should be in Federal territory, and that my proposal was opposed by its leader.

I knew well enough that the feeling in New South Wales, particularly in Sydney, was that if there were no provision for a Federal territory, the Federal Capital would probably be elsewhere than in that State. I waited upon Sir George Turner, before the Convention met in Melbourne, and he gave me a very kind reception. He said—"Are you satisfied that unless a Federal territory is provided for, New South Wales will not accept the Constitution?" I said—"I am as satisfied as that two and two make four that unless it is understood that the capital is to be within Federal territory you need not expect New South Wales to accept the Constitution. If you will submit the proposal I have no doubt that it will be accepted in the Melbourne session of the Convention." He did submit the proposal, and I take every opportunity of giving him credit for the national spirit which he displayed. I find that the District of Columbia comprises an area of sixty-nine and a quarter square miles, and that Washington contains a population of 290,000. The public debt is approximately £3,000,000, and the assessed value of all taxable property in Washington is £44,000,000, which is really three-fifths of the actual value. I mention these facts because I am with Senator Pearce in wishing the Federal territory to belong to the Commonwealth, and the land only to be leased. I am not with the honorable senator, however, in his desire to secure a large area, because my impression is that if the area were very large, the unearned increment would be proportionately much less than if it were comparatively confined. I think it is due to myself to explain that at one time I was a great believer in Bombala, which I admire very much. I, as one who has come from a cold country, can easily stand its climate; but I have lived a good deal in the hot parts of Australia, and I know that it would nearly kill Senator Dawson to go there in the winter months. After reading the report of the four experts, I do not feel ashamed to say that I bow to their superior knowledge, besides which I have since made a second visit to Tumut. It seems to me that those of us who support the experts have something in our favour, whilst those who oppose the experts have a greater responsibility to bear than we have.

Senator PLAYFORD.—What about the opinion of the New South Wales Commissioner, Mr. Oliver?

*Senator Walker.*

Senator WALKER.—I take a Federal view on the question of where the capital site should be. Tumut is practically in point of time half-way between Melbourne and Sydney. The great bulk of the people of Australia—whether we like to acknowledge the fact or not—are located between Ballarat and Newcastle, and it will be found that Tumut is practically half-way between those two places. With regard to the climate, I have a little evidence on which I can rely. Mr. Morisset, who has been the manager of the Bank of New South Wales in Bombala for ten years, was for some years with me in Toowoomba, which I maintain has the finest climate that anyone could desire. He has lived in various parts of Queensland and New South Wales; he has lived in the Hunter Valley, and he says:—

I have been all over Queensland, from the Gull down to the South, and onwards, but this climate excels them all.

He has lived in Tumut for eleven years, and I am quite satisfied that if he finds it a good climate, I should also find it an excellent one.

Senator MCGREGOR.—There are some thundering big mortgages up there.

Senator WALKER.—The honorable senator seems to know a very great deal more about them than I do. If honorable senators did not care for the evidence of Mr. Morisset, they may perhaps accept the opinion of a well-known Australian author—Rolf Boldrewood—who was for many years Police Magistrate at Albury, and had to go once a month to Tumut. With your permission, sir, I shall read what he says about the climate of Tumut:—

I do not propose to enter upon the debatable question of the necessity for building a Federal Capital; but, given the "felt want" on the part of the Commonwealth, I hold the choice of Representatives to be a wise one. I am intimately acquainted with Tumut and with Albury, having been resident in Albury for ten years—from 1885 to 1895—and from making monthly official visits on Land Board cases to Tumut. I should be in a position to speak with authority of the suitability of either town. Tumut—the proper pronunciation of which, *vide* early explorers, is *Too-mut*—is perhaps the prettiest inland town in Australia.

Senator MCGREGOR.—I rise to a point of order. Can I demand that if the honorable senator is quoting from a novel, it shall be laid upon the table of the Senate?

The PRESIDENT.—Is Senator Walker quoting from a novel?



Senator WALKER.—No, sir; it is not a novel. It is a letter by Rolf Boldrewood. He goes on—

Not unlike one in Wales, with a merry little mountain-fed river dashing through the fertile valley, on either side of which the town is built. The snow line of the Alpine range which overhangs it is within sight. There are caves within a day's drive, only inferior to those of Jenolan. Another mountain stream joins the Tumut on Shelley's Flat, a few miles to the eastward. The Tumut River, thus reinforced, pursues its course to the Murrumbidgee. The water supply is pure and inexhaustible. Fruits of all kinds grow and ripen profusely within and around the town. Strawberries by the acre were to be seen on my last visit. The climate is as near perfection as possible; never too cold in winter, or, save for an occasional day, too hot in summer. Twelve hours only from the direct railway line between Sydney and Melbourne, causing an inconsiderable loss of time compared to the manifest advantages of the situation.

The writer also says a good word about Albury.

Senator STYLES.—Can the honorable senator say whether Mr. Browne is in favour of the selection of a capital site at all?

Senator WALKER.—I will read what he says about Bombala—

Bombala, also known to me, is as much too cold as other suggested sites are too hot. The enormous cost of the proposed alternative railway alone condemns it. I repeat my conviction that the choice of Tumut is the best possible under the circumstances, and if not retained as the name of our Federal Capital, why not that of "Wentworth"? If only to contravene the absurd insulting reference by Dr. Rentoul to the earliest, the greatest, the most brilliant of native-born Australian patriots when the question of a name was first mooted.

Honorable senators should be glad to have the thoughts of a man like Rolf Boldrewood. There is a catchment area behind Tumut of 103 square miles. It will be noticed that in the report of the experts, the cost of that catchment area is put down as only £180. That rather staggered me. But I happened to see one of the Commissioners to-day and I asked him how he made out that sum. He said, "For a good reason—there are only 120 acres of that land alienated, and all the rest would be given by New South Wales for nothing." In travelling from Sydney to Melbourne the timetable is an important matter. To travel from Tumut to Sydney only takes ten hours. To travel from Melbourne to Tumut takes only twelve hours. But to go from Bombala to Sydney takes sixteen hours, and from Melbourne to Bombala twenty-five hours. Two reports have been furnished with regard to the sites.

I propose to give a short combined statement of those reports, and to show the relative position in which the Commissioners place Tumut. In order to arrive at an average, I add together the position on the list in which the Commissioners and Mr. Oliver place the various sites, and divide by two. The Federal Commissioners place Tumut first, and Mr. Oliver puts it in the third place. Therefore the average is two. That places Tumut first. On the same method of calculation Orange stands fifth in the Commissioner's report and second in Mr. Oliver's report. Consequently on an average Orange occupies the second place. The position of Lyndhurst is third in the Commissioner's report and fifth in Mr. Oliver's report. Averaging the two reports, Lyndhurst comes third. The position at Bathurst is fourth in the Commissioner's report, and sixth in Mr. Oliver's report, whilst Bombala stands ninth in the Commissioner's report and first in Mr. Oliver's report. Consequently, Bathurst and Bombala are bracketed together for fourth place, averaging the two reports. Albury stands second in the Commissioner's report, and ninth in Mr. Oliver's report, whilst Dalgety stands seventh in the Commissioner's report, and fourth in Mr. Oliver's. Lake George is fifth in the Commissioner's report, and seventh in Mr. Oliver's. Armidale is seventh in the Commissioner's report, and eighth in Mr. Oliver's. Taking the two reports together, and giving credit for both being by reliable men, it is seen that Tumut easily comes first, Orange second, and Lyndhurst third, whilst Bombala is bracketed with Bathurst for fourth place. With respect to the House of Representatives, I may say that it afforded me great pleasure to notice that the members voted on Federal principles. I think I can give a proof of that. I know that we are accused of being very local and provincial. Some people are always saying that the New South Wales members do not act on Federal principles. Well, if we do not, I desire to give credit to others who do. I find that the following gentlemen actually voted for Tumut in all the ballots in the House of Representatives:—First comes Sir George Turner, the man who knows more about the finances of the Commonwealth than any one else. He had no hesitation in putting Tumut first. I claim him as a Tumutite. Then there are the names of Mr. Batchelor, Mr. Winter Cooke,

Mr. Kennedy, Mr. Mahon, Mr. Manifold, Mr. Mauger, Sir John Quick, Mr. Skene, and Mr. Tudor. All these gentlemen are not New South Wales representatives, but they voted for Tumut on its merits. After the first ballot, Sir William Lyne and Mr. Knox voted for Tumut right through, and on the fifth ballot, although Tumut and Bombala were both in the running, the Federal Prime Minister, Mr. Alfred Deakin, voted for Tumut. In the Senate I hope to see the representatives of the Government voting for Tumut.

Senator PLAYFORD.—No fear!

Senator WALKER.—I shall continue to indulge the hope at any rate. We have heard a great deal to-night about the desirability of having a Federal Capital that shall be convenient to the States. The only site that borders upon two States is Albury. Why do not some of those senators who do not favour Tumut vote for Albury?

Senator PLAYFORD.—It is rather too hot a shop!

Senator WALKER.—Last Saturday a party of honorable senators were taken to the proposed site near Albury—at Table Top. I should like to take the opportunity of thanking Sir William Lyne for giving us that opportunity, and the Albury people for their kindness. Table Top is a beautiful site. The Constitution makes provision for four necessary Federal institutions to be established. These are the Legislature, the Executive, the Judicature, and the Capital. The Constitution is not completed until we have our own capital. I am aware that some of our friends, particularly in what is known as the Labour Corner, are in favour of land nationalization. Some of them are admirers of that excellent man, Mr. Bellamy. I make them this suggestion: Why not call the Federal Territory "Bellamy," and the capital city "Utopia?"

Senator PULSFORD (New South Wales).—I was very loth to address the Senate, because three or four New South Wales senators have already spoken, and I should have preferred that senators from other States should express their views before I rose. I am sorry to take part in the debate at all, because I have felt all along that it would have been wiser if the Federal Parliament and Government had sent a request to the King of England that His Majesty would appoint a Commission to select a Federal Capital for us. I do not like taking part in legislation where my own

views, however honestly expressed and carefully thought out, may in some quarters be regarded with suspicion, and may be considered by some as emanating from localism, or from a provincial standpoint, rather than from the point of view of Australia at large. The question is something like this: How should we act if as private individuals we were asked by half-a-dozen men to arbitrate for them? If a party of men were going into business, and were establishing a manufactory—say a sugar factory or a creamery—and they were taking up land and purchasing material, and desired to have some central suitable site for their works, and we were asked to arbitrate for them, what should we do? We should do our best to decide on a suitable place. We should consider not only the present state of affairs, but the probable position in the future. That is what we ought to do in this matter. We ought to consider what is at the present time the fair and natural centre of Australian settlement. Then, also, we ought to consider what is the tendency of settlement. In the course of twenty or thirty years what is likely to be the position of Australia in regard to population? These are points which we might fairly consider, and which indeed, we ought to consider if we desire to settle the question on honest lines, and not on considerations of liking for one locality rather than another. Honorable senators will know that a very great change has taken place in the rank of States of the United States in the matter of population. I think it would be useful for me to give the Senate a few facts I have gathered in regard to this, which show how one State rises in importance and another falls, and which may lead us to reflect upon the changes which may take place in Australia in this respect in the future. I have taken some figures from the United States Statistical Abstract of 1900, page 11, showing the rank in population of the various States. The figures are given for 110 years from 1790 to 1900. In the year 1790, Virginia stood as State No. 1 on the basis of population. It now stands as No. 17. Pennsylvania, which stood as No. 2 in 1790, has during the whole of the intervening period grown as America has grown; and in 1900 still remained No. 2, though during one or two periods it fell to No. 3. North Carolina, which was No. 3 in 1790, now ranks as No. 15. Massachusetts was No. 4 in 1790

and is now No. 7. The State of New York, which in 1790 was No. 5, is now No. 1. Maryland, which was No. 6 in 1790, is now No. 26. Kentucky, which was No. 14, is now No. 12. Delaware, which was No. 16, is now No. 46. Vermont, which was No. 12, is now No. 40. Then there were two States which came into existence in 1810, Illinois and Missouri, and in 1810 Illinois was State No. 24 and is now No. 3, whilst Missouri, which was State No. 23, is now State No. 25. The advance of the State of Illinois has been due, of course, to the rapid growth of population in the city of Chicago and the surrounding districts. Texas, which first appeared as a State in 1850, was then No. 25, and is now No. 6, owing to the advance in population. In Australia considerable changes have already taken place. The first complete census of the various States was taken, I think, in 1861, and the position of the States then, as compared with their present position, is as follows:—Victoria, which in 1861 was No. 1, is now No. 2; New South Wales, which was No. 2, is now No. 1; South Australia, which was No. 3, is now No. 4; Tasmania, which was then No. 4, is now No. 6; Queensland, which was then No. 5, is now No. 3. That is very important as showing the trend of population in Australia. Western Australia, which in 1861 was No. 6, is now No. 5. Another matter for our consideration is, of course, the location of population in the States on the eastern seaboard. At the first census of 1861 Victoria had 47 per cent. of the whole population of Australia. In 1871 it had dropped to 44 per cent.; in 1881 to 38 per cent.; in 1891 to 36 per cent.; in 1901 to 32 per cent.; and on the basis of the returns upon which we have settled the arrangements for the coming general election it is shown that the percentage of population in Victoria has again dropped, to 31 per cent. However much Victoria may sustain her population and ordinary increase, it is quite certain that relatively to the whole population of Australia the percentage of the population resident in Victoria must decrease. That is one of the absolute certainties of the future. In the case of the State of New South Wales, in 1861 the percentage of the total population resident in that State was 30 per cent., and that percentage has gradually grown until it is now 36 per cent. In Queensland the proportion of the total

population in 1861 was only 3 per cent., and it is now 13 per cent. Taking into consideration these three States, honorable senators will see that whilst in 1861 there was 47 per cent. of the total population in Victoria, as against 33 per cent. in New South Wales and Queensland, there is now only 31 per cent. in Victoria, as against 49 per cent. in the combined States of New South Wales and Queensland.

Senator STYLES.—These movements of population are but reasons for waiting awhile.

Senator PULSFORD.—I draw the attention of Senator Styles to the fact that the longer we wait the further the centre of population is moved from Victoria. I have here a statement which I think supplies useful information. I have gone back to the census of the year 1861, and I have taken out the figures of population for that year for the four States of Tasmania, Victoria, New South Wales, and Queensland, and taking the electoral centre of Tasmania at the basis or zero for calculation, and the number of miles from there to the latitudes of the electoral districts in Victoria, then in New South Wales, and then in Queensland, and I find the following results:—That the centre of population of the four eastern States in 1861 was 362 miles north of the Tasmanian centre; 362 miles north of the Tasmanian centre would land us just at the latitude of Albury. If in 1861 the Federal Capital had to be fixed on the fair ground of the location of the population then existing, Albury should have been the place selected. I have taken out the same figures for the year 1902, in accordance with the arrangements for the general election, and I find that the centre of population has now come to be 487 miles north of the Tasmanian electoral centre. That is to say, that since 1861 it has extended 125 miles north of the centre of that State. If, therefore, we desire to decide this question with a proper regard for the location of the existing population in the four eastern States, we must place the capital 125 miles north of Albury, and that would land us within a few miles south of the latitude of Lyndhurst.

Senator Sir WILLIAM ZEAL.—Supposing it landed us in a desert?

Senator PULSFORD.—That is the position. At the present moment, a fair settlement of this question on the basis of the existing population in the four eastern

States would be a locality within a few miles south of Lyndhurst.

Senator STEWART.—If we go on for another forty years the centre will be at Armidale.

Senator PULSFORD.—If the centre of population has crept slowly northwards at the rate of three miles a year during the past forty years, what may we expect will happen during the next thirty or forty years? Most assuredly the centre of population is going still further north. It is now in the latitude of Lyndhurst, and decidedly in the course of a few years it will get up to the neighbourhood of Armidale. I claim that this is a very important factor for our consideration. We have no business to decide this question merely upon the ground of the distance between Melbourne and Sydney. Those cities might have been considered when they practically constituted Australia, but Melbourne and Sydney are to-day only parts of Australia. There are huge populations outside of those cities, and a fair and honest way in which to deal with this matter is to deal with it on the basis of the location of the existing population, with a fair allowance for the trend of population, which is undoubtedly going northwards, always, of course, with a tendency due to the development of the eastern States to draw it a little towards the east. With regard to the eastern States, two or three things require to be looked into. In the first place, it is a very singular fact that in all of the States of the Commonwealth the State capital is in the south of the State, or in the southern portion of it. This is especially so in the case of Victoria. It is because the city of Melbourne, which is the capital of Victoria, is in the very south of the State that Melbourne has been able to make, as she has done, such a vigorous fight in the settlement of the Federal Capital. If Melbourne had been in the north instead of the south of Victoria, the position would have been different. The fact that Melbourne is in the very south of Victoria, and that Sydney, the capital of New South Wales, is much nearer to the southern than to the northern border of that State, has given Victoria a very extraordinary pull. To consider this merely as a question between these two States and their two capitals, is really not businesslike, and is unfair to other States concerned. I should like honorable senators to notice the position of the western States with

regard to the centre of population. In relation to Adelaide the latitude of Bombala is 120 miles to the south, Albury 60 miles to the south, Tumut about 20 miles to the south, and Lyndhurst about 80 miles to the north. Perth—which is much further north than Sydney—is 300 miles north of Bombala, 240 miles north of Albury, 200 miles north of Tumut, and 100 miles north of Lyndhurst. If we desire to be fair to the populations of the various States, these facts must be borne in mind. The means of communication are being changed at the present time, and will be more changed in the future. With a short railway connexion between Werris Creek and Warrington the people of Queensland will be able to reach the centre of New South Wales much more easily than at present, without the necessity of passing through Sydney; and other railways will undoubtedly be built before long, which will enable people from South Australia to journey to Queensland without passing through Melbourne. These are some of the certainties of the future which must be considered. When New South Wales was placed in the Constitution as the State in which the Federal Capital site must be, that was only a recognition of the natural conditions. For many years to come, at any rate, the centre of population in Australia will be in New South Wales, and it is only fair that the Federal Capital should be within the borders of that State. I ask honorable senators to cast out of their minds any idea of preference for a special locality, and to decide on the site which is fair as between State and State, and which will do equal justice to the population north, south, east, and west. Many honorable senators honestly believe that Bombala is a desirable site, because it is possible to have a port; but in my opinion those honorable senators are very much mistaken in their ideas. Some years ago there was a proposal made in New South Wales to create an important port near the extreme north of the State, and I opposed the idea very strongly on the ground that a successful port could not there be established.

Senator STANFORTH SMITH.—The honorable senator considered the interests of Sydney.

Senator PULSFORD. — The honorable senator has dug a pit, and has fallen into it.

The northern port of New South Wales is Newcastle, so that in opposing the proposal I have mentioned, I was not speaking on behalf of Sydney. It is impossible to establish a port by a mere wish—there must be some trade to keep the port going. To move shipping from port to port means enormous expense, and it cannot be done even in England. The trade between Australia and England always tends to centre in certain ports, and has done so for years, with very little change. A new port cannot be given a successful career without immense expenditure; and it would be impossible to open a new port midway between Melbourne and Sydney. The oversea shipping companies are anxious to diminish rather than to increase the number of ports of call, which add to the length and the cost of a voyage. It requires some very marked natural advantages to induce people to send goods to a new point of shipment, and the supply of cargo at Eden would not justify the creation of a port at that point.

Senator CLEMONS.—Tasmania keeps the port of Eden going now.

Senator PULSFORD.—I am afraid that some of the Tasmanian representatives may get rapped over the knuckles in connexion with their advocacy of the port of Eden. Tasmania is a great health resort, much frequented by tourists; and if Senator Clemons, by his vote, succeeds in establishing another health resort on the southern coast of New South Wales, he may have to answer for, perhaps unintentionally, dealing Tasmania rather a hard blow.

Senator CLEMONS.—I am acting in a Federal spirit.

Senator PULSFORD.—The honorable and learned senator is acting in a spirit of ignorance. The traffic between Tasmania and the port of Eden is infinitesimal, and I am sure that very few honorable senators would wish to travel by that route.

Senator CLEMONS.—There is a regular trade now.

Senator PULSFORD.—A man who buys a penny newspaper every week at a certain shop gives the shop a regular trade.

Senator CLEMONS.—There is a magnificent 3,000-ton steamer which runs from Tasmania to Eden every week.

Senator PULSFORD.—“Magnificent” humbug!

Senator CLEMONS.—I am afraid the honorable senator is out of order.

Senator PULSFORD.—Is it in order to retail “magnificent” humbug? As to an extension of the Federal area, the proposal to take a huge slice of 1000 square miles is truly ridiculous. Whatever area we may acquire ought to be in a more or less compact form. I am entirely with those honorable senators who are of opinion that any increase of value attaching to the Federal area should belong to the Commonwealth. I have all along been an opponent of the system of Henry George, whose followers wish to apply their principles to the increment of the past. The increment of the past is never in first hands, but is distributed amongst all holders of wealth, and forms the basis of the funds of such institutions as insurance societies. That increment cannot be reached, and if an attempt be made to reach it, great injustice is inflicted. The increment of the future is another matter; and I hope and expect that in the case of Federal territory, it will remain with the people as a whole. But in order to attain that object there is no need to ask New South Wales to give up possession of an immense area. The Commonwealth is not formed to assist in the government of New South Wales, and the people of that State would decline to allow the Commonwealth to assist in the management of their country. Whatever amount of land it is reasonable and proper to acquire, will, I am sure, be granted by New South Wales. As a representative of New South Wales I have previously in this Senate, expressed the opinion that that State does not desire the Commonwealth to undertake any great or early expenditure. What is asked, is that the question of the Federal Capital site shall be settled now, the expenditure being a matter to be gradually undertaken. If I have the honour of being returned again to this Senate, I shall remember, and shall expect all other honorable senators to remember, the general financial position of Australia, and do nothing which is not fair to all the States. I have shown, I think conclusively, that the natural site for a Federal Capital is in the neighbourhood of Lyndhurst; and if I am prepared to sacrifice the future in view of existing conditions, I regard that as a compromise.

Debate (on motion by Senator MILLEN) adjourned.

## NATURALIZATION BILL.

Royal Assent reported.

## PATENTS BILL.

Bill returned from the House of Representatives with amendments.

## PAPER.

Senator PLAYFORD laid upon the table the following paper:—

Regulations under the Excise Act and Sugar Bounty Act.

## ADJOURNMENT.

## ORDER OF BUSINESS.

Motion (by Senator PLAYFORD) proposed—

That the Senate do now adjourn.

Senator Sir JOSIAH SYMON (South Australia).—I desire to ask my honorable friend a question in regard to the order of business to-morrow. I notice that he moved just now that the consideration of the other House's amendments in the Patents Bill should be taken to-morrow, but I presume that the Seat of Government Bill will be the first order of the day.

Senator PLAYFORD.—No; I propose to take the amendments in the Patents Bill to-morrow, and any other message which may come up from the other House. It should not take very long to deal with the amendments in the Patents Bill, and it is a great deal better to dispose of the business as it comes up from the other House.

Senator CLEMONS.—Seeing that we have sat so late to-night.

Senator PLAYFORD.—It is not my fault that the debate on the Seat of Government Bill was adjourned. The voices were given against me, and I am sorry now that I did not call for a division.

Senator Sir JOSIAH SYMON.—I wish to point out to my honorable friend before he finally decides on the order of business for to-morrow, that in all probability the consideration of the amendments in the Patents Bill may take a great deal longer than he anticipates. A clause which was struck out in the Senate has been reinserted, and I think that it will involve very considerable debate. I would suggest to my honorable friend that it would tend to the better despatch of business to proceed with the Seat of Government Bill.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I shall ask the Senate to proceed with the Seat of Government Bill, if it will convenience honorable senators. I was hoping that we might be able to dispose of the Bills as they came up from the other House. I always like to get rid of the different measures as quickly as I can. However, the first order of the day to-morrow will be the debate on the second reading of the Seat of Government Bill, which will be proceeded with until it is finished.

Question resolved in the affirmative.

Senate adjourned at 9.50 p.m.

## House of Representatives.

Wednesday, 14 October, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

## STANDING ORDERS.

Mr. DEAKIN, on behalf of Mr. Speaker, presented Standing Rules and Orders relating to public business; also those relating to private Bills, as further amended and agreed to by the Standing Orders Committee, and recommended to the House, together with the minutes of the proceedings of the Committee.

Ordered to be printed.

Ordered (on motion by Mr. DEAKIN)—

That the consideration of the said Rules and Orders in Committee be made an Order of the Day for to-morrow.

## PETITIONS.

Mr. CHANTER presented a petition from certain electors of New South Wales, praying the House to pass the Bonuses for Manufactures Bill.

Mr. R. EDWARDS presented a similar petition from certain electors of Queensland.

Mr. WILKINSON presented a similar petition from certain electors of Queensland.

Mr. CLARKE presented a similar petition from certain electors of New South Wales.

Petitions received.

**ELECTORAL ADMINISTRATION.**

Mr. EWING.—I wish to ask the Minister for Home Affairs, without notice, if it was not the policy of the Government, in appointing Commonwealth divisional returning-officers, to choose officers already in their employment, that is to say, the local postmasters? If so, why has that policy been departed from in so many instances?

Sir JOHN FORREST.—I am not aware that it has been departed from in many instances. I told the House that, generally speaking, postmasters would be appointed, and, while it has not been possible to follow that rule in every case, I have, as far as possible, carried out what I stated would be the action of the Department.

Mr. POYNTON.—Are we to understand that, as far as possible, the services of postmasters are to be used for electoral work, and that where in the past, under State arrangements, returning-officers and assistant returning-officers have given satisfaction, they are to be engaged, or is there to be a new staff created?

Sir JOHN FORREST.—The intention is to as far as possible utilize the services of Commonwealth officers. Where it is not convenient to do so, the rule followed will be to employ men who have been engaged before, and have experience of the work.

Mr. WATSON.—Has the Minister had proclaimed the regulations under the Electoral Act for giving facilities to electors to vote at polling places other than those for which they are registered? If so, will he explain to the House what provision he has made?

Sir JOHN FORREST.—I hope that the regulations referred to will be approved in Executive Council to-morrow. In the meanwhile, I may inform honorable members that it is proposed that persons who are absent from their divisions in any other part of the State for which they are enrolled, and who are entitled to vote, shall be allowed to do so as nearly as possible in the manner for which provision is made under form Q, with this difference: That whereas under that form such absent voters may vote at any other polling place in their division, the voting of persons who are in other parts of the State can be done only at polling places where there is a returning-officer or an assistant returning-officer. I think it was the intention of Parliament that voting should not be permitted at every polling

place, and it would be very confusing if such were allowed.

Mr. McDONALD.—That arrangement will disfranchise thousands of voters.

Mr. TUDOR.—Is the Electoral Department making arrangements for the appointment of assistant returning-officers in large centres of population, so that the votes may be counted where they are polled, and not all taken to the one polling place?

Sir JOHN FORREST.—That will be done where it is considered necessary.

Mr. TUDOR.—Will there be any minimum number of votes required?

Sir JOHN FORREST.—Only returning officers and assistant returning-officers will be able to count the votes, and no counting will be allowed where the votes cast are likely to number less than 100.

Mr. L. E. GROOM.—Has the attention of the Minister been drawn to the complaints which have been made in several divisions of the State of Queensland with regard to the manner in which names have been grouped round particular polling places? If specific instances are given will he take steps to try to have the matter rectified by a general instruction instead of by a specific request in each case? In one instance 600 or 700 names have been wrongly grouped.

Sir JOHN FORREST.—Every care is being taken to have the rolls correctly compiled. My last action to secure that result was to write a courteous letter some days ago to the mayors of all the municipalities in the Commonwealth, asking them and the town clerks to assist in the work. If the honorable and learned member will bring the specific instance to which he refers under my notice there will be no difficulty in effecting a re-arrangement. This must be done quickly, because dates for the sitting of the revision courts have already been advertised, and after the revision courts have completed their work there will be no opportunity to make alterations.

Mr. EWING.—I desire to ask the Minister for Home Affairs whether, in the event of my placing upon the notice-paper a definite question with regard to the appointment of divisional returning-officers, he will give the reasons in each case for the deviation from the rule which he has laid down?

Sir JOHN FORREST.—I shall do the best I can to supply the information desired.

Mr. WILKINSON.—Will the Minister for Home Affairs cause copies of the rolls to be exhibited at the municipal and shire council offices as well as at the post-offices and public schools throughout Queensland? Complaints have been made that at present the rolls are inaccessible to a considerable number of people.

Sir JOHN FORREST.—I shall be very glad to do so.

#### OVERTIME: WESTERN AUSTRALIAN POSTAL OFFICIALS.

Mr. FOWLER.—I wish to know from the Postmaster-General if it is correct that the postal officials in Western Australia have not received extra pay for Sunday duty since January last? If so, will he see that pay for such work is promptly made in the future?

Sir PHILIP FYSH.—The matter is one which does not come under my administration; it rests entirely with the Public Service Commissioner. I have learned from that gentleman, however, that the practice in Western Australia has been assimilated to that in other parts of the Commonwealth.

#### RAILWAY PASSES TO RIFLEMEN.

Sir LANGDON BONYTHON.—I desire to ask the Minister for Defence, without notice, whether the Government have arrived at any decision with regard to the granting of railway passes to riflemen proceeding from other States to attend the Commonwealth match shortly to be fired in New South Wales?

Mr. AUSTIN CHAPMAN.—Authority has been given for the issue of passes over the railways to teams and delegates from other States.

#### ELECTRIC TELEGRAPH AND TRACTION REGULATIONS.

Sir MALCOLM McEACHARN.—I desire to ask the Postmaster-General, without notice—When the Committee of Government electrical experts now discussing the new regulations dealing with electric telegraphs and electric traction will have the said regulations completed? Also whether the Postmaster-General will arrange that such regulations shall be submitted to electrical experts representing electrical traction companies and municipal and private lighting companies and whether he will further arrange for such electrical experts

to meet in conference the Board of Experts representing the Government, before such regulations come into force?

Sir PHILIP FYSH.—I am very hopeful that the report of the Committee of Experts will be delivered within the course of a few days. When the regulations referred to are drafted, it is my purpose to have them reconsidered by those immediately concerned; that is, those who are associated with the development of electrical power in the various States. Before the final adoption of the regulations, suggestions from such experts will be duly considered. While it is not intended to appoint other electrical experts to the board which has been nominated, such experts will be invited to give evidence before the board.

#### KALGOORLIE TELEPHONE SYSTEM.

Mr. KIRWAN.—A few days ago I asked the Postmaster-General the following questions, upon notice:—

1. Whether the following statement appearing in the press is correct:—

“Telephone Requisites.—Many intending Kalgoorlie telephone subscribers have for some time past had their applications for connexion shelved owing to no instruments being available. Though nothing definite is known, the local postmaster (Mr. Tepper) expects a supply of all the necessary requisites to arrive shortly.”

2. If correct, have the materials required at Kalgoorlie yet been supplied, and will the Minister endeavour to prevent similar delays in the future?

Is he yet prepared to furnish a reply?

Mr. DEAKIN.—The answers to the honorable member's questions are as follows:—

1. A report has been received from Perth, that a regrettable delay has occurred owing to various causes, among others the late acceptance of tenders by State Government, through which such supplies are at present obtained; late arrival of shipments, and unusual demand owing to reduced rates.

2. The requirements of Kalgoorlie in this respect were supplied on the 25th September. Action will be taken to guard as far as possible against any similar delays, and instructions have been given that any shortage in supplies is to be immediately reported to the Postmaster-General, with a view to procuring in the Commonwealth when local shipments are late in arriving.

#### FEDERAL CAPITAL SITE.

Mr. O'MALLEY.—I wish to know from the Prime Minister whether, in view of the uncompromising attitude of the Parliament and Premier of New South Wales in regard to the granting of at least 900 square miles



of the territory required for Federal purposes, he will promise to in no way compromise this Parliament unless he can obtain the full area of 1,000 square miles?

Mr. DEAKIN.—I have yet to learn that the attitude of the Premier of New South Wales is in any way hostile to the proposition that the Federal territory shall consist of an area of not less than 1,000 square miles, since that proposition has not yet been submitted to him or to any one else. I feel sure that when it is submitted, it will receive courteous treatment; but in any case I have already informed honorable members that no final decision can be arrived at in regard to either the site or the area without the consent of Parliament.

#### PUBLIC SERVICE REGULATIONS.

Mr. POYNTON.—About a fortnight ago I directed the attention of the Prime Minister to certain amendments of the Public Service Regulations proposed in another Chamber, and asked him whether the Government intended to give effect to the amendments?

Mr. DEAKIN.—I understood the honorable member to ask me, first, as to the power of the Senate to make such proposals, and, secondly, how it was intended to deal with them. I find that the resolutions of the Senate as passed would have no financial effect. They amount to an expression of opinion, which the Senate has a perfect right to offer. If time permits, the regulations dealt with by the Senate will be considered here, and then of course the Government will take the sense of the House.

#### CLOSE OF THE SESSION.

Mr. FISHER.—Could the Prime Minister give honorable members any idea when the present session is likely to close?

Mr. DEAKIN.—Our sittings will, I hope, be brought to an end next week. There is a prospect of the session closing this week, but that would involve a brevity of debate in another place upon the Federal Capital sites question such as we can hardly expect. I think that honorable members can more safely rely upon the session closing next week.

#### DATE OF GENERAL ELECTIONS.

Mr. R. EDWARDS.—I desire to ask the Minister for Home Affairs if it is true, as stated in the press, that the general elections will be held about the 17th December,

and, if so, whether in view of the displacement of population during the holiday period, he does not think that that date is too close to Christmas?

Sir JOHN FORREST.—I regret to say that I have no information on the subject.

#### APPROPRIATION BILL (1903-4).

Bill returned from the Senate with requests.

#### APPROPRIATION (WORKS AND BUILDINGS) BILL (1903-4).

Bill returned from the Senate with amendments.

#### PAPER.

Sir WILLIAM LYNE laid upon the upon the table the following paper—

Excise and Sugar Bounty Acts—New sugar regulations.

#### ARMS FOR RIFLE CLUBS.

Mr. CROUCH asked the Minister for Defence, *upon notice*—

1. Does he propose to sell .303 M. L. E. rifles to members of the rifle clubs, and at what cost?
2. If so, when will such sale be permitted to commence?

Mr. AUSTIN CHAPMAN.—In reply to the honorable and learned member, I have to state that—

The sale of the magazine rifles that are available in the Commonwealth for rifle clubs has already commenced, at cost price, viz., £3 15s. 9d. each.

#### ANNUAL LEAVE OF CUSTOMS AND EXCISE OFFICERS.

Mr. HENRY WILLIS asked the Minister for Trade and Customs, *upon notice*—

1. How many Customs or Excise officers in Sydney have applied for and not received their annual leave of absence?
2. On what ground were the applications not granted?
3. Is it a fact that the Customs and Excise Departments in New South Wales are so under-officed that Customs and Excise officials are unable to obtain annual leave?

Sir WILLIAM LYNE.—In reply to the honorable member's questions—

1. Twenty-one officers (out of 267) have applied for leave, but so far such could not be granted this year.
2. On the ground that they could not be spared at present. Any leave not taken this year will, under the regulations, be allowed in addition to next year.

3. The staff is to some extent under-manned at present ; but so soon as existing vacancies (twenty in number) are filled up (which is shortly anticipated will be the case), it is believed all officers concerned will be allowed leave.

## SECRETARY TO DEPARTMENT OF TRADE AND CUSTOMS.

Mr. KNOX asked the Minister for Trade and Customs, *upon notice*—

1. Mr. Stephen Mills having been borrowed temporarily to act as secretary in the Minister for Trade and Customs' office, will the Minister—

(a) Give a fair trial to any other of the applicants for the position?

(b) Refrain from permanently filling the position until such trial has been given?

2. Was Mr. Mills' application received by the Public Service Commissioner on the 8th August, as required by the notice in the *Commonwealth Gazette* of 1st August, 1903, No. 36?

3. Will the Minister answer the question previously asked, as to the section of the Act under which Mr. Mills is to be transferred?

4. Will the Minister lay upon the table of the House a copy of all the papers relating to the vacancy, and the temporary appointment which has been made?

Sir WILLIAM LYNE.—In reply to the honorable member's questions:—

1. (a) The requirements of the case are such as to necessitate the appointment of the best officer available. The necessary steps will be taken to secure this object.

(b) The Minister has no power to fill the position. The course to be followed in such cases is prescribed by the law.

2. Yes. At the same time it may be remarked that the Commissioner has power to consider any application irrespective of considerations as to date.

3. Sections 16 and 33 of the Public Service Act.

4. There will be no objection to lay on the table all official papers relating to the filling of the vacancy.

## PATENTS BILL.

Mr. DEAKIN (Ballarat)—Minister for External Affairs.—I move—

That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clauses 44 and 84 and the second schedule, and for the consideration of new clauses 6A, 28A, 88A, and 88B.

I may explain that the first new clause provides for the extension of State patents to the Commonwealth; the second is intended to permit of the lodging of applications for patents prior to the commencement of the Act; clause 88A will empower the Commonwealth to acquire patents, and clause 88B will confer a similar power upon the States.

Question resolved in the affirmative.

## In Committee (Recommittal):

### Clause 44—

Unless a complete specification is accepted within twelve months from the date of application then save in the case of an appeal having been lodged against the refusal to accept the application shall lapse.

Mr. DEAKIN.—I move—

That after the word "application," line 2, the words "or such further time as is prescribed" be inserted.

In consequence of the changes and extensions made in this Bill it has been found necessary to enlarge the fixed term mentioned in the clause, and consequently it is proposed to give power to prescribe in special cases that patents shall not lapse even after the twelve months' period has expired. This is a reasonable and practicable proposal, which will facilitate the working of the office.

Amendment agreed to.

Clause, as amended, agreed to.

### Second Schedule (Fees)—

. . . On acceptance of complete specification, £2.

For preparation of patent for sealing, £5.

On the expiration of the seventh year of the period of the patent, less a discount of 3 per cent. per annum for any earlier payment, £5 . . . . .

Mr. HUME COOK (Bourke).—I move—

That the figure "2" be omitted, with a view to insert in lieu thereof the figure "1."

Afterwards I intend to move—

That the figure "5" first occurring be omitted, with a view to insert in lieu thereof the figure "3."

These amendments will have the effect of reducing the fee payable upon the acceptance of a complete specification from £2 to £1, and of also reducing the fee for the preparation of patents for sealing from £5 to £3. The loss of revenue that would result from this change would not be very great, and we should be fully compensated by the advantages conferred upon patentees. I do not wish that the Patent Office should be conducted at an absolute loss. The fees should be so adjusted as to provide a sufficient amount of revenue to defray the expenses of the office, but we have no right to expect to make a profit out of patentees. On the contrary, we should encourage in every possible way every person, however poor, to preserve whatever rights he may have in regard to an invention. It is notorious, and at the same time unfortunate, that patentees are, as a rule, very

poor. One pound or £2 may not be a matter of much consideration to the Commonwealth, but it may represent a great deal to a poor patentee who may have incurred heavy expense in perfecting his invention. Of course, I am bound to admit that the fees chargeable under this Bill constitute a very great reduction upon those which were previously operative throughout Australia.

Mr. DEAKIN.—An immense reduction.

Mr. HUME COOK.—I am willing to adopt the Prime Minister's term, and to call it an immense reduction. At the same time, there was never any justification for the heavy fees which were formerly charged throughout Australia, and which have operated to the disadvantage of this country for many years. In the United States I believe that the charges for the issue of patent rights amount to only £6. Prior to the accomplishment of Federation a similar fee was charged in New South Wales. My amendment proposes that the rates throughout the Commonwealth shall be exactly the same as those which were operative in New South Wales prior to the inauguration of the Federation. I do not think that we should ask any more from patentees than was previously charged in any one State. Of course, I do not urge for a moment that my opinion can be justified from a financial stand-point; but I take up the position that, under my proposal, the loss to the Commonwealth will be so small that we need not cavil about it, whereas the gain to the inventors will be so great that we ought cheerfully to accede to it. Men like Sir William Thompson or Mr. Edison are of such value to any country that it would pay us handsomely to allow them to procure their patents without any charge whatever. There may be a number of persons in this country who are possessed of equal merit, who have any number of inventions which they desire to place before the industrial public of Australia, but who, for lack of a paltry pound or two, cannot secure the patent rights which they could obtain were the fees less. I would further point out that a man like Edison is practically the employer of hundreds of thousands of Americans to-day. Whilst it is true that his inventions are very profitable to himself, it is equally true that they have been the means of establishing huge industries, which employ hundreds of thousands of workmen in supplying hundreds of thousands of others all over the world with the commodities which they produce. If that

be so in America, why should it not be so in Australia? I have as much faith in the genius of Australians as I have in the genius of Americans; and it may be that the inventions of some amongst us will yet be the means of establishing industries in the Commonwealth which will repay us many thousands of times over for the slight reduction in the fees which I propose. I ask the Committee not to consider this matter too closely, from a revenue stand-point, but to adopt the larger view, that in helping forward the poor inventor we are conducing to the ultimate gain of the Commonwealth.

Mr. DEAKIN.—Of course the plea of the honorable member is a very attractive one, and might be urged almost as forcibly in favour of further proposals to reduce these fees to nothing. They have already been brought down practically to the standard that he desires, which is, roughly speaking, the standard of the State in which the lowest fees were charged prior to the accomplishment of Federation. In New South Wales these charges amounted to £5. But the system followed in that State was that which exists in the United Kingdom, where, as the honorable member knows, less endeavour is made to assist the inventor by informing him whether his invention is novel, or otherwise, which is of great importance to him, than is made in the other States. Consequently, though the office there was worked at much less expense, the inventor did not get the same advantage which he derived in other States where the fees exacted were larger. As a matter of fact, under this Bill the total charges which require to be paid to obtain a Commonwealth patent amount to only £3. An outlay of £1 affords a patentee provisional protection, whilst an expenditure of £3 gives him absolute protection. He is required to spend only £8 to enable him, not only to be protected, but to take the aggressive, if need be, against other patentees by sealing his patent.

Mr. HUME COOK.—But £8 is a fortune to a poor man.

Mr. DEAKIN.—The patentee is not required to spend that amount immediately. It may be spread over some time. He is obliged to pay only £1 upon filing his provisional specification. When once he is provisionally protected he has something to sell, and when his specification is *fine*

accepted he has a great deal to sell, but even then he need not have paid more than £3. It is only when he desires to seal his patent—and that may be some time after—that he is required to pay the final sum, which makes the aggregate of his payments £8.

Mr. WATSON.—Over how long a period may his payments extend?

Mr. DEAKIN.—Under clause 63 of the Bill I find that he is allowed sixteen months, but that he may be granted an extension. His first payment of £1 will probably cover his provisional year; a further outlay of £2 will take him a further stage; and it is only when he wishes to get his patent sealed that he is asked to contribute an additional £5. This allows him sixteen months from the date of his application, and that period is capable of being extended upon special grounds.

Mr. HUME COOK.—He is practically required to spend £3 at the outset.

Mr. DEAKIN.—No; he is merely called upon to spend £1. The rates which were previously operative in the different States are as follow:—New South Wales, £5; Victoria, £9; South Australia, £8; Western Australia, £18; Queensland, £18; and Tasmania, £38. I believe that even in progressive New Zealand to-day the fees total £37 10s., whilst in Canada they aggregate £8. In England the conditions are somewhat different. There a series of payments have to be made over a number of years. These payments amount to a considerable sum—nearly £100—before the patentee secures absolute protection.

Mr. WATSON.—Would it not be well to extend the period for the payment of the additional £5?

Mr. DEAKIN.—From our point of view there is no objection to that proposal, but there is some objection from the stand-point of other patentees. Before a patentee has sealed his patent, he may discover something which induces him to conclude that it is not worth his while to proceed any further. If he does seal it is a guarantee to all other applicants for patents that he is of opinion that his patent contains some merit. As a rule, under any patent Act by so much as we increase the advantages which are conferred upon a person who is seeking to obtain a patent by so much do we place under a disadvantage other applicants who desire to secure similar patents. Whilst we ought

to deal with patentees as a body in the most generous manner, any concession to a single patentee imposes certain disabilities upon those who are aiming at the same end. Taking the usual cost of specifications, plans, &c., it has been calculated that a fairly complicated patent could be obtained under this measure for about £20, whereas formerly it would have cost at least £120. In addition, the patentee will be required to attend one office only and to appear before one set of officers instead of having to deal with six offices and six sets of officers, who often require amendments to be made in his specifications which involve him in considerable expense. The expenditure of £20 is distributed over two or three years. In my judgment, we have gone as far as it is desirable to go under present circumstances. I am presently to make a proposal with a view to meeting the wishes of the Committee in regard to the protection which is to be given to persons who desire to apply for Commonwealth patents before we are in a position to grant them. I intend to ask that no extra payment shall be made by patentees for the issue of such patents. It goes without saying that for a few years the adoption of that proposal will involve us in a very heavy tax.

Mr. WATSON.—Upon the Commonwealth treasury?

Mr. DEAKIN.—Yes.

Mr. WATSON.—Why?

Mr. DEAKIN.—In order to meet the convenience of investors during the period of transition, we shall require to send their patents to the patent-office in each of the States, whereas we shall receive from the inventors only the Commonwealth fee, which will necessarily involve us in an absolute loss. However, I think the opinion of the Committee is that patentees ought to be thus protected. It would be exceedingly difficult to frame a new scale of fees for this period of transition; and therefore I shall ask the Committee to accept the responsibility of saying that the work shall be done in the six States without any additional charge being made upon the inventors.

Mr. POYNTON.—What will be the amount of the loss?

Mr. DEAKIN.—That will depend upon the number of applications that are registered and the complexity of the cases which are dealt with. Of course, we shall have to make an allowance for searching. In some instances that will involve only a few minutes

work, but in others it may occupy days, and even weeks. Until we have our index prepared, and our register absolutely reliable, we cannot afford to dispense with the services of the States officers. They will disappear gradually. In view of this very liberal concession to inventors all over the Commonwealth, I ask the Committee to affirm that we have gone as far as we possibly can, and that if any further reduction is to be made it shall be made when we are issuing patents from one office, and, consequently, require to institute only one search.

Mr. WATSON (Bland).—I think that the Government have adopted a proper principle in providing that portion of the total fees to be levied shall be payable after the lapse of a certain number of years. That will give a patentee an opportunity to find out whether his invention is commercially valuable before he is called upon to pay the whole of the charges. It struck me that it would be possible to extend that principle so as to meet, to some extent, the wishes of the honorable member for Bourke. I am doubtful whether the extension of the payments over a period of sixteen months would be of any great value to an inventor from the point of view of the time during which he would be occupied in ascertaining the commercial value of his invention. A man might put in an application for a patent, but he could not make an effort to dispose of his invention with any safety until he had received a report from the Patent Office that in all likelihood his application would be granted.

Mr. DEAKIN.—They sometimes adopt that course.

Mr. WATSON.—Probably some six or eight months would elapse before such a report could be obtained.

Mr. DEAKIN.—If it were a complicated matter.

Mr. WATSON.—Quite so; during the interregnum between the passing of this measure, and the amalgamation of the six different offices, at least that period would elapse.

Mr. DEAKIN.—Certainly; in that case a greater time would be occupied.

Mr. WATSON.—Let us say that twelve months would be occupied in that way. That means that, after receiving an intimation that his patent would be granted, an applicant would have only four months in which to put his invention on the market

before being called upon to pay a further fee of £5. It seems to me that applicants would be materially assisted if the period within which the third payment of £5 has to be made were extended. I admit that we cannot be expected to so reduce the fees as to involve the Commonwealth in any loss; but I believe that, for some time after the measure comes into force, there will be a very considerable rush of applicants for patents. A large number of inventors have been holding back their applications for patents, pending the passage of this Commonwealth legislation, and, if the rush which I anticipate takes place, the cost of dealing with each application will be reduced. The larger the business the lower, proportionately, will be the cost of dealing with each patent.

Mr. DEAKIN.—Not at first. This work will be done in our own office.

Mr. WATSON.—I believe that the same principle would apply to some extent even in the Commonwealth office. I would suggest to the Prime Minister the possibility of extending the period within which the payment of the fee of £5 must be made, or else of providing that the payments of the fees of £5 and £3—£8 in all—shall be made within three or four years, instead of within sixteen months. I trust that the Prime Minister will consider this suggestion.

Mr. DEAKIN.—I can undertake to give effect to the honorable member's suggestion without proposing to amend the clause. We have already amended clause 63, so that it now reads—

A patent shall be sealed as soon as may be, and not after the expiration of sixteen months from the date of application, or such further time as is prescribed.

The word "prescribed" gives us control over the matter, and I think that the honorable member's proposition as to the reasonable consequences of the amendment we are about to make by the new clause would justify us in prescribing an extension of this period over the time during which Commonwealth patent applications will require to be examined in six different offices. While that procedure is necessary, a great deal of time will be lost between the making of an application and the granting of a complete specification. It will not be necessary to amend the schedule in order to give effect to the honorable member's proposal. I can undertake that in the regulations framed under this measure provision will be made

for a special extension. I think it is a legitimate request that Commonwealth patent applications which are registered before we combine the several States offices into one central department, should be dealt with in this way.

Mr. HUME COOK (Bourke).—The Prime Minister, has, in part, met some of the objections which I raised, but the principal one which I put forward has not been answered by him. The new point advanced by him, that the Commonwealth will have to suffer, more or less, for a time the cost of making examinations in the offices of the several States, is a matter that is necessarily incidental to Federation. Under any circumstances, such an expenditure would have had to be met by the Commonwealth, and I do not know that we could very well ask inventors to make up the loss. I fail to find any answer by the Prime Minister to the propositions which I put forward. I asked, first of all, that the fees should be made as low as possible, consistently with the proper working of the Patent Office. I do not desire that a loss shall be made in connexion with the office, but I do not wish to see a profit made out of inventors.

Mr. DEAKIN.—There is no chance of a profit being made for some years to come.

Mr. HUME COOK.—I do not think that there is, but the Prime Minister quoted no figures on this phase of the subject, and, indeed, made no statement in regard to it. I endeavoured to obtain some information on the question by examining the official documents prepared at the Conference of Colonial Premiers; but, whilst they are of some service to honorable members, they do not enable us to form an opinion as to the amount of the fees which are likely to be received by the Commonwealth office. The position I take up is that an applicant should be asked to pay no more for the registration, sealing, and granting of his patent than it actually costs to carry out that work. In other words, no attempt should be made to make a profit out of applicants. The Prime Minister has not answered that point. On the other hand, an argument in support of my contention has been put forward by the honorable member for Bland, who states that a number of inventors are waiting for this Bill to be passed, and desire to take advantage of the Commonwealth law. I know that to be the case, and there will thus be a greater rush of applicants for patent rights than has previously occurred in the several States.

The gain made by the increased number of applicants might well be placed against the loss which the reduction of the fees will involve. I believe that gain will be greater than the officers of the Department are able to gauge. I have spoken to several officials in the Attorney-General's Department, and find that they are unable to give me any reliable data. On the contrary, they do not care to express any definite opinion on the subject, because they have no means to ascertain the number of patents that are likely to be applied for. I represent only a very small part of the Commonwealth, but I know that quite a number of men in my constituency have been waiting for the passing of this measure, and they will be amongst the number to form the rush at the Patent Office to which the honorable member for Bland has referred. The second point which I made was that some concession should be given to applicants as to the time within which the fees shall be paid. It is at the initial stage of his application for a patent that an inventor experiences the greatest difficulty in finding the means to pay the necessary charges. The very first payment that he is called upon to make is perhaps the most difficult for him to meet, and I think it would be better to help him at a time when he has nothing to show in support of his contention that he has a marketable commodity rather than when his specification has been accepted, and he has some saleable article to put before the public.

Mr. THOMSON.—To what extent does the honorable member wish to help such an applicant?

Mr. HUME COOK.—I would reduce the first fee by half, and the second from £5 to £3. We know that for the most part inventors are not men to whom £1 is of no consideration. As a rule, even 5s. is a matter of some moment to them, and we should make the fees as low as possible. If I thought that we could successfully conduct the Patent Office by charging a fee of only 1s. for registration, I should propose that such a fee be levied; but, in any case the charge should not be more than the actual cost of dealing with applications. I admit that the Prime Minister has offered, in a sense, to help inventors; but he has offered to help them at the wrong time. The honorable and learned gentleman has not met my two objections. He has not answered the revenue argument, and he

has not brushed aside my contention that most applicants for patents are poor men, by saying that under this Bill the fees, as compared with those charged under the States laws, will be considerably reduced. As a matter of fact the fees which have hitherto prevailed have been so high that applications for patent rights have been restricted. I think that under the clause as proposed there will be an increase in the number, and that there would be a still greater increase if my proposition were adopted. I do not, therefore, feel justified in withdrawing my amendment. I do not propose to interfere with the provision that a charge of £1 shall be made for filing an application, although I should probably do so if I had further information on the subject. I propose, however, that the fee payable on the acceptance of a complete specification shall be reduced from £2 to £1. That may not appear to be a very great concession to some honorable members; but it will be a great consideration to a number of poor men who I know are about to apply for patents.

Mr. GLYNN (South Australia).—I am sorry that the honorable member insists upon pressing his amendment. I spoke to two patent agents on the question of fees, because it had been suggested that the fee of £5 should be reduced to £3, and I found that they considered that the fees were particularly liberal. It has been stated that our patent indices require to be made uniform, and put in a condition in which they would compare with those in England and the United States of America. That will involve very great expense. The United States of America incurred great expense in bringing its index system to the stage of perfection that it has now reached. We have also to remember that libraries will have to be established. In England, according to last report, there is a library of over 200,000 volumes in connexion with the central Patent Office, and there is also a very extensive library in America. These libraries facilitate searches for previous specifications, as well as on the general question of novelty. We have inserted a provision in the Bill as regards the search for general novelty, and we ought to have, in the near future, the nucleus of a good Patent library. That cannot be obtained unless we make the Patent Office a paying concern. In the United States of America it is a paying Department with separate

finances of its own. In these circumstances, although I am inclined to sympathize with the honorable member's proposal, I shall not be able to vote for it.

Mr. DEAKIN.—I rise only for the purpose of assuring the honorable member for Bourke that I did not ignore his argument, but thought that I had indirectly answered it. As to the rush of applicants which the honorable member anticipates, it must be recollected that under the clause which I am about to propose, that rush will mean a loss to the Commonwealth. We are going to give new applicants for Commonwealth patents greater protection even before this measure, so to speak, comes into operation, and it cannot be expected that the revenue derived from this source will make the Department a paying one. The greater the number of applicants at the outset the greater will be the loss. We have also to remember the great cost which will be involved in bringing our States registers and indices to a state of reasonable perfection.

Mr. HUME COOK.—It is not fair to ask patentees of the present generation to pay for all that work.

Mr. DEAKIN.—We do not propose to do so. We shall have to find a great deal of money for this work out of the Consolidated Revenue. I cannot say what the cost will be. I did not attempt to estimate the number of patents that would be dealt with, for the reason that I have been associated with applications for a few patents, and know that the discrepancies between them so far as the cost they involve and the time occupied in dealing with them are concerned, are so great that one can only arrive at an average worth speaking of by careful and elaborate calculations. No accurate and trustworthy information can be obtained as to what either the expenditure or the revenue of the office will be for the next two or three years; but it is practically certain that the expenditure will greatly exceed the revenue. Therefore, I ask the honorable member not to press his amendment.

Mr. WILKINSON (Moreton).—I am decidedly in favour of the amendment, because I do not think we can make the cost of obtaining a patent too little. During the second reading debate I quoted authority to show that inventors do not mainly come from the ranks of those who are able to pay high fees. In my own electorate I know a number of men who have discovered

inventions, some of which I have seen tried in confidence, and they have been waiting for a Commonwealth Patents Act in order to patent them, because the fees charged by the Departments of the States have been too high. The Prime Minister takes a mistaken view when he speaks of the cost of running the office. Many of the most progressive business men run their business concerns upon the principle that small profits bring quick returns. By increasing the number of patentees we are not likely to materially increase the cost of the Patent Office, while we shall increase its revenue. Moreover, it is of advantage to the country, especially under a protective policy such as this Government has introduced, and we on this side of the Chamber have supported, to have as many inventions as possible patented. We desire to make Australia self-contained and self-sufficient, and a good patents law is one of the measures which will help to bring about that state of affairs. That has been the effect of the patents laws of Canada and the United States.

Mr. THOMSON.—In Canada the patents fees amount to £12.

Mr. HUME COOK.—But in the United States they amount to only £6.

Mr. DEAKIN.—To £7—35 dollars.

Mr. WILKINSON.—To take out patents under the laws of the States would cost £160. It must be remembered that the patents fees are not the only expenses which a would-be patentee has to incur. Very often he is not a draftsman, and has therefore to pay, perhaps, £15 or £20 to obtain a specification and design of his invention or improvement. Then, again, he has to show that his invention contains the element of novelty, and is not known elsewhere, and he has at times to travel from remote districts to the metropolis in order to search the records of the Department to ascertain the true position of affairs. In my opinion, we should make it possible for the inventor to see the plans and specifications of patented inventions at most of the populous centres of the Commonwealth.

Question.—That the figure "2," proposed to be omitted, stand part of the schedule—put. The Committee divided.

Ayes ... .. 24

Noes ... .. 13

Majority ... .. 11

## AYES.

Bonython, Sir J. L.  
Cameron, N.  
Chapman, A.  
Clarke, F.  
Cooke, S. W.  
Crouch, R. A.  
Cruikshank, G. A.  
Deakin, A.  
Forrest, Sir J.  
Fysh, Sir P. O.  
Glynn, P. McM.  
Groom, L. E.  
Higgins, H. B.

Lyne, Sir W. J.  
Mauger, S.  
McEacharn, Sir M.  
McLean, A.  
Poynton, A.  
Ronald, J. B.  
Skene, T.  
Solomon, V. L.  
Thomson, D.

## Tellers.

Edwards, G. B.  
Ewing, T. T.

## NOES.

Brown, T.  
Edwards, R.  
Kirwan, J. W.  
Mahon, H.  
O'Malley, K.  
Smith, S.  
Spence, W. G.

Tudor, F.  
Watson, J. C.  
Wilks, W. H.  
Willis, H.  
Tellers.  
Cook, J. H.  
Wilkinson, J.

## PAIR.

Turner, Sir George | Fuller, G. W.

Question so resolved in the affirmative.  
Amendment negatived.

Mr. HUME COOK (Bourke).—In view of the decision at which the Committee has just arrived, I shall not proceed with the second amendment of which I have given notice. I think that the adoption of the suggestion of the honorable member for Bland, to which the Prime Minister has referred, will probably meet the case.

Amendment (by Mr. DEAKIN) agreed to—

That the words, "less a discount of 3 per cent. per annum for any earlier payment," be omitted.

Schedule, as amended, agreed to.

Clause 84—

(1) In any action or proceeding for infringement of a patent, the Court may, if it thinks fit, call in the aid of an assessor specially qualified to assist it in the hearing and trial of the case. . . .

Mr. DEAKIN.—As a doubt has been expressed whether the Court alluded to is the Court of the State in which the principal registry is held, and as in matters of infringement it is intended that the action or proceeding shall be taken in the Court of the State in which the infringement is challenged, I now propose to place the matter beyond doubt by moving—

That after the word "Court" the words "of the State in which the action or proceeding is brought" be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Mr. DEAKIN.—I move—

That the following new clause be inserted:—

"6A. (1) The patentee under a State Patent Act of an invention, whose patent is in force at



the time of application, may make application under this Act for a patent for the invention.

(2) The Commissioner may grant a patent under this Act for the invention, but if he is satisfied that the subject-matter of the patent under the State Patents Acts—

- (a) is not novel, or
- (b) has been published, or
- (c) has been made the subject of a pending application

in any State other than the State in which the patent under the State Patents Acts was granted, then any such State may be excepted from the patent granted under this Act.

(3) Every patent granted under this section shall be for a period to be fixed by the Commissioner, not exceeding the unexpired period of the patent under the State Patents Act.

(4) The patent under the State Patents Act shall continue in force notwithstanding the grant of a patent under this Act, but may be surrendered by the patentee.

Each of the new clauses proposed involves some important question, to which I have given the best consideration that the time at my disposal would allow. I had to take up this Bill originally as I took up another important measure, fresh from the hands of the right honorable and learned member for South Australia, Mr. Kingston. At the outset, I entertained very grave doubts whether it was possible to accomplish what my late honorable colleague sought; namely, to allow the Commonwealth to grant patents nominally for the whole Commonwealth, but practically for any number of States—for one State, if necessary—only excluding from the operation of the Commonwealth patent the States in which either another patent of the same character had been taken out, or in which there had been a publication, or the patent had in some way ceased to possess the requisite novelty. Looking at the matter broadly, it seemed to me that that was inconsistent with the dower received by us, because we should in effect grant State patents instead of Commonwealth patents. My right honorable and learned friend had very ingeniously avoided making the proposal in such a way as to flaunt this characteristic. He made the patent take the form and name of a Commonwealth patent. I have considered the proposal in the light of certain Canadian cases under the Liquor Prohibition Act and others which seem to show that the patents issued would sufficiently conform to the requirements. The matter is not beyond doubt even now; but certainly the balance has been shifted. Formerly, I lent to the side of doubt; but now I lean to the belief that patents of this kind will be

upheld. I have always admitted that the balance of convenience would be on that side. I am now swayed to some extent by the consideration that the Court would not and could not ignore the fact that any irregularity or partiality in the patent would not be of our creation. We are compelled to deal with the Commonwealth as we find it—to deal with six different Acts, six different offices, and six different sets of affairs. Consequently if we preserve the Commonwealth character of the patent, as my right honorable friend proposed, and adapt ourselves as far as we can to the existing circumstances, by making the Federal law run evenly and equally as far as possible throughout the Commonwealth, it will have great weight with the Court. Therefore I conclude that the insertion of the clause is constitutionally justifiable, although from the stand-point of the practical difficulties that may arise, the fears which I previously entertained have been reinforced by further inquiry. I have endeavoured to make the provision as simple as possible; but the patentees who endeavour to take advantage of it will certainly find themselves confronted with a very difficult task. Very often, practically, the same patent has been granted with variations in different States, and it will be difficult in some cases to decide whether the patents cease to be the same owing to such variations. The question as to novelty will also be very much complicated in some instances. The practical benefits to be derived are, therefore, likely to be much smaller than the sanguine supporters of the measure expect. If, however, the position is too difficult, inventors need not proceed; whilst, in other cases in which they find their way clear, there is no doubt that provision will prove of great advantage.

Mr. THOMSON.—Have the State patents been granted in any case for a longer period than is provided for in the Bill?

Mr. DEAKIN.—No; so far as I can remember, the State patents have in all cases been granted for a period of fourteen years. It is expressly stipulated in the clause that the patent shall be granted for a period not exceeding the unexpired period of the patent under the State Patents Act. Otherwise we shall be confronted with a great difficulty. If an inventor took out a patent in Victoria, and two years after took out a patent in New South Wales, and two years later still extended his patent to Western

Australia, it might be possible for him, if we gave him the choice, to select the Western Australian patent, and to secure an extension of four years beyond the term of the original patent. It seems to me fair to make the provision elastic, so that the patent may be issued under conditions which will meet the equities of the case. I am afraid also that serious difficulties will arise with regard to the persons to whom patents should be issued, owing to the extent to which interests in patent rights have become divided in different States. However, my present view, as I have stated, is in favour of the constitutionality of the provision, and I trust that it may operate for the public convenience.

Proposed new clause agreed to.

Mr. DEAKIN.—I move—

That the following new clause be inserted :—  
 “28A. Application for patents may be lodged at the Patent Office immediately after the Commissioner is appointed, notwithstanding that this Act has not then commenced, and all applications so lodged shall have priority according to the time when they were so lodged, and the lodging of an application under this section shall have the like effect as the lodging of an application after the commencement of this Act, but any patent granted pursuant to the application shall be dated as of the day of the commencement of this Act. Until forms are prescribed, applications shall be in such form as the Commissioner directs.”

This clause provides that applications may be lodged, notwithstanding that the Act has not commenced. The object is to allow patentees to protect their patents by lodging provisional specifications, which shall be immediately registered in order of priority. As these applications will have to be referred to other offices, it will probably take considerably longer, than if the application were made for one State only, to satisfy the Commissioner that the patent should be granted throughout the Commonwealth. It is proposed to date the patent as from the commencement of the Act. I doubt whether we should have the power to grant a patent prior to that. The procedure in these cases will involve the Commonwealth in very considerable expense. Having regard to the numerous difficulties with which the path of the inventor is beset, it would be scarcely fair to ask the first inventors who seek Commonwealth patents to meet the extra expense that will be incurred during the transition period.

Mr. GLYNN.—No provision is made for applications for patents under the State

Acts being accepted as applications for Commonwealth patents.

Mr. DEAKIN.—No; but a patentee may abandon his application for a State patent, and make an application for a Commonwealth patent; or, if he prefers to do so, he may pursue his application for a State patent and add the other.

Mr. GLYNN.—If a patentee abandoned his application for a State patent the want of novelty would prove an obstacle to his applying for a Commonwealth patent.

Mr. DEAKIN.—I should think not. A provisional specification is never disclosed to anybody save the patent officers, and that does not constitute “publication.”

Mr. GLYNN.—I think that the words used are “previously lodged.”

Mr. DEAKIN.—I shall look into that point, but I do not think the honorable and learned member will find that in any part of the Bill the lodging of a provisional specification amounts to its publication. Everywhere it is kept secret, and is carefully excluded from the public gaze, because the official verdict has not been given upon it.

Mr. GLYNN.—Paragraph *a* of clause 37 seems to relate to the matter.

Mr. DEAKIN.—If it be the same person who is applying, how can his act be regarded as publication? The complete specification has not been published, and if merely a disclosure to officials is involved, I do not think the Commissioner will consider that that constitutes “publication” within the meaning of the Act.

Mr. GLYNN (South Australia).—If, upon reconsideration, the Prime Minister finds that the fact of an application having been previously made in a State and afterwards withdrawn is not a bar to an application for a Commonwealth patent, I shall be quite satisfied. To my mind, provision should be made whereby applications which have been lodged under State Acts should be considered applications for Federal patents. In Canada, a provision of that sort is operative. If the Prime Minister is of opinion that a previous application in a State does not constitute a bar to an application being made for a Commonwealth patent, I shall be satisfied.

Mr. DEAKIN.—If an application for a Commonwealth patent is affected by the fact that a man has made a prior application in a State, it will be by reason of the words which are employed in clause 37,

to which the honorable and learned member has referred. But I am inclined to think that the provision is clear as it stands.

Mr. GLYNN.—The addition of a few words to the clause would remove all doubt.

Mr. DEAKIN.—With the permission of the Committee, I move—

That the proposed new clause be amended by the addition of the words:—"Applications made under a State Patent Act may be lodged as prescribed before the commencement of this Act as applications under this Act."

Mr. KINGSTON (South Australia).—I should like to ask the Prime Minister whether he can do anything under the authority of an Act before it comes into force? I believe that there is some special provision relating to this point in the Acts Interpretation Act. Otherwise we can scarcely make a regulation which can take effect before the Act under which it is framed comes into operation.

Amendment agreed to.

Mr. BROWN (Canobolas).—I understand that this clause is intended to make provision for applications which may be lodged as soon as the Act comes into force. It says—

Applications for patents may be lodged at the Patent Office immediately after the Commissioner is appointed.

I should like to ask when it is proposed to appoint the Commissioner? A considerable time may elapse after the Act has come into operation before the Commissioner is appointed.

Mr. DEAKIN.—We shall have to appoint the Commissioner immediately the Act becomes law, because his work will begin at once.

Mr. BROWN.—That assurance will remove my objection.

Mr. KINGSTON (South Australia).—Referring again to the point which I raised just now, I desire to ask the Prime Minister whether he is satisfied that, before the Act comes into force, the Government have power to appoint an officer whose appointment is provided for only by the Act?

Mr. DEAKIN.—Section 4 of the Acts Interpretation Act deals with that point. It reads—

When an Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make grant or issue any instrument (including any rules regulations or by-laws), to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any

time after the passing of the Act for the purposes of bringing the Act into operation at the commencement thereof.

Surely that language is strong enough for anything.

Proposed new clause, as amended, agreed to.

Mr. DEAKIN.—I move—

That the following new clause be inserted:—"88A. (1) The Governor-General may direct that any patent shall be acquired by the Minister from the patentee.

(2) The Governor-General may thereupon by notification published in the *Gazette* declare that the patent has been acquired by the Minister, and upon such notification the patent and all rights of the patentee thereunder shall by force of this Act be transferred to and vested in the Minister in trust for the Commonwealth.

(3) The Commonwealth shall pay to the patentee such reasonable compensation as is agreed upon, or as is, in default of agreement, settled by arbitration in the manner prescribed.

This clause raises some nice questions, to which it is necessary to make only passing allusion. It is designed to enable the Minister who is charged with administering the Act to acquire a patent in trust for the Commonwealth. The Commonwealth having granted a monopoly to an individual, and having subsequently purchased that individual's patent rights, the question of how far it could retain a monopoly itself might form the subject of a good deal of argument. I assume that in this form it can be upheld, although whatever limitations are imposed upon the powers of the Commonwealth by the Constitution will require to be taken into account in considering the authority of the Commonwealth to become the owner of its own monopolies.

Mr. CROUCH.—The patentee could not use the invention himself and allow the Commonwealth to use it also.

Mr. DEAKIN.—Not under this clause; the Commonwealth must acquire it absolutely. Of course there are other questions associated with this power, which is one that may prove of much advantage to the peace, order, and good government of the Commonwealth so that the Committee need not hesitate to adopt it. If, upon deliberate consideration, Parliament authorizes the payment which will be necessary for the acquisition of any patent, we may be sure that the invention will be one the purchase of which can be publicly defended. That being so, this provision—which practically amounts to a condition in the case of all patents granted, although the power conferred by it will probably

exercised in very few instances—may upon certain occasions, prove of the utmost value. Of course there are inventions which relate to deadly weapons employed for the defence of a country, in respect of which it is essential that we should possess this power. That being so, it would seem inconsistent if we did not reserve to ourselves power to secure rights for the whole of the people in respect of useful and beneficial inventions when that course seems desirable. Accordingly, I have drafted this clause to meet the undertaking which I gave in Committee, although I am not blind to the fact that it raises some considerations which do not appear upon its surface.

Mr. THOMSON (North Sydney).—I notice that this provision differs from the following one, in that the Parliament has no voice in the acquisition of any patent.

Mr. DEAKIN.—Parliament must vote the money.

Mr. THOMSON.—But, in the following clause, the Government of a State can direct a patentee to assign his rights in any invention patented in that State only if authorized to do so by an Act of Parliament.

Mr. DEAKIN.—That is so.

Mr. THOMSON.—Why is not a similar condition inserted in this clause? If we grant this unlimited power, it will certainly be exercised. I can see that in some cases it might be very desirable, but in other cases it would be highly undesirable. I think that Parliament should have a voice in regard to the purchase of any patent.

Mr. KINGSTON.—It has to find the money.

Mr. THOMSON.—Parliament is often called upon to find the money necessary to carry out a work to which it has practically been committed by the Government.

Mr. KINGSTON.—I am not grumbling about that. I simply say that Parliament will have to find the money to enable the Government to acquire any patent.

Mr. THOMSON.—Under this provision Parliament might be committed by the Government to a very large expenditure in connexion with a matter which, rightly or wrongly, was considered to be open to grave suspicion. I think that Parliament should be able to express its opinion on any proposal to acquire a patent. The Prime Minister himself proposes that the States Governors shall be limited in that way.

Mr. DEAKIN.—This provision gives a general authority to the Governor-General, and a State Parliament will be able to pass an

Act giving a general authority in the same way to the Governor of that State.

Mr. THOMSON.—The honorable and learned gentleman means that the authority from the State Parliament might be general.

Mr. DEAKIN.—It might be in terms such as these.

Mr. THOMSON.—I did not at first read the clause in that way. We might have a Government trafficking in patents in a most undesirable way; we might have a Government taking up patents which, if submitted to the full light of parliamentary criticism, would be shown to be wholly undesirable to acquire. In these circumstances, it would be wise to insert the words "if thereto authorized by Act of Parliament" after the word "Governor-General."

Mr. CROUCH.—The clause would then be of no service.

Mr. KINGSTON.—This will be the Act of Parliament authorizing the Governor-General to take action.

Mr. THOMSON.—This clause will give the Government of the Commonwealth a free hand to purchase patents of every description. Why should we not provide that it shall be necessary for the Government to obtain the authority of Parliament to make any purchase?

Mr. WATSON.—Why not provide that the Government may acquire a patent on being authorized to do so by resolution passed in both Houses? The resumption of land in New South Wales is dealt with in that way.

Mr. THOMSON.—I am willing to adopt the honorable member's suggestion. I move—

That the proposed new clause be amended by inserting after the word "Governor-General," line 1, the words "on resolution of both Houses of Parliament passed to that effect."

I should not like to see a Government intrusted with such unlimited powers as the clause as it stands would give, and I think that greater safety will be secured by the adoption of my proposition.

Mr. HIGGINS (Northern Melbourne).—I think that this clause requires to be more fully considered. I am aware that under the Bill as it stands, the Government have power to use any patent on payment of compensation; but this clause goes very much further, and provides that the Government may acquire all the rights under any patent on paying compensation.

Mr. WATSON.—Take the case of the cyanide patent.

Mr. HIGGINS.—The patent rights of that process were acquired by the Victorian Government. Resolutions to sanction their purchase were submitted to the State Parliament, but I did not like the way in which the matter was treated. It is not as a grievance against the patentees that this clause should be considered. We have to look to the danger that a patentee and his friends might bring pressure to bear on a Government to acquire his rights. As a matter of fact, no coherent opposition is offered by a Parliament to a Government proposal to acquire patent rights. When a Government submits to Parliament a proposal to purchase certain rights, it supplies official information on the subject, and a private member finds it practically impossible to resist the proposition. The whole procedure becomes almost a farce. I have seen instances of the grossest abuse of public money under a power such as this, and I do not think that the suggestion of the honorable member for North Sydney would be a sufficient check on the power of the Government. The parrot phrase that "They must find the money before they do it," is idle. We have in reserve a tremendous power, but it is never used, and practically it cannot be brought into play. If a Government have made a conditional contract, subject to the approval of Parliament, to acquire a patent, and bring down a fair report in support of their proposal, they may generally rest assured that it will be agreed to. Can the Prime Minister tell us of any other instance in which a Government has power, on paying compensation, to acquire all rights under a patent, as distinguished from the power after granting compensation to acquire the use of a patent? Until lately, at all events, the British Government have been able to make use of a patent without paying any compensation.

Mr. DEAKIN.—That is an inherent right that most of the States have sacrificed by their legislation.

Mr. HIGGINS.—I think it is reasonable that it should be sacrificed. A patent ought to be good against the Crown, more particularly when we consider how wide an area of industry is covered here in Australia by governmental action. In America it is the practice to award compensation in respect of the use of a patent

by the Government, but I do not think that they go any further there. I should like to think out very carefully what is the best means to safeguard the interest of the taxpayer in relation to the purchase of inventions. It often happens that it is only when a patent is "petering out," and has almost reached the term of its usefulness, that the holders are willing to dispose of it, and in such circumstances they usually say—"Why should not the Government take over our patent?" I do not feel justified in opposing this clause, but I consider that it has not been sufficiently thought out. I should prefer to see the Bill stand with clause 88 as it is, giving us power only to use a patent on payment of compensation. I understand that the intention is to allow a State Parliament to pass a law, generally permitting the Governor of that State to acquire patents, or a law specifically applicable to the purchase of a particular patent. It is also provided in this clause that the patentee shall assign all his rights in a State. If, after the patentee had assigned all his rights in a State to the State Government, the Governor-General proposed to acquire those rights, what would be the position?

Mr. DEAKIN.—That is provided for in sub-clause 5.

Mr. HIGGINS.—If a State Government has acquired the patent rights of a certain invention, will the Commonwealth be able to acquire them for the remaining States without making terms with that State?

Mr. DEAKIN.—Yes.

Mr. HIGGINS.—The Commonwealth should have power to acquire the patent rights of such an invention for the other States, because when the Commonwealth is under compulsion to make a bargain with a State Government, that Government will be apt to take advantage of the position. I should not like the Commonwealth Government to be compelled to go on its knees to a State Government to ask it to sell its rights. All I desire is an enlargement of the powers of the Commonwealth so that we shall be able to say to a State Government, "If you will not sell your rights, we shall be content to use the invention in the other States."

Mr. DEAKIN.—I do not wish to take this power in too absolute a form, by placing the Governor-General and his advisors for the time being beyond the reach of Parliament.

I therefore suggest to the honorable member that the proposed new clause should be made to read—

The Governor-General, if thereto authorized by resolution of both Houses of the Parliament, may direct—

MR. THOMSON.—I am willing to accept that.

Amendment amended accordingly, and agreed to.

Proposed new clause, as amended, agreed to.

Amendment (by Mr. DEAKIN) agreed to—

That the following new clause be inserted :—

"88b. (1) The Governor of a State, if thereto authorized by an Act of the Parliament of the State, may, by order published in the *Government Gazette* of the State, direct the patentee of any invention to assign all his rights in the State under his patent to some officer or person named in the order in trust for the State.

(2) Upon the publication of the order, all rights of the patentee in the State under his patent shall by force of this Act be assigned to and vested in the officer or person named in the order in trust for the State.

(3) The State shall pay to the patentee such reasonable compensation as is agreed upon, or as is, in default of agreement, settled by arbitration in the manner prescribed.

(4) This section shall not apply to any patent which has been acquired by the Minister in trust for the Commonwealth.

(5) The last preceding section shall extend to authorize the acquisition by the Minister, from the State or officer or person holding in trust for the State, of all rights acquired by or on behalf of the State under this section, if the acquisition of those rights is necessary for the purpose of vesting the patent and all rights thereunder throughout the Commonwealth in the Minister."

Bill reported with further amendments; report adopted.

Bill read a third time.

## NATURALIZATION BILL.

Royal assent reported.

## DEFENCE BILL.

In Committee (Consideration of Senate's amendments):

Sir JOHN FORREST (Swan—Minister for Home Affairs).—A very large number of amendments have been made by the Senate in this Bill; but I am glad that, for the most part, they are not very important, and I propose to ask the Committee to agree to them all, with the exception of the amendment in clause 27, providing for a Council of Defence, and consequential amendments in clause 120, while I propose to agree to the insertion of a new paragraph

in clause 39 with an amendment. The amendment which provides for the insertion in clause 9 of the provision that—

The General Officer Commanding and the Naval Officer Commanding shall have such powers and perform such duties as are prescribed, or as the Governor-General directs,

is a very useful one. I move—

That the Senate's amendments in clauses 4, 6, 9, 16, and 17, and transposing the words "military" and "naval" wherever occurring, unless otherwise indicated, be agreed to.

MR. KINGSTON (South Australia).—I notice that the Senate have inserted the following new paragraph in clause 4 :—

"Oath" includes affirmation, in the case of any person who has a conscientious objection to take an oath.

It seems to me that that definition is unnecessary, in view of the following provision in the Acts Interpretation Act :—

The words "oath" and "affidavit" shall, in the case of persons allowed by law to affirm, declare, or promise, instead of swearing, include affirmation, declaration, and promise, and the word "swear" shall, in the like case, include affirm, declare, and promise.

MR. GLYNN.—Have we an Act authorizing persons to make an affirmation instead of taking an oath? Is not that specially provided for in each Act?

MR. DEAKIN (Ballarat—Minister for External Affairs).—The word "oath" includes an affirmation. The object of the Senate's amendment is that persons who have a conscientious objection to the taking of an oath shall not be required to take one.

MR. KINGSTON.—Are persons now required to take an oath?

MR. DEAKIN.—Yes.

MR. KINGSTON.—Then why should we alter the conditions?

MR. DEAKIN.—It is not that we alter the conditions; but when we require the taking of an oath, that may cover an affirmation if the authorities are willing to accept an affirmation. The amendment provides that the authorities must accept an affirmation, if a man says he has conscientious objections to taking an oath.

MR. KINGSTON.—Is this privilege given by any other Act?

MR. DEAKIN.—Not so far as I am aware.

MR. KINGSTON.—Then why should we make an exception in this Bill?

MR. CROUCH.—Why should a man be required to take either an oath or an affirmation?

Mr. DEAKIN.—Men must be required to put themselves under some obligation.

Mr. GLYNN (South Australia).—I think that the amendment should be accepted. We have allowed an affirmation to be taken in place of an oath of allegiance in other cases, and why should we not give the same privilege under the Bill?

Mr. KINGSTON.—Then let us give it by a general Act.

Mr. GLYNN.—Hitherto we have been giving it under separate Acts; but I agree with the right honorable member for South Australia that it would be better to have a general Act. The Acts Interpretation Act allows an oath to cover an affirmation only where an Act of Parliament allows an affirmation to be made.

Mr. KINGSTON (South Australia).—I am thoroughly in favour of the abolition of oaths, because I think they are unnecessary, or worse; but if we are to lay down a new rule as to the circumstances, under which men may make affirmations, let us do it in a general Act. However, the matter is not one of much consequence.

Motion agreed to.

Clause 27—

The Governor-General may appoint a Board of Advice to advise on all matters relating to the Defence Force submitted to it by the Minister.

*Senate's Amendment*—After “a” omit remainder of clause; insert “Council of Defence, consisting of—

1. The Minister for Defence.
2. The officer in command of Naval Forces.
3. The General Officer Commanding the Commonwealth Forces.
4. One member of the Senate.
5. One member of the House of Representatives.”

“2. The Council shall receive and review all recommendations of the General Officer Commanding and Naval Commandant in respect to the organization, administration, and financial policy of their respective branches of the Defence Forces, and shall, if thought necessary, obtain expert advice on any questions arising under such recommendations.

“3. It shall be the duty of the Council from time to time to make such recommendations to Parliament as it may think desirable for most effectually securing the efficiency of the Defences and Defence Forces of the Commonwealth, and to take such steps as may be necessary to secure effective compliance with the directions of Parliament in respect to all such matters.

“4. At every meeting of the Council the Minister shall preside, or, in his absence, a chairman to be chosen by those members present.”

Sir JOHN FORREST.—I move—

That the Senate's amendment be disagreed to.

Honorable members will recollect that when the Bill was before us the honorable member for Melbourne Ports made a proposal similar to the amendment of the Senate; but it received so little support that, after discussion, he withdrew it, and moved as an amendment the provision which now stands as clause 27. The Council of Defence proposed by the Senate is quite as objectionable as that proposed by the honorable member for Melbourne Ports. The honorable member proposed a Council consisting of the Minister, the General Officer Commanding, the Naval Commandant, the Senior District Commandant, the Senior Militia Officer, the Senior Volunteer Officer, two members of Parliament, and the Secretary to the Defence Department. The proposal of the Senate is that the Council shall consist of the Minister, the General Officer Commanding, the Naval Commandant, a member of the Senate, and a member of the House of Representatives.

Mr. MAHON.—Could not the Minister manage to include a representative of each of the Melbourne newspapers?

Mr. HIGGINS.—Is the proposed clause to be a check upon the Minister, or is it to be a check upon the General Officer Commanding?

Sir JOHN FORREST.—I think that the shot is probably intended for the General Officer Commanding, but would probably hit the Minister.

Mr. WATSON.—Shall we be able to dismiss the members of the Council if they make mistakes?

Sir JOHN FORREST.—The power that makes can also unmake.

Mr. WATSON.—It would be much more difficult to dismiss five men than to dismiss two.

Sir JOHN FORREST.—I do not think that the matter received all the consideration it deserved in the other Chamber. With the exception of the Council of Defence which existed in Victoria, and which, as far as I can gather, was not of very much use—

Mr. MAUGER.—It was of great use.

Sir JOHN FORREST.—There is certainly no precedent for the creation of a body such as that now proposed.

Mr. MAUGER.—The Minister is wrong, because there is a similar body in Switzerland.

Sir JOHN FORREST.—The proposed Council would be irresponsible, and

would interfere with and certainly lessen the responsibility of the Minister and the Government to Parliament. I can scarcely understand the position which would be occupied by the two Members of Parliament who are to be appointed to the Council. They would practically be selected by the Minister, and it would be difficult to find Members of Parliament who would have sufficient time to devote to the duties which would devolve upon them as members of the Council.

Mr. FISHER.—That would depend upon the fees.

Sir JOHN FORREST.—No fees are provided for.

Mr. FISHER. — Then that settles the proposal.

Sir JOHN FORREST.—If the Members of Parliament who are to be appointed to the Council of Defence are to represent the branches of the Legislature to which they belong, it is to be presumed that each Chamber would have a voice in the selection of its representative. The appointment of such a body could not be regarded as consistent with our ideas of constitutional government. The Council would be interposed between the Minister and his responsibility to the House. Ministers are individually and collectively responsible to Parliament for every act performed, and I cannot conceive of this responsibility remaining intact, if the Council of Defence is to be interposed between the Ministry and Parliament. It has been stated that the Admiralty Board affords a precedent for the creation of a body such as that proposed, but there is no similarity between them. The Admiralty Board consists of paid experts and of one Civil Lord who is a member of the Government. All the members of the Board are subordinate to the Minister, who is called the First Lord of the Admiralty.

Mr. MAUGER.—The Council of Defence would be subordinate to the Minister.

Sir JOHN FORREST.—I do not think so. The two Members of Parliament who were members of the Council would not like to be told that they were subordinate to the Minister. The First Lord of the Admiralty is a Minister responsible to the Crown and to Parliament. Then there is the First Sea Lord, of whom it has been said that he is almost in the position of a Commander-in-Chief. No doubt he occupies a position of great importance. It is recorded that Lord Hood

of Avalon, who was the First Naval Lord of the Admiralty, said that he could not recollect a single instance in which the First Lord of the Admiralty had vetoed any important proposal placed before him by the First Naval Lord. The Civil Lord of the Admiralty goes out with the Government, and there is therefore a bond of cohesion in the case of the Admiralty Board which would not exist in the Council of Defence proposed by the Senate. A board constituted like the Admiralty Board would not interfere with the responsibility of Ministers, as the Minister is supreme. We all know that two methods of control are adopted in England. First of all, there is the naval method which is represented by the Board of the Lords Commissioners of the Admiralty with a Minister at their head, and there is the War Office system, with a Commander-in-Chief at its head. The latter system was adopted in the Bill. If, as time goes on, the English system is changed, there is no reason why we should not amend our Defence Act in order to bring ourselves into line. In order to meet the wishes of honorable members, we have already gone a considerable distance. We proposed an Advisory Board which would not however be able in any way to interfere with the executive functions of the Government or their responsibility to Parliament. I very much regret that the Senate were not satisfied with that. It has been stated that changes are being made in England in regard to these matters, and that there is an inclination to do away with the office of Commander-in-Chief, and adopt a system of military administration somewhat similar to that which now obtains in regard to the Navy. One of the reasons why this matter is now occupying so much public attention in England is that the public are not satisfied with the conduct of the recent war. We know that public dissatisfaction is nearly always expressed at the conclusion of a war, and we must not lose our heads on that account. There is no reason why we should enter upon any rash experiments.

Mr. MAUGER.—Surely this is not an experiment.

Sir JOHN FORREST.—It is a pure experiment. The proposed Council of Defence would have no responsibility to Parliament, and yet if their advice were followed they might entirely upset the plans of the Government. There is no reason why we



should create a board with the high sounding title of "Council of Defence." The advantage of appointing the Council is not apparent, because it would place us in no better position than we occupy at present. The Council would be constituted of the Minister for Defence, the General Officer Commanding, the Naval Commandant, and two Members of Parliament. We already have the Minister for Defence and the General Officer Commanding, and we have also the assistance of the Naval Commandants. The two Members of Parliament selected to act upon the Council must be always at the seat of government, because they would have to receive and review all communications of the General Officer Commanding and of the Naval Commandants with respect to the organization, administration and financial policy of the Minister. The Council would also have it within its power to obtain expert advice. Just imagine the General Officer Commanding and the Naval Commandant asking for outside advice. They would certainly be opposed to any such proposal. The Minister might find himself in a minority, and yet he would still be responsible to Parliament. He might be utterly thwarted. It is provided that the Council shall from time to time make such recommendations to Parliament as they may consider desirable. The General Officer Commanding already makes a report to Parliament, and the Minister is directly responsible to the House for his administration of his Department. It is proposed that—

It shall be the duty of the Council from time to time to make such recommendations to Parliament as it may think desirable for most effectually securing the efficiency of the Defences and Defence Forces of the Commonwealth, and to take such steps as may be necessary to secure effective compliance with the directions of Parliament in respect to all such matters.

From where is this Board to derive power to secure effective compliance with the directions of Parliament? I really cannot understand a proposal of this sort. I could understand the appointment of a Board which was either entirely independent of the Minister, or which was subordinate to him; but I fail to see any wisdom in the creation of a body constituted as this would be, to control the Defence Forces of Australia. No single member of it would be saddled with any special responsibility. I should like to know where the idea underlying the appointment of such a tribunal originated.

Mr. KIRWAN.—A Committee of Defence upon somewhat similar lines was recently advocated in Great Britain.

Sir JOHN FORREST.—But effect has not been given to the proposals or recommendations. In my judgment we ought to accept the Bill in the form in which it passed this House. We have no full knowledge of what it is proposed to do in England. Upon the strength of a report of a commission, are we justified in adopting a proposal which the Imperial authorities have been considering for years?

Mr. CROUCH.—Why, their report is available; I have it here.

Sir JOHN FORREST.—I trust that the honorable and learned member will not support a proposal to establish our Defence Forces upon the basis of a scheme which is embodied in a report to which effect has not yet been given in England. I have in my hand the report of a Royal Commission which sat in the old country in 1901. That Commission made a good many recommendations, but it did not recommend the appointment of a Council of Defence to control the Army. When some such scheme has been adopted in England, it will be time enough for us to consider it. The proposal there is that the Army shall to a very great extent be placed under control similar to that which is exercised over the Navy.

Mr. HIGGINS.—It is the same kind of control, but not the same control.

Sir JOHN FORREST.—No; it does not interfere with the responsibility of the Minister. I think that we should be given time to work out the system which we have already adopted. To initiate a new system of control is not necessary at the present time. We have secured the services of an Imperial officer for three years for the purpose of re-organizing our Defence Forces. His work has not yet been completed. Indeed, he has never been given a fair chance. He has been handicapped by the fact that great reductions have been made in the defence vote from year to year, and by the absence of uniform defence legislation throughout the Commonwealth. The *Gazette* notice consolidating the Defence Forces of Australia has only just been published. A great deal of influence was used to prevent the Government from carrying out the recommendations of the General Officer Commanding. We were told that we were

acting illegally, although the only result of inaction would have been to discredit those in authority, and to engender discontent throughout the Forces. We require this Bill to complete that work. The idea of the proposal which was adopted by the Senate is that Parliament should be represented upon this Council of Defence. In other words, we are asked to send a delegate to watch the Minister during the recess. Such a provision must necessarily provoke friction, and can accomplish no good. No Minister would consent to be controlled by two members of Parliament if he considered that he was acting in the interests of the country. In giving the Government power to make regulations for the establishment of an Advisory Board, I think we are doing all that is necessary in the interests of the Military and Naval Forces, and, at the same time, we are complying to the fullest extent with the wishes expressed by honorable members themselves.

Mr. MAUGER (Melbourne Ports).—I am extremely sorry that the Minister has taken up the attitude which he has adopted in regard to this matter. He does not appear to have studied contemporary history. He has merely produced a musty, time-worn document, containing the report of a Royal Commission which sat in England, the recommendations of which he practically asks the Committee to adopt.

Sir JOHN FORREST.—It is not a musty document. It is dated 1896.

Mr. MAUGER.—Even 1896 is comparatively ancient. I would remind the right honorable gentleman that a similar body to that which is contemplated by this clause is already in existence in Switzerland, where it has been found to work very admirably. Within the past three months a somewhat similar proposal has been adopted in America, where the office of Commander-in-Chief has been abolished. I should like the Minister for Defence to assure the House that he will give this proposal the consideration which it merits. I am confident that it will have to be faced, and that sooner or later our experience will lead us to the same conclusions as those at which they have arrived in America, Switzerland, and England. I admit that I do not like the personnel of the Council as suggested by the Senate. But, notwithstanding all that has been said to the contrary, I am convinced that the present organization of the Forces is extremely unsatisfactory.

Sir JOHN FORREST.—We have not given the General Officer Commanding a chance.

Mr. MAUGER.—Yes, we have.

Mr. AUSTIN CHAPMAN.—The Board of Advice will prove unsatisfactory.

Mr. MAUGER.—I am inclined to think that the provision relating to that body will remain a dead letter, unless we insist that effect shall be given to it. The present condition of affairs is not satisfactory. The General Officer Commanding is not in touch with the aspirations of our citizen soldiers. His whole environment and training has brought him into sympathy only with the paid military forces. If we are to establish our citizen soldiery upon a proper basis and free from the jingoistic spirit which is so detrimental to progress, we shall have to adopt a proposal somewhat upon the lines of this clause. I quite recognise that the feeling of the Committee is opposed to me, but I appeal to the Minister to promise that he will give the matter consideration and endeavour to bring our military control more into touch with the aspirations of our citizen soldiery than it is at the present time. The Minister for Home Affairs speaks as if the proposal for the creation of a Council of Defence were revolutionary and impracticable. I would again urge that he should study contemporary history. Instead of being revolutionary, it is quite in accord with modern ideas. I thoroughly recognise the force of his remarks upon the question of Ministerial responsibility. Personally, I should like to see a Board established, with the Minister at its head, which should be responsible to Parliament. I feel sure that it must come. Then there are the regulations to which the Minister for Home Affairs has referred. I do not know to what opposition he was alluding.

Sir JOHN FORREST.—Much opposition was shown in the press.

Mr. MAUGER.—The press in that instance, I think, was very near the mark in declaring that we were making regulations that we had no authority to make, and that we should wait until we had a comprehensive Bill under which they might be framed. I hope that the Minister for Defence will seriously consider this matter, and will give the Committee a definite promise that a proposal for an organization on lines similar to that desired by another place will be carefully considered by the Cabinet and submitted to Parliament.

Mr. CROUCH (Corio).—I think that the Committee should endeavour to support the action of another place in embodying this amendment in the Bill. The Minister states that he is anxious that the Bill shall become law without delay, and it appears to me that the Senate has determined that this provision shall be contained in it. When the proposition was originally brought before the Committee by the honorable member for Melbourne Ports, I did not address myself to it, and I was rather doubtful as to the wisdom of the proposal. Since then, however, I have had an opportunity to discuss it with those who are familiar with the subject, and I have ascertained that the general opinion of those whom I regard as having the best interests of the Defence Forces of Australia at heart, is that a Council of Defence is necessary. I wish to impress upon the Minister for Home Affairs that what is necessary in military matters is a continuity of policy. That cannot be obtained unless we have some such Board as this which will see that each succeeding Commanding Officer does not vary the procedure laid down by his predecessor. In Victoria not many years ago, Major-General Tulloch, an officer in the Royal Engineers, had charge of the State Forces. He was succeeded by an infantry officer, Major-General Sir Charles Holled Smith, and subsequently Colonel Bingham, an artillery officer, acted as Commanding Officer for a short time.

Sir MALCOLM McEACHARN.—We had Major-General Downes, not Colonel Bingham.

Mr. CROUCH.—Major-General Downes also acted for some time as Commandant of the Victorian Military Forces. We have now a Commonwealth Defence Force, and our first General Officer Commanding, Major-General Hutton, is a mounted infantry man, and in his work he deserves hearty support, as there is no doubt as to his ability, energy, and devotion. We find him consequently almost entirely abolishing infantry drill. As the honorable member for Melbourne will know he has introduced a system of mounted infantry drill and is even training the infantry in that class of work. That is due to the fact that he is a mounted infantry officer. I have here a drill book which was issued by the War Office over the signature of Lord Roberts in 1892, and if honorable members look at it they will see that it has been altered in so many ways that it is now a

mere patchwork. Notwithstanding those changes, however, Major-General Hutton, since taking charge of the Commonwealth forces, has made two or three thousand further amendments in the book, and officers, non-commissioned officers, and men are expected to make themselves familiar with them.

Sir MALCOLM McEACHARN.—The changes made by Major-General Hutton have been due to a desire to simplify the work.

Mr. CROUCH.—They have been made with a view to provide a system of mounted infantry drill for our infantry. This is a point which should receive some consideration. The next commanding officer may be a member of the Artillery or Engineering forces, and, in the absence of a Council of Defence, is sure to have special regard to that branch of military tactics in which he has been trained. In that event all the work done by Major-General Hutton will be thrown aside. The Minister for Home Affairs, when dealing with this question found it necessary to refer to a cable message in regard to the report of the South African War Commission, and it appears that, although he is responsible for this Bill, and is recommending that the amendment made by another place should be rejected, he is not familiar with that report. The Chief Justice of New South Wales, Sir Frederick Darley, who is accustomed to weigh evidence, was the Australasian member of the Commission, and I would remind the Minister that he joined in the recommendations as well as in certain minority reports. I wish to read some extracts from the weekly edition of the *London Times*, in order to show that in the opinion of the Commission the breaking down of the War Office under the strain of the South African campaign was largely due to the absence of a Board of this kind in England. The *Times* states that—

Attention is also directed to the position of the Commander-in-Chief. Lord Salisbury's Government, when they took office in 1895, continued the post with some modifications, and thereby deliberately set aside the recommendation made by the Hartington Commission, which had advised that on the expiration of the Duke of Cambridge's tenure, the office should be abolished, and that its most important duties should be transferred to a chief of the staff. The Rosebery Government fell a few days after they had announced their intention to carry out this proposal. While retaining the title, Lord Salisbury's Government practically limited the direct control

of the Commander-in-Chief to the Intelligence and Mobilization Department, thus attempting to combine the old title with the new policy. But the associations connected with the title proved to be too strong for the policy. Lord Wolseley resented these limitations, and, as the evidence seems to show, did not sufficiently concentrate his energy upon his special and most important department.

Then it goes on to say that—

Lord Lansdowne and Mr. Brodrick stated in evidence the obvious difficulties which lie in the way of Lord Wolseley's alternative proposals. The Commission point out that the position of the Commander-in-Chief has been greatly modified since the beginning of the war, first by the restoration in 1901 of the Adjutant-General's department to his direct control, and secondly, and still more, by the formation of the new or reconstituted Imperial Defence Committee. The last-mentioned change is a great one, because the supreme direction of preparations by land and sea is now vested in a body of which the Commander-in-Chief and the Director of Military Intelligence (who in the War Office is still his subordinate) are equal members.

Are we to fly in the face of the best expert evidence which the Empire can produce—in the face of the testimony of men who went through the South African campaign, and saw the complete failure of the War Office absolutist system. We are dealing with a Bill which is supposed to be based on the most up-to-date advice that it is possible to obtain; yet we are ignoring completely the recommendations of this Commission. The Minister for Home Affairs who has had charge of the measure has been content to satisfy himself as to the nature of the Commission's report by referring only to cablegrams dealing with it. The *Times* points out that—

The Commission evidently feel that there was before the war a great and dangerous want of cohesion and co-ordinated action among the different departments of the War Office. Committees for special purposes appeared and disappeared, or were transformed with kaleidoscopic rapidity, but there was not at the War Office as at the Admiralty any supreme board of control, bringing together those responsible for the different great departments and acting with corporate authority. The absence of such a board led to various evils before and during the war.

The statement made by the Minister, that this would lead to an absence of responsibility, has been accepted by the honorable member for Melbourne Ports.

Mr. HENRY WILLIS.—Is there a Council of Defence in Germany?

Mr. CROUCH.—No; but the German Defence Forces, fortunately for the Minister's position, are not under the control of Parliament. They are under the Emperor, who has practically the life and death of

his troops in his hands. An autocratic system such as that would not be tolerated in a British community, and we have to make some provision for that continuity of policy which is not to be found in the British Empire, but which prevails in Germany. The Minister has declared that the appointment of this Council would lead to an absence of responsibility; but, according to the *Times*—

Mr. Brodrick states that "his position is strengthened by the fact that his responsibility will be shared, or, rather, the responsibility of adopting his schemes." The committee, we were told, would, if there were again a possibility of war, call for plans at an early date, and such a state of things as existed in 1899 could not again exist.

The Australian Minister declares that the appointment of this Council would lead to an absence of responsibility, while, on the other hand, Mr. Brodrick, who until recently was the English Secretary for War, asserts that his position will be strengthened by the fact that his responsibility will be shared in the way proposed. The Minister for Home Affairs has said that regulations can be framed in regard to a Board of Advice; but the British Commission declares that regulations in relation to such a matter are of no avail. The *Times* states that—

The Clinton Dawkins Committee of 1901 recommended the establishment of a central board of this kind, and Mr. Brodrick maintained that this recommendation had been carried out by his establishment upon a more regular footing of the previously intermittent, one might also say, flickering, "War Office Council." The Commission are not satisfied. They say—

"The constitution of the War Office Council is, as we understand, to rest as heretofore on a memorandum by the Secretary of State, which he can himself revoke. We do not think that this was the intention of the Dawkins Committee, or that there is any reason why this particular form of constitution should be maintained. The duties of most of the high officers, who are members of the War Office Council, are already defined by Orders in Council, and, in our opinion, there is still more reason that the duties which they are to perform as members of the council, and the constitution of the council itself should be defined in the same formality. The issue of an Order in Council would give the whole arrangement a more correct status and a larger measure of permanency."

I regret that the ex-Minister for Defence has not read this report. He declares that what is good enough for England should be good enough for Australia; but I venture to say that no Army Bill will be dealt with in the British Parliament without very serious consideration being given to the Commission's report. If we do not accept this

amendment, we shall not have an opportunity to deal with such a proposal for many years to come. We do not know when we shall have another Defence Bill before us. This Bill has been before Parliament for nearly three years, and it is not sufficient for the Minister now to say that he will give this matter consideration. The reason why we have not had a provision of this kind before in England is that the Government acted on the advice of the English Prince Consort, who said that we must adhere to the German model—that we must keep the position of Commander-in-Chief of the British Army in Royal hands. He urged that it should be a Royal ap-  
panage. The British Government, of course, broke away from that system after the retirement of the Duke of Cambridge, by appointing Lord Wolseley to the position of Commander-in-Chief, and that soldier was in turn succeeded by Lord Roberts. There is a suggestion now that the position occupied by Lord Kitchener should be handed over to the Duke of Connaught, although probably Lord Kitchener is the abler man. If we are alive to the interests of Australia, we shall agree to the amendment made by another place, although perhaps it would be well to slightly modify it. There may be one or two phrases in the provision which I do not like, but the principle I approve. If we do not adopt the board system now, we shall have to adopt it in the end, particularly since we are likely to have every three years a new Commander-in-Chief, who may make 2,000 or 3,000 alterations, such as I have referred to, in the drill-book. I think that the amendment deserves not only consideration but appreciation and acceptance. Probably its acceptance is the only way of getting the Bill through this session. I trust that the Committee will see that the Minister gets his Bill through with this amendment, and that he gets it through now, instead of waiting for the Senate to return it to us again, with the probability of losing it altogether.

Mr. HIGGINS (Northern Melbourne).—There is a great deal to be said for the object of the Senate, but their proposal is absolutely unworkable. What we really want is what is called in England an Army Board, which comprises the heads of the various branches of the service, but of which the Minister is not a member. Its duty is to see that the different branches

of the service act co-ordinately and in co-operation for a common purpose. The proposal of the Senate is to create a futile board, over which the Minister is to preside and which he must rule, because, so long as a Minister retains the confidence of Parliament, he must have his way in regard to matters coming under his administration. A similar arrangement has been tried in Victoria in the creation of a Board of Lands and Works, of which the Minister for Works is chairman. This board consists of heads of Departments and certain non-political persons. But what is the result? The Minister does whatever he chooses. He simply leaves certain works to be carried out under his control by one or two men, and other works to be carried out, also under his control, by other men. It has been found to be absolutely futile, however, to attempt to put the Minister upon a level with the other members of the board. The only result of a system like that is that a Minister is able to shunt responsibility for mistakes on to the board. While we have parliamentary government, the best control over the administration of a Department is through the Minister. The Minister for Defence must rule over both the General Officer Commanding and the Naval Commandant. There has been a continuous struggle in England to bring the Commander-in-Chief of the Army and the rulers of the Navy under the control of the Minister. That has been achieved now, with the result that the people have much more control than they used to have. The subject is discussed in the late Dr. Hearn's *Government of England*. At page 278, he says that it has been maintained—

That the control of the army is part of the prerogative; that the pleasure of the Crown should be taken on all military matters by the Commander-in-Chief alone, and that the Ministry of the day is not entitled to interfere in any way with this branch of the Public Service. In accordance with these views, the late Duke of Wellington urged the Prince Consort to accept the command of the army, either immediately or as the Duke's successor. Fortunately, however, the Prince, with a rare perception both of his own position, and of the principles, as they are now developed, of our Constitution, declined the proposal. There is, indeed, no difference in this respect between the army and any other part of the Public Service. . . . The Commander-in-Chief must be a permanent officer; and if permanent, then necessarily subordinate. His position would, indeed, be unsafe if he could not depend upon the support of Ministers in case his measures were questioned in Parliament. But this support

Ministers cannot be expected to give unless the officer who trusts to it communicate with them in the performance of his duties in such a manner as to enable them to guard against his taking or omitting to take any step for which they will not be prepared to defend him.

The proposed Board is to review all recommendations of the General Officer Commanding and of the Naval Commandant in respect to the organization, administration, and financial policy of their respective branches of the Defence Forces. Fancy the Minister being dictated to in regard to the financial policy of his Department by a Council of subordinates! As I wish the Minister to be responsible to the House and to the people, I shall oppose the amendment. It is, of course, of the utmost importance that he should have the best expert advice that we can afford, and the correct lines upon which to proceed will be, not to relieve the Minister of responsibility, but to provide for a Board of Advice consisting of the heads of the various branches of the service. That seems to me to be necessary, so that the Minister shall not be completely under the influence at one time of a General Officer Commanding, who has come from a line regiment, at another of a General who has come from an artillery regiment, and, at a third, of an officer who has come from a regiment of engineers, each of whom will naturally be governed by his own experience. I should like the heads of the various branches to meet together, so that the arrangements of one branch may be made to dovetail in with those of another branch. The Minister would receive their recommendations, but he alone should have power to act.

Mr. WINTER COOKE.—Does the honorable and learned member propose to put the command of our forces in commission?

Mr. HIGGINS.—I would not do that, because I think that we must have a Commander-in-Chief; but it would be of advantage to the Commander-in-Chief to be assisted by a Board of Advice whose members had come from other branches of the service. If we are attacked we shall have to use all our arms of defence.

Mr. WINTER COOKE.—The difficulty is to define the limits of the powers of the General Officer Commanding.

Mr. HIGGINS.—Yes. I would, however, provide only for a Board of Advice. The Board provided for in clause 27 is, I think, likely to prove futile, but experience will show us how to modify that provision.

I certainly do not think that a force such as ours justifies the appointment of the Council proposed by the Senate. Their proposal is unworkable. It would be better to even do without a Board of Advice than allow the financial policy of the Department to be reviewed by it.

Mr. G. B. EDWARDS (South Sydney).—The honorable and learned member for Northern Melbourne has put the case against the amendment as plainly and forcibly as it can be stated. We should be careful not to go too far in the way of handing over administration to Boards and Commissions. My views coincide with those expressed by the honorable and learned member, and are views which have gradually asserted themselves in the government of the old country.

Mr. KINGSTON.—They have not made a great success of the Defence administration there yet.

Mr. G. B. EDWARDS.—Neither system of management has yet been a success, but we may hope to get out of our present trouble. I do not think that the proposal of the Senate will assist us. It seems to me that we might have derived advantage from a report of a Royal Commission as to the best system of defence for Australia obtainable for the means at our disposal, but in allowing the Ministerial policy to be reviewed by a Board we should be wandering from the true principles of Parliamentary government. It has been argued that we cannot expect the ordinary Defence Minister to be thoroughly conversant with military affairs, since a member of Parliament is not appointed a Minister on account of his knowledge of the business of the Department which he is to control. The honorable member for Parramatta, however, had a distinguished career as Postmaster General of New South Wales, although he knew nothing of postal matters, and of the intricacies and secrets of electrical systems, before he took charge of the Department. Similarly the Minister for Defence may not be a trained soldier, and may know nothing about military strategy or warfare, but he may administer the Department successfully. We have to look to our successful public men to administer the Departments as private individuals administer their business concerns—by the exercise of their common sense and the assistance of expert advice. Under clause 27 the Minister may

appoint a Board of Advice, and can thus from time to time call to his assistance the best expert opinion within the Commonwealth. Indeed, there is nothing to prevent him from obtaining advice from outside, and Parliament as a whole would gladly support any proposal to obtain advice upon troublesome points. But the proposed Council of Defence would be a failure. It is to be a semi-political Board, two of whose members are to be heads of Departments, and it is to be presided over by the Minister. What can we expect from such a Council? The members of Parliament selected as members of the Council would probably be of the same political colour as the Minister for Defence. Consequently, on the civilian side of the Council, the Minister would have an absolute majority. The other two members of the Council would be officials regarding whom the Minister would be in precisely the same position as to-day. The result would be that in nine cases out of ten the decisions arrived at by the Council would really be those of the Minister, but they would not be accompanied by that sense of responsibility which should attach to them. If any fault were found with the Minister, he might say—"That decision was arrived at by the Council of Defence, which is provided for in the Defence Act." Consequently, we should have the responsibility shunted from the Minister to the Council of Defence, and we should introduce confusion into the management of the defences instead of securing the better results which we have a right to expect. The proposal is decidedly a move in the wrong direction. I do not look upon the Bill as representing the final result of our deliberations with regard to the defence of Australia. Good results might be achieved by enlisting the services of a Board of really first-class experts to report upon the best system of defence and organization for Australia. In regard to the administration, however, we should stand by the principles of Parliamentary government under which Ministers are always responsible for the management of the affairs of their Departments. The proposed Council of Defence would be similar to other bodies which have been created in connexion not only with the Defence but with the Mines and Lands Departments, and which have always failed. Parliament would no doubt authorize the Minister to obtain expert advice from abroad

if he required it, but he must under all circumstances be responsible to Parliament for the administration of the Department.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Minister for Defence).—I have listened with great pleasure to the remarks of honorable members, because it seems to me that even those who are opposed to my honorable colleague have strongly supported his arguments against the amendment proposed by the Senate. Nearly every honorable member who favours the creation of a Council of Defence has urged that more light should be thrown upon the best system of defence for this country. If that be so, I take it that the Board of Advice originally proposed in the Bill would be preferable to a Council of Defence. What would the creation of the proposed Council involve? It would be constituted of the Minister for Defence, the General Officer Commanding, the Naval Commandant, and two members of Parliament. The only benefit that the Minister could derive from the Council would be such assistance as might be given by the two members of Parliament. A question has been raised as to how these two members of the Council would be selected. It has been suggested, and with good reason, that they would be of the same political complexion as the Government which appointed them, and would not be likely to do anything to interfere with its policy, and, therefore, to my mind, entirely unsatisfactory. I quite understand the intention of the Senate; but I feel sure that their design would fall far short of accomplishment, and that it would be very unwise to adopt their suggestion. I do not see how any good result could follow from the appointment of a Council of Defence; but, on the other hand, I think a properly constituted Board of Advice would be of great assistance to the Minister. If the Minister could avail himself of the advice of such a Board with regard to every arm of the service, he would probably be able to make many desirable changes. Some honorable members have stated that much discontent prevails among members of the Defence Forces, and, no doubt, it is necessary to institute certain reforms; but, under all the circumstances, I think we should hasten slowly. The honorable member for South Sydney gave us the benefit of his opinion as to the best system of defence for Australia. We are not dealing with that subject now. We

Ministers cannot be expected to expect an officer who trusts to it only in the performance of his duties as to enable them to guard against omitting to take any steps which they should be prepared to defend him.

The proposed Board is a recommendation of the Commander-in-Chief and of the Minister of Defence with respect to the organization and financial policy of the branches of the Defence Force, the Minister being directed to the financial policy of the Council of subordinates. The Minister to be responsible to the people, I shall open. It is, of course, of the opinion that he should have a staff that we can afford, and upon which to proceed to relieve the Minister and provide for a Board of the heads of the various service. That seems so that the Minister is under the influence of the Officer Commanding the line regiment, at least has come from an officer at a third, of an officer a regiment of engineers naturally be governed by experience. I should like to see various branches of the arrangements of the arrangements dovetail in with the Minister would be the arrangements, but he would act.

Mr. WINTER (and learned member) and learned member of command of our

Mr. HIGGIN (cause I think the Commander-in-Chief; he is the Commander of the Board of Advice from other branches

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It is the only assurance which I can give honorable members at the present time. I will inquire into the matter very carefully. I have no doubt from the little knowledge which I have already gained that I shall be able to effect many changes—changes which will meet with the approval of honorable members and which will place the Defence Forces upon a better footing—changes which could not be adopted by predecessors in office because of the urgency of necessary legislation. I shall have no hesitation in making any requisite recommendations, no matter how drastic the desired change may be, because I am not wedded to any particular system, but desire only to do that which is best in the interests of the Commonwealth. I ask honorable members to accept my assurance, because I believe that it will be better to establish a Board of Advice than to give effect to the measure which is under consideration. Whilst I strongly sympathize with the intention of honorable members in another place, I am of opinion that the adoption of this provision would result in chaos.

Mr. SYDNEY SMITH (Macquarie).—I think honorable members generally will be satisfied with the assurance of the Minister of Defence that he will look into this matter.

Personally, I am of opinion that a Royal Commission should be appointed to investigate the real position of affairs so far as our system of defence is concerned. In the New South Wales Parliament the Defence Estimates were always debated of considerable length.

Sir JOHN FORREST.—They are much simpler now.

Mr. SYDNEY SMITH.—But, although the Department has been transferred to the Commonwealth, there is still ground for objection to the system that is adopted. I well remember that during the first session of the present Parliament, the right honorable gentleman submitted estimates for an expenditure upon the Defence Department aggregating more than £900,000. In 1902, the honorable member for Tasmania,

Braddon, moved to reduce the vote by £1, upon the understanding that if his proposal were carried, the vote would be reduced by £100,000. On that occasion, Major-General Hutton stated that £125,000 should be expended in properly equipping the Defence

Forces. Yet in defiance of that recommendation the Government cut down the amount to £75,000. Equipment constitutes one of the most important features in connexion with our Defence expenditure. We all know the trouble which has occurred in the old country. Every one was astonished—not to say shocked—at the disclosures which were made by the Royal Commission which recently investigated the condition of the Imperial Defence Forces. I desire to see our Defence Department effectively administered. The Government do not appear to realize what is the true position of affairs. When the General Officer Commanding the forces recommended an expenditure of £125,000 for the purpose of providing our men with proper equipment, why did the Government reduce the amount by £50,000?

Sir JOHN FORREST.—The Treasurer would not grant us the money.

Mr. SYDNEY SMITH.—The right honorable gentleman admits that the expenditure is necessary, and merely urges as an excuse for the Government action that the Treasurer could not spare the money. I do not believe that the people of the Commonwealth would object to that expenditure if they could be shown that it is absolutely necessary to furnish us with an effective system of defence.

Mr. FISHER.—Would it not be wiser for the Department to make better use of the money which they now spend?

Mr. SYDNEY SMITH.—It is of no use Australia possessing a large body of men if they are not properly equipped. Assuming that war were to break out to-morrow, is it fair to ask our men to sacrifice their lives in defence of the country—because that is what it means—when they lack up-to-date equipment?

Sir JOHN FORREST.—The General Officer Commanding recommends an expenditure of £400,000, to be distributed over a number of years. That recommendation is embodied in his report.

Mr. SYDNEY SMITH.—The report in question does not reveal a very satisfactory condition of affairs. Indeed, if any reason were needed as to the wisdom of appointing a Royal Commission to investigate our defence system it is supplied by that document. Speaking upon this very question some time ago, Mr. Balfour emphasized the fact that upon an inquiry of this kind civilians could elicit information of great value to the Government. Personally, I know of men to

whom officers' commissions were issued, and who never had a day's experience of military matters. This happened in our own State a few years ago. I trust that the Government will take into consideration the advisableness of appointing a Royal Commission to inquire into this question.

Sir JOHN FORREST.—We should gain very little by that.

Mr. SYDNEY SMITH.—The Commission which recently sat in England revealed a shocking state of affairs. It proved the utter incompetence of a great many officers—

Sir JOHN FORREST.—It is very easy to criticise after the battle.

Mr. SYDNEY SMITH.—I wish to criticise before the battle. I ask the Minister for Defence not to wait until the best of our manhood is sacrificed on account of inferior equipment; but to see that this matter is investigated. When reading the report of the Royal Commission to which I have referred, I was staggered to learn of the utter incompetence of men who were charged with the duty of making proper preparations for the conduct of the South African campaign. The report revealed a most discreditable state of affairs. I appeal to my honorable friend the Minister for Defence to give this matter his earnest consideration. I advocate the appointment of a Royal Commission not because I wish to involve the Commonwealth in unnecessary expense, but because I am one of those who believe that our Defence Forces are not on a satisfactory footing. The Board of Advice which it is proposed to appoint will not be able to elicit the necessary information to enable us to get rid of our present difficulties and shortcomings.

Mr. KINGSTON.—The Board is not intended to deal with the past, but with such matters as may be referred to it by the Minister.

Mr. SYDNEY SMITH.—Quite so. It seems to me that the question is one which deserves earnest consideration. There is a paragraph in the report of the British Commission which shows that even members of the British Government attach great importance to evidence given before such a body. The Commission consisted, not merely of military men, but of civilians capable of dealing with commercial matters, such as questions of transport, and the purchase of stores and warlike material. A Commission of this kind should be

appointed to inquire into the position of the defences of Australia. We have to see that we are not imposed upon.

Mr. KINGSTON.—The authorities give one a rifle which throws 18 inches to the left at 500 yards.

Mr. SYDNEY SMITH.—Exactly. We know that scandals of that kind have occurred recently in South Africa. There may be some who do not believe in a Defence Department; but even those who hold that view—and I am not one of them—will admit that we should take care that the Department is efficiently administered. Let us make sure that we have the proper stores at our command, and adequate supplies of ammunition and rifles for our men, so that if, in the future, they are called upon to go into action, either at home or abroad, they will be adequately equipped to meet the foe.

Mr. WILKS.—Does the honorable member think the Council would deal with such matters?

Mr. SYDNEY SMITH.—No; I am referring only to the desirableness of appointing a Royal Commission. When the suggestion that a Commission should be appointed was made to the Minister, he said that he thought a Board of Advice would do all that was necessary.

Sir JOHN FORREST.—Under this Bill.

Mr. SYDNEY SMITH.—Even a machinery Bill should be properly administered. This Department has been under the control of the Commonwealth for two years and now we find the General Officer Commanding, who was appointed in order that our troops might be placed on a satisfactory footing, pointing out that, in many respects, various branches of the Defence Forces are deficient. He strongly urges the Government to expend a sum of £125,000 in securing the proper equipment of our forces, but the reply of Ministers is that they must cut down the amount to be set apart for that purpose to £50,000. They take that stand, not because they disagree with Major-General Hutton, but because the Treasurer cannot find the necessary funds. That was the excuse put forward, but I do not think it was a proper one. If our forces are not to be efficient we might as well get rid of them altogether. The Minister for Defence has a splendid opportunity now to distinguish himself. He knows very well that whenever the Defence Estimates came before the State Parliament of New South

Wales, there was invariably a complaint that members were asked to vote in the dark.

Sir JOHN FORREST.—No such complaint can now be raised.

Mr. SYDNEY SMITH.—It seems to me that we must be working in the dark in view of the fact that in reply to a request by the General Officer Commanding that £125,000 should be spent on purchasing necessary equipment for the forces, the Government declared that they had not that money to spare. We are regularly returning to the States thousands of pounds which, if necessary, might be retained for the purposes of the Commonwealth.

Mr. FISHER.—Does the honorable member know that, as a matter of fact, less than three-fourths of the Customs revenue to which Queensland is entitled is being returned to her?

Mr. SYDNEY SMITH.—I do not wish to say anything in regard to that matter; but under the Constitution we can retain 25 per cent. of the revenue collected through the Department for Trade and Customs. We have not availed ourselves of that provision.

Mr. KINGSTON.—I hope that we shall not do so.

Mr. SYDNEY SMITH.—All that I contend is that we should be prepared to spend any reasonable sum in securing the efficiency of our Defence Forces. My desire is to impress upon the Government the importance of appointing a Commission to inquire into the position of this service, so that when the next Estimates are submitted to it the Parliament will, at all events, be enabled to cast an intelligent vote upon them.

Mr. FISHER (Wide Bay).—An able and a long speech, such as that which has just been delivered by the honorable member for Macquarie, should not be allowed to pass unnoticed. One of the statements made by the honorable member was that more money should be spent upon our Defence Forces.

Mr. SYDNEY SMITH.—I say that, if necessary, the expenditure should be increased; but I wish to have some evidence on the point.

Mr. FISHER.—Has the honorable member ever heard of a State Commandant who was not prepared to take all the money that the State could collect, and then to say that the forces under him were not sufficient?

Mr. SYDNEY SMITH.—Such an officer should be dismissed.

Mr. FISHER.—The honorable member must know that there are such men. Few Ministers were able to deal effectively with the various States Commandants under the old régime. These men are always prepared to spend money in keeping up big military establishments. I do not blame them, but what we require is the nucleus of a force sufficient for the hour of need, and I should blame any Minister who would consent to an expenditure in excess of the sum actually necessary to provide that nucleus.

Mr. SYDNEY SMITH.—We should see that the forces are properly equipped.

Mr. FISHER.—In the matter of equipment there is a substantial charge to be laid at the door of the Government. It is for this House to say how much money shall be expended on the Defence Forces, and for the Executive to declare the way in which it shall be spent. If a Commandant says that he cannot carry on with the money placed at his disposal, it is open to him to resign. I remember that in 1893, Queensland found it necessary to retrench in all the Departments, and Sir Thomas McLlwraith thought the Defence Forces should share in the general reduction. The State Commandant, however, said that such a thing was utterly impossible, that to reduce the forces would be to destroy their efficiency. To this Sir Thomas McLlwraith, in effect, replied in a minute which is yet to be seen, "I am requesting you to cut down the forces by one-half, only because you know which would be the best half to retain. If you cannot do the work, I shall undertake it, and carry it out in two or three minutes." Needless to say the necessary retrenchment was effected; but very few Ministers have been able to cope with the difficulty in so forcible a way. While the Government are to blame for their failure to supply the troops with up-to-date rifles, I do not say that they are to blame in cutting down the Defence expenditure. I trust that less will be expended on the brigade officers and that more consideration will be given to those who will be the backbone of any offensive or defensive force which may be required by the Commonwealth. I am against the amendment.

Mr. CAMERON (Tasmania).—I can quite understand why the Ministry, as represented by the present and the late Minister for Defence, opposes the amendment of the

Senate to provide for a Council of Defence consisting of five members. They feel that a certain amount of the importance which now attaches to the office of Minister for Defence will be lost if he is not given the full control of the forces.

Sir JOHN FORREST.—No.

Mr. CAMERON.—Then cannot understand why Ministers object to the amendment. It seems to me, as a layman, a very fair one. The Minister for Home Affairs told us a short time ago that when he was in charge of the Defence Department, and required £50,000 to put the forces in a proper state of efficiency, the Treasurer declined to give him the money,

Sir JOHN FORREST.—I asked for £125,000, and he gave me £75,000.

Mr. CAMERON.—On that occasion the Treasurer was, in a small way, acting on the same lines as the English Chancellor of the Exchequer. The report of the Royal Commission which was appointed in England to inquire into the manner in which the Boer war was conducted, shows that the Minister for War was influenced by the action of the Chancellor of the Exchequer in refusing to grant him a sufficient sum of money to make adequate preparations. I can understand that the Minister may think it derogatory to him that a Member of the Senate and a Member of the House of Representatives should be appointed to the proposed Council; but the arrangement has my warmest support. There is at present a Member of the Senate who went through the late war in South Africa, and has therefore practical experience of military matters.

Sir JOHN FORREST.—He voted against the amendment.

Mr. CAMERON.—Although he will not always be a Member of the Senate, that body may contain other members of equal knowledge, whose advice would be of the utmost value. Neither the present nor the late Minister for Defence has any knowledge of warfare, except, as has been suggested, political warfare. Therefore, they should welcome whatever system can be obtained at the hands of experienced officers. We have been told that a Minister is subject to the control of Parliament, and that if he makes mistakes he can be hauled over the coals or turned out of office; but upon how many occasions has a Minister been turned out of office, either in Australia or elsewhere, because he has made mistakes?

All that is generally said is that the Minister behaved badly, but that he did not know better, and he is therefore whitewashed. We wish to prevent, if possible, mistakes from happening. We spend about £600,000, more or less, upon our defence forces, and contribute a certain amount for the maintenance of an Imperial Squadron in Australian waters, and it is likely that in a few years we shall establish a navy of our own. Under these circumstances, I do not think that a layman who has no knowledge of military or naval matters should be given uncontrolled authority over our naval and military forces. No doubt, the General Officer Commanding and the Naval Commandant will make good suggestions; but the Minister is at liberty to accept or reject them as he pleases. If, however, they were supported by a Council of Defence consisting of, amongst others, a Member of the Senate and a Member of the House of Representatives, their suggestions would carry much more weight.

Motion agreed to.

Clause 35—

Persons voluntarily enlisting as members of the Active Forces shall engage to serve for a prescribed period of not less than three years.

*Senate's Amendments.*—Omit "Active," insert "Permanent and Militia." At end of clause, add "and as members of the Volunteer Forces and Reserves for a prescribed period of not less than two years."

Motion (by Sir JOHN FORREST) agreed to—

That the Senate's amendments be agreed to.

Clause 39—

Every soldier or sailor . . . . . may, except in time of war, claim his discharge . . . . . on the following conditions—

(b) He shall, if he is not exempted from such payment for special reasons, pay such sum, not exceeding £2, as is prescribed.

*Senate's amendment.*—Omit paragraph b, insert new paragraph—“(bb) He shall, if a member of the Militia Forces, pay such sum not exceeding £2, and if a member of the Volunteer Forces pay such a sum not exceeding £1, as may be prescribed, but such payments may, for special reasons, be waived by the General Officer Commanding, upon the recommendation of the officer commanding the corps or ship's company from which the member seeks to be discharged.”

Motion (by Sir JOHN FORREST) agreed to—

That the Senate's amendment be amended by omitting the words "General Officer Commanding, upon the recommendation of the officer commanding the corps or ship's company from which the member seeks to be discharged," with a view to insert in lieu thereof the words "officers authorized by the regulations to waive them," and be agreed to.

Senate's amendment inserting new clause 39A agreed to.

Senate's amendments in clauses 43, 51, and 52 agreed to.

*Senate's Amendment.*—Insert the following new clause :—

"54A. (1) When any member of the Defence Force dies or is killed while on active service, or is killed while in the performance of his duty, or dies from injuries received or disease contracted while on active service, or from injuries received while in the performance of his duty, provision shall be made out of the Consolidated Revenue Fund, at the prescribed rate, for his widow and for his children under sixteen years of age.

(2) When any member of the Defence Force becomes incapacitated from earning his living by reason of injuries received while on active service, or in the performance of his duty, or by reason of disease contracted while on active service, provision shall be made for the payment to him, out of the Consolidated Revenue Fund, of an allowance or gratuity at the prescribed rate.

(3) No payment or allowance shall be made where the death or incapacity of a member of the Defence Force is attributable to his misconduct or wilful neglect."

Motion (by Sir JOHN FORREST) proposed—

That the Senate's amendment be agreed to.

Mr. GLYNN (South Australia).—I think that the amendment of the Senate is open to the objection that it is contrary to the provisions of the Constitution. Section 53 of the Constitution provides that—

Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate.

The Senate may not amend proposed laws imposing taxation. . . . The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

It seems to me that the Senate, in making the provision for families of men killed or incapacitated wider than it was in the original clause are amending a proposed law so as to increase a proposed charge or burden upon the people. I think it will not be contended that, because there is no amount specified, this provision does not impose taxation. The same point arose in regard to the sugar duties, and it was settled adversely to the claim which would be established by the Senate if we accepted this amendment. We cannot be too particular in these matters. If the Senate has not the power, we should not allow any amendment to pass which asserts the right to the exercise of such power. I hope that the Minister will ask the Committee to disagree to the amendment.

Mr. KINGSTON (South Australia).—I am sure that the Government desire to preserve the privileges of the House, and this matter, although it may seem a small one, is of the utmost consequence. We must look with jealousy on all possible attempts by the other branch of the Legislature to invade our sole rights. I do not know that that is the intention, but it is certainly the effect of the amendment. We made provision for the payment of compensation if certain events arose, and the Senate, in redrafting the clause, and perhaps improving it, have provided for the payment of compensation in cases which we did not contemplate. Provision is made that compensation shall be paid for injuries received whilst in the performance of duty, irrespective of active service. The original clause 55 provided that whenever any member of the Defence Force was killed on active service, or on duty, or became incapacitated from earning his living from wounds or disease contracted on active service, provision should be made out of the Consolidated Revenue Fund at prescribed rates. That does not say anything as to becoming incapacitated by injuries sustained whilst on duty. Of course, the matter is a very simple one; but a question of principle is involved, and if we allow a precedent to be established, in derogation of our rights, we shall do wrong. The amendment practically provides for an appropriation of revenue. The Senate rejected the clause passed by this House, and proposed a new clause, which we should have had a right to insert, but which they have no right to substitute for ours. If the Senate cannot provide directly for an appropriation of revenue, I do not think they can indirectly declare that revenue shall be appropriated. They say, in this case, that provision shall be made out of the Consolidated Revenue at a prescribed rate. The Senate have no right to insert an amendment which has the effect of imposing an increased charge or burden on the people. But that is the effect of their amendment.

Mr. GLYNN.—The proposed new clause goes beyond the provision which was contained in the original clause, because it provides that compensation shall be paid to the man himself, whereas the original clause stated that provision should be made for his wife and family.

Mr. KINGSTON. — That is another point. We should be very jealous of our

constitutional position, because the amendment is undoubtedly a substantial invasion of our rights, and a departure from the principles of the Constitution, which prevent the Senate from increasing the burdens proposed to be imposed by us. I venture to say that honorable members do not desire that a mischievous precedent should be created in derogation of our rights. If we pass the new clause we shall certainly sanction a very undesirable departure.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I think that it could be contended that the clause, as originally drafted, contained all that is now proposed in the Senate's amendment; but it must be confessed that the full meaning could be extracted from the original clause only by means of a good deal of ironing out. There is also the danger that the new clause may contain some fresh provision. Perhaps we might overcome the difficulty by substituting for the words "out of the Consolidated Revenue Fund" the words, "moneys provided by Parliament."

Mr. GLYNN.—But you could not get money out of the Consolidated Revenue Fund unless it were provided for by Parliament.

Mr. DEAKIN.—The words "money provided by Parliament," would show that Parliament would require to provide the money in order to give effect to the clause.

Mr. KINGSTON.—That would not overcome the difficulty as to the proposed increased burden upon the people.

Mr. DEAKIN.—There would be no increased burden unless Parliament voted the money.

Mr. KINGSTON.—We should open the way for driving a coach and four through the Constitution. Does the Prime Minister suggest that if we proposed £5,000 the Senate could double the amount.

Mr. DEAKIN.—No.

Mr. KINGSTON.—But they are proposing to increase the amount by introducing new objects into the clause.

Mr. DEAKIN.—It might be contended that the new clause did not really extend the objects of the original clause.

Mr. KINGSTON.—The provision for compensation for injury sustained whilst in the performance of duty undoubtedly widens the scope of the clause.

Mr. DEAKIN.—But the term "active service" has a wider meaning than "on duty."

Mr. KINGSTON.—No; a soldier may be on duty when not on active service.

Mr. DEAKIN.—I rather think that the right honorable member is correct. The term "active service" is defined in the Bill as service in time of war. Perhaps the difficulty might be overcome by substituting for the words "out of the Consolidated Revenue Fund" the words "out of moneys, if any, from time to time appropriated by Parliament for the purpose."

Mr. GLYNN.—That would open the way for the Senate to direct us as to what we should do with the finances.

Mr. DEAKIN.—I do not think so. We sent up a clause which was obscurely drawn, and with our consent the clause was redrafted to place its meaning beyond doubt. In some way words have been introduced which technically increase the ambit of the clause, because it now covers cases which would not have been embraced within a strict construction of the original clause.

Mr. KINGSTON.—The result being that an increased burden would be imposed upon the people.

Mr. DEAKIN.—Not if the clause were amended in the way I suggest.

Mr. KINGSTON.—But an additional object has been introduced into the clause.

Mr. DEAKIN.—The Senate could introduce any further object they pleased, so long as no financial result was reached. By adopting the wording I have suggested we shall rob the clause of its financial effect, and leave the appropriation of the necessary moneys to be dealt with separately. We shall remove the technical objection raised by the right honorable and learned member for South Australia.

Mr. KINGSTON (South Australia).—I desire to point out that the Senate are absolutely forbidden to appropriate money. Therefore, the suggestion that because we made a certain proposal, the Senate have the right to reject our proposal, and to substitute one of their own, can hardly be defended. There are two objections to be urged, namely, that the Senate have no right to appropriate money, and that the Constitution provides that the Senate shall not increase the burdens of the people. The Constitution provides that the Senate shall not amend any proposed law so as to increase any proposed charge or burden upon the people. We proposed to make certain payments to certain people under certain circumstances.

The proposal now before us relates to cases which would not be covered by the original proposal. Surely that would involve an increased charge or burden upon the people. It was clearly laid down in connexion with the Sugar Bonus question that any action on the part of the Senate which had a tendency to increase expenditure would amount to a proposal to increase a charge or burden upon the people. In this case the Senate has said, in effect—"The clause is wrongly drafted, and we shall put it in better form. We shall go further. You provide for payments in six cases, but we shall extend the provision to include payments in seven cases." It is necessary to resist the amendment in order to safeguard the right of this Chamber under the Constitution. I think there are very good reasons for rejecting the clause altogether, and holding the Senate to the position that, as regards the expenditure of money, neither shall they directly appropriate nor indirectly require that an appropriation shall be made. This is the House which holds the purse-strings; this is the Chamber from which must emanate all propositions for the expenditure of money. If there was one provision of the Constitution more than another which was fought over and settled definitely, it was that. It is not for the other Chamber to arrogate to itself a power which is expressly forbidden within the four corners of the Constitution. The Senate is undoubtedly providing for an expenditure which was not contemplated by us. It is imposing an increased burden on the people, and therefore the clause ought not to be accepted by this Committee.

Mr. DEAKIN.—I shall ask the Committee to strike out the clause rather than leave the question in doubt. I have amended clause 55 to express what we intended by that provision in its original form.

Motion, by leave, withdrawn.

Motion (by Mr. DEAKIN) agreed to—

That the Senate's amendment be disagreed to.

Clause 55—

When any member of the Defence Force is killed on active service, or on duty, or dies, or becomes incapacitated from earning his living by wounds or disease contracted on active service, provision shall be made for his wife and family out of the consolidated revenue at the prescribed rates.

*Senate's Amendment.*—Omit clause.

Motion (by Mr. DEAKIN) agreed to—

That the Senate's amendment be disagreed to; but that the clause be amended by the insertion

after the word "service," line 4, of the words "or on duty," the omission of the word "wife," with a view to insert in lieu thereof the word "widow," and the insertion after the word "family" of the words "or for himself, as the case may be."

Mr. FISHER (Wide Bay).—Would it not be possible to still further extend this definition? Under the clause in its present form, if a young soldier, who was the sole support of his mother and sisters, were killed upon active service, they would have scarcely any claim for compensation. I do not think that the Committee intend that in such a case she should derive no benefit.

Mr. DEAKIN.—I think such a case might be held to be covered by the word "family."

Motion agreed to.

Senate's amendments in clauses 59, 71, 74, 78, 81, and 86 agreed to.

Senate's amendment inserting new clause 87A agreed to.

Senate's amendments in clauses 88, 89, 90, 91, 92, 105, 107, and 108 agreed to.

Senate's amendment inserting new clause 108A agreed to.

Senate's amendments in clauses 109 and 116 agreed to.

Clause 120—

(1.) The Governor-General may make regulations . . . for securing the discipline and good government of the Defence Force . . . and in particular prescribing matters providing for and in relation to— (a) The establishment and composition of a Board of Advice and the convening procedure and powers of the Board.

(3.) All regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof if the Parliament be then sitting, and if not then sitting within thirty days after the next meeting of the Parliament.

*Senate's Amendments.*—Omit "and composition of a Board of Advice," lines 5 and 6, insert "of a Council of Defence." Omit "Board," line 7, insert "Council." After paragraph *h* insert new paragraph "*hh* The maintenance, control, regulation, and training of cadet corps." After paragraph *r* insert new paragraph "*s* The payment of compensation to wives and families of members of the Defence Forces as provided in Part III., division 4, of this Act.

Motion (by Sir JOHN FORREST) agreed to—

That the Senate's amendments omitting "and composition of a Board of Advice," lines 5 and 6, with a view to insert in lieu thereof the words "of a Council of Defence," and omitting "Board," line 7, and inserting "Council" be disagreed with; and that the amendments inserting new paragraphs *hh* and *s* be agreed to.

Senate's amendments in second and third schedules agreed to.

Resolutions reported; report adopted.

Ministers cannot be expected to give unless the officer who trusts to it communicate with them in the performance of his duties in such a manner as to enable them to guard against his taking or omitting to take any step for which they will not be prepared to defend him.

The proposed Board is to review all recommendations of the General Officer Commanding and of the Naval Commandant in respect to the organization, administration, and financial policy of their respective branches of the Defence Forces. Fancy the Minister being dictated to in regard to the financial policy of his Department by a Council of subordinates! As I wish the Minister to be responsible to the House and to the people, I shall oppose the amendment. It is, of course, of the utmost importance that he should have the best expert advice that we can afford, and the correct lines upon which to proceed will be, not to relieve the Minister of responsibility, but to provide for a Board of Advice consisting of the heads of the various branches of the service. That seems to me to be necessary, so that the Minister shall not be completely under the influence at one time of a General Officer Commanding, who has come from a line regiment, at another of a General who has come from an artillery regiment, and, at a third, of an officer who has come from a regiment of engineers, each of whom will naturally be governed by his own experience. I should like the heads of the various branches to meet together, so that the arrangements of one branch may be made to dovetail in with those of another branch. The Minister would receive their recommendations, but he alone should have power to act.

Mr. WINTER COOKE.—Does the honorable and learned member propose to put the command of our forces in commission?

Mr. HIGGINS.—I would not do that, because I think that we must have a Commander-in-Chief; but it would be of advantage to the Commander-in-Chief to be assisted by a Board of Advice whose members had come from other branches of the service. If we are attacked we shall have to use all our arms of defence.

Mr. WINTER COOKE.—The difficulty is to define the limits of the powers of the General Officer Commanding.

Mr. HIGGINS.—Yes. I would, however, provide only for a Board of Advice. The Board provided for in clause 27 is, I think, likely to prove futile, but experience will show us how to modify that provision.

I certainly do not think that a force such as ours justifies the appointment of the Council proposed by the Senate. Their proposal is unworkable. It would be better to even do without a Board of Advice than allow the financial policy of the Department to be reviewed by it.

Mr. G. B. EDWARDS (South Sydney).—The honorable and learned member for Northern Melbourne has put the case against the amendment as plainly and forcibly as it can be stated. We should be careful not to go too far in the way of handing over administration to Boards and Commissions. My views coincide with those expressed by the honorable and learned member, and are views which have gradually asserted themselves in the government of the old country.

Mr. KINGSTON.—They have not made a great success of the Defence administration there yet.

Mr. G. B. EDWARDS.—Neither system of management has yet been a success, but we may hope to get out of our present trouble. I do not think that the proposal of the Senate will assist us. It seems to me that we might have derived advantage from a report of a Royal Commission as to the best system of defence for Australia obtainable for the means at our disposal, but in allowing the Ministerial policy to be reviewed by a Board we should be wandering from the true principles of Parliamentary government. It has been argued that we cannot expect the ordinary Defence Minister to be thoroughly conversant with military affairs, since a member of Parliament is not appointed a Minister on account of his knowledge of the business of the Department which he is to control. The honorable member for Parramatta, however, had a distinguished career as Postmaster General of New South Wales, although he knew nothing of postal matters, and of the intricacies and secrets of electrical systems, before he took charge of the Department. Similarly the Minister for Defence may not be a trained soldier, and may know nothing about military strategy or warfare, but he may administer the Department successfully. We have to look to our successful public men to administer the Departments as private individuals administer their business concerns—by the exercise of their common sense and the assistance of expert advice. Under clause 27 the Minister may



appoint a Board of Advice, and can thus from time to time call to his assistance the best expert opinion within the Commonwealth. Indeed, there is nothing to prevent him from obtaining advice from outside, and Parliament as a whole would gladly support any proposal to obtain advice upon troublesome points. But the proposed Council of Defence would be a failure. It is to be a semi-political Board, two of whose members are to be heads of Departments, and it is to be presided over by the Minister. What can we expect from such a Council? The members of Parliament selected as members of the Council would probably be of the same political colour as the Minister for Defence. Consequently, on the civilian side of the Council, the Minister would have an absolute majority. The other two members of the Council would be officials regarding whom the Minister would be in precisely the same position as to-day. The result would be that in nine cases out of ten the decisions arrived at by the Council would really be those of the Minister, but they would not be accompanied by that sense of responsibility which should attach to them. If any fault were found with the Minister, he might say—"That decision was arrived at by the Council of Defence, which is provided for in the Defence Act." Consequently, we should have the responsibility shunted from the Minister to the Council of Defence, and we should introduce confusion into the management of the defences instead of securing the better results which we have a right to expect. The proposal is decidedly a move in the wrong direction. I do not look upon the Bill as representing the final result of our deliberations with regard to the defence of Australia. Good results might be achieved by enlisting the services of a Board of really first-class experts to report upon the best system of defence and organization for Australia. In regard to the administration, however, we should stand by the principles of Parliamentary government under which Ministers are always responsible for the management of the affairs of their Departments. The proposed Council of Defence would be similar to other bodies which have been created in connexion not only with the Defence but with the Mines and Lands Departments, and which have always failed. Parliament would no doubt authorize the Minister to obtain expert advice from abroad

if he required it, but he must under all circumstances be responsible to Parliament for the administration of the Department.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Minister for Defence).—I have listened with great pleasure to the remarks of honorable members, because it seems to me that even those who are opposed to my honorable colleague have strongly supported his arguments against the amendment proposed by the Senate. Nearly every honorable member who favours the creation of a Council of Defence has urged that more light should be thrown upon the best system of defence for this country. If that be so, I take it that the Board of Advice originally proposed in the Bill would be preferable to a Council of Defence. What would the creation of the proposed Council involve? It would be constituted of the Minister for Defence, the General Officer Commanding, the Naval Commandant, and two members of Parliament. The only benefit that the Minister could derive from the Council would be such assistance as might be given by the two members of Parliament. A question has been raised as to how these two members of the Council would be selected. It has been suggested, and with good reason, that they would be of the same political complexion as the Government which appointed them, and would not be likely to do anything to interfere with its policy, and, therefore, to my mind, entirely unsatisfactory. I quite understand the intention of the Senate; but I feel sure that their design would fall far short of accomplishment, and that it would be very unwise to adopt their suggestion. I do not see how any good result could follow from the appointment of a Council of Defence; but, on the other hand, I think a properly constituted Board of Advice would be of great assistance to the Minister. If the Minister could avail himself of the advice of such a Board with regard to every arm of the service, he would probably be able to make many desirable changes. Some honorable members have stated that much discontent prevails among members of the Defence Forces, and, no doubt, it is necessary to institute certain reforms; but, under all the circumstances, I think we should hasten slowly. The honorable member for South Sydney gave us the benefit of his opinion as to the best system of defence for Australia. We are not dealing with that subject now. We

have already practically decided that point. But some honorable members are endeavouring, under cover of the amendment, to raise the whole question as to whether or not we should have a Commander-in-Chief. This is not the time to debate that matter. I would ask those who criticize the General Officer Commanding so severely—and I have found it necessary to express my own opinion freely—to remember that so many drastic changes have been made that it is easy to understand why discontent prevails. When, however, we can adopt one set of regulations, instead of six, and we can exercise full control over the whole Defence Forces of the Commonwealth, we shall be in a very much better position to bring about a settled state of affairs. The defence finances have been so much disturbed by drastic changes and reductions during the past two or three years that it has been almost impossible to avoid dissatisfaction and friction. The best course to pursue would be to hold our hands until we see what form is taken by the changes contemplated in Great Britain. We should very carefully study the report of the Commission upon the conduct of the war in South Africa before making any radical change in our system of administration. I am at present considering that report very carefully, and it would be very foolish on my part to express an opinion upon it at this stage. The general opinion in England seems to be that some change is necessary, and without doubt some reforms will be instituted. It may be wise for us to follow upon similar lines at a later stage. But I would ask those honorable members who think that we should do away with the General Officer Commanding, not to kill the Bill upon which so much labour has been expended, and which will undoubtedly prove to be a good measure. A Council of Defence, such as that proposed, would tie the hands of the Minister to such an extent that no self-respecting man would occupy the position. The Minister has to bear all the responsibility, and he should therefore have the fullest power. If he does wrong now, Parliament is in a position to call him to account; and that is the very best form of control that can be exercised over any Department. If it is desired that the Minister should be in a position to consult experts, and to deal with military matters—as I intend to do—in a common-sense way, no Council of Defence is required. I hope to be

*Mr. Austin Chapman.*

guided by the experience gained in England; but, at the same time, I recognise that some of the methods adopted in Great Britain may prove entirely unsuitable to our conditions. Some honorable members seem to expect that I should make some promise with regard to this matter. I do not care to make a promise lightly. The only undertaking I feel disposed to give—and I hope that it will prove acceptable to honorable members in the Senate—is to consider the whole matter carefully. I am quite aware that there is a great deal of dissatisfaction among members of the Defence Forces, and I intend to get at the root of it. I shall not hesitate to propose radical changes if I think they are necessary; but I do not intend to make any promise until I am fully seized of the whole of the facts. I undertake that an effort shall be made to reduce the existing dissatisfaction and friction; but, first of all, I want to find out the cause of the friction. I believe that most honorable members desire to see the Bill passed into law, and I should regard it as almost a calamity if it were lost at this stage. I have no fear that the Senate will persist in its amendment. I propose to look very carefully into the whole question of defence organization, and I hope in the near future to be in a position to consult the heads of the different branches of the service, and to obtain the best possible information upon every essential point. I do not see how the Council of Defence could aid the Minister in that respect, and therefore I urge honorable members to adhere to the original proposal. If I find that any change is necessary I shall not hesitate to introduce a short amending Bill to meet the requirements of the case. I hope to obtain some good results from the Board of Advice provided for in the Bill.

**MR. CAMERON.**—How will it be constituted?

**MR. AUSTIN CHAPMAN.**—That matter will require very careful consideration. I should not like to make any statement upon that point at present. I can assure the honorable member, however, that the Board will be of such a character that the Minister may rely upon it for advice regarding every branch of the service. I hope that the result will be to do away with a great deal of the existing friction, and also to silence the cry that the General Officer Commanding has no interest in or sympathy with our citizen soldiers.

That is the only assurance which I can give honorable members at the present time. I shall inquire into the matter very carefully, and I have no doubt from the little knowledge which I have already gained that I shall be able to effect many changes—changes which will meet with the approval of honorable members and which will place our Defence Forces upon a better footing—but changes which could not be adopted by my predecessors in office because of the absence of necessary legislation. I shall have no hesitation in making any requisite recommendations, no matter how drastic the desired change may be, because I am not wedded to any particular system, but desire only to do that which is best in the interests of the Commonwealth. I ask honorable members to accept my assurance, because I believe that it will be better to establish a Board of Advice than to give effect to the clause which is under consideration. Whilst I strongly sympathize with the intention of honorable members in another place, I am of opinion that the adoption of this provision would result in chaos.

Mr. SYDNEY SMITH (Macquarie).—I think honorable members generally will be satisfied with the assurance of the Minister for Defence that he will look into this matter. Personally, I am of opinion that a Royal Commission should be appointed to investigate the real position of affairs so far as our system of defence is concerned. In the New South Wales Parliament the Defence Estimates were always debated at considerable length.

Sir JOHN FORREST.—They are much simpler now.

Mr. SYDNEY SMITH.—But, although the Department has been transferred to the Commonwealth, there is still ground for objection to the system that is adopted. I well remember that during the first session of the present Parliament, the right honorable gentleman submitted estimates for an expenditure upon the Defence Department aggregating more than £900,000. In 1902, the right honorable member for Tasmania, Sir Edward Braddon, moved to reduce the expenditure by £1, upon the understanding that if his proposal were carried, the vote would be reduced by £200,000. Later on, Major-General Hutton recommended that £125,000 should be expended in properly equipping the Defence

Forces. Yet in defiance of that recommendation the Government cut down the amount to £75,000. Equipment constitutes one of the most important features in connexion with our Defence expenditure. We all know the trouble which has occurred in the old country. Every one was astonished—not to say shocked—at the disclosures which were made by the Royal Commission which recently investigated the condition of the Imperial Defence Forces. I desire to see our Defence Department effectively administered. The Government do not appear to realize what is the true position of affairs. When the General Officer Commanding the forces recommended an expenditure of £125,000 for the purpose of providing our men with proper equipment, why did the Government reduce the amount by £50,000?

Sir JOHN FORREST.—The Treasurer would not grant us the money.

Mr. SYDNEY SMITH.—The right honorable gentleman admits that the expenditure is necessary, and merely urges as an excuse for the Government action that the Treasurer could not spare the money. I do not believe that the people of the Commonwealth would object to that expenditure if they could be shown that it is absolutely necessary to furnish us with an effective system of defence.

Mr. FISHER.—Would it not be wiser for the Department to make better use of the money which they now spend?

Mr. SYDNEY SMITH.—It is of no use Australia possessing a large body of men if they are not properly equipped. Assuming that war were to break out to-morrow, is it fair to ask our men to sacrifice their lives in defence of the country—because that is what it means—when they lack up-to-date equipment?

Sir JOHN FORREST.—The General Officer Commanding recommends an expenditure of £400,000, to be distributed over a number of years. That recommendation is embodied in his report.

Mr. SYDNEY SMITH.—The report in question does not reveal a very satisfactory condition of affairs. Indeed, if any reason were needed as to the wisdom of appointing a Royal Commission to investigate our defence system it is supplied by that document. Speaking upon this very question some time ago, Mr. Balfour emphasized the fact that upon an inquiry of this kind civilians could elicit information of great value to the Government. Personally, I know of men to

whom officers' commissions were issued, and who never had a day's experience of military matters. This happened in our own State a few years ago. I trust that the Government will take into consideration the advisableness of appointing a Royal Commission to inquire into this question.

Sir JOHN FORREST.—We should gain very little by that.

Mr. SYDNEY SMITH.—The Commission which recently sat in England revealed a shocking state of affairs. It proved the utter incompetence of a great many officers—

Sir JOHN FORREST.—It is very easy to criticise after the battle.

Mr. SYDNEY SMITH.—I wish to criticise before the battle. I ask the Minister for Defence not to wait until the best of our manhood is sacrificed on account of inferior equipment; but to see that this matter is investigated. When reading the report of the Royal Commission to which I have referred, I was staggered to learn of the utter incompetence of men who were charged with the duty of making proper preparations for the conduct of the South African campaign. The report revealed a most discreditable state of affairs. I appeal to my honorable friend the Minister for Defence to give this matter his earnest consideration. I advocate the appointment of a Royal Commission not because I wish to involve the Commonwealth in unnecessary expense, but because I am one of those who believe that our Defence Forces are not on a satisfactory footing. The Board of Advice which it is proposed to appoint will not be able to elicit the necessary information to enable us to get rid of our present difficulties and shortcomings.

Mr. KINGSTON.—The Board is not intended to deal with the past, but with such matters as may be referred to it by the Minister.

Mr. SYDNEY SMITH.—Quite so. It seems to me that the question is one which deserves earnest consideration. There is a paragraph in the report of the British Commission which shows that even members of the British Government attach great importance to evidence given before such a body. The Commission consisted, not merely of military men, but of civilians capable of dealing with commercial matters, such as questions of transport, and the purchase of stores and warlike material. A Commission of this kind should be

appointed to inquire into the position of the defences of Australia. We have to see that we are not imposed upon.

Mr. KINGSTON.—The authorities give one a rifle which throws 18 inches to the left at 500 yards.

Mr. SYDNEY SMITH.—Exactly. We know that scandals of that kind have occurred recently in South Africa. There may be some who do not believe in a Defence Department; but even those who hold that view—and I am not one of them—will admit that we should take care that the Department is efficiently administered. Let us make sure that we have the proper stores at our command, and adequate supplies of ammunition and rifles for our men, so that if, in the future, they are called upon to go into action, either at home or abroad, they will be adequately equipped to meet the foe.

Mr. WILKS.—Does the honorable member think the Council would deal with such matters?

Mr. SYDNEY SMITH.—No; I am referring only to the desirableness of appointing a Royal Commission. When the suggestion that a Commission should be appointed was made to the Minister, he said that he thought a Board of Advice would do all that was necessary.

Sir JOHN FORREST.—Under this Bill.

Mr. SYDNEY SMITH.—Even a machinery Bill should be properly administered. This Department has been under the control of the Commonwealth for two years, and now we find the General Officer Commanding, who was appointed in order that our troops might be placed on a satisfactory footing, pointing out that, in many respects, various branches of the Defence Forces are deficient. He strongly urges the Government to expend a sum of £125,000 in securing the proper equipment of our forces, but the reply of Ministers is that they must cut down the amount to be set apart for that purpose to £50,000. They take up that stand, not because they disagree with Major-General Hutton, but because the Treasurer cannot find the necessary funds. That was the excuse put forward, but I do not think it was a proper one. If our forces are not to be efficient we might as well get rid of them altogether. The Minister for Defence has a splendid opportunity now to distinguish himself. He knows very well that whenever the Defence Estimates came before the State Parliament of New South

Wales, there was invariably a complaint that members were asked to vote in the dark.

Sir JOHN FORREST.—No such complaint can now be raised.

Mr. SYDNEY SMITH.—It seems to me that we must be working in the dark in view of the fact that in reply to a request by the General Officer Commanding that £125,000 should be spent on purchasing necessary equipment for the forces, the Government declared that they had not that money to spare. We are regularly returning to the States thousands of pounds which, if necessary, might be retained for the purposes of the Commonwealth.

Mr. FISHER.—Does the honorable member know that, as a matter of fact, less than three-fourths of the Customs revenue to which Queensland is entitled is being returned to her?

Mr. SYDNEY SMITH.—I do not wish to say anything in regard to that matter; but under the Constitution we can retain 25 per cent. of the revenue collected through the Department for Trade and Customs. We have not availed ourselves of that provision.

Mr. KINGSTON.—I hope that we shall not do so.

Mr. SYDNEY SMITH.—All that I contend is that we should be prepared to spend any reasonable sum in securing the efficiency of our Defence Forces. My desire is to impress upon the Government the importance of appointing a Commission to inquire into the position of this service, so that when the next Estimates are submitted to it the Parliament will, at all events, be enabled to cast an intelligent vote upon them.

Mr. FISHER (Wide Bay).—An able and a long speech, such as that which has just been delivered by the honorable member for Macquarie, should not be allowed to pass unnoticed. One of the statements made by the honorable member was that more money should be spent upon our Defence Forces.

Mr. SYDNEY SMITH.—I say that, if necessary, the expenditure should be increased; but I wish to have some evidence on the point.

Mr. FISHER.—Has the honorable member ever heard of a State Commandant who was not prepared to take all the money that the State could collect, and then to say that the forces under him were not sufficient?

Mr. SYDNEY SMITH.—Such an officer should be dismissed.

Mr. FISHER.—The honorable member must know that there are such men. Few Ministers were able to deal effectively with the various States Commandants under the old régime. These men are always prepared to spend money in keeping up big military establishments. I do not blame them, but what we require is the nucleus of a force sufficient for the hour of need, and I should blame any Minister who would consent to an expenditure in excess of the sum actually necessary to provide that nucleus.

Mr. SYDNEY SMITH.—We should see that the forces are properly equipped.

Mr. FISHER.—In the matter of equipment there is a substantial charge to be laid at the door of the Government. It is for this House to say how much money shall be expended on the Defence Forces, and for the Executive to declare the way in which it shall be spent. If a Commandant says that he cannot carry on with the money placed at his disposal, it is open to him to resign. I remember that in 1893, Queensland found it necessary to retrench in all the Departments, and Sir Thomas McIlwraith thought the Defence Forces should share in the general reduction. The State Commandant, however, said that such a thing was utterly impossible, that to reduce the forces would be to destroy their efficiency. To this Sir Thomas McIlwraith, in effect, replied in a minute which is yet to be seen, "I am requesting you to cut down the forces by one-half, only because you know which would be the best half to retain. If you cannot do the work, I shall undertake it, and carry it out in two or three minutes." Needless to say the necessary retrenchment was effected; but very few Ministers have been able to cope with the difficulty in so forcible a way. While the Government are to blame for their failure to supply the troops with up-to-date rifles, I do not say that they are to blame in cutting down the Defence expenditure. I trust that less will be expended on the brigade officers and that more consideration will be given to those who will be the backbone of any offensive or defensive force which may be required by the Commonwealth. I am against the amendment.

Mr. CAMERON (Tasmania).—I can quite understand why the Ministry, as represented by the present and the late Minister for Defence, opposes the amendment of the

Senate to provide for a Council of Defence consisting of five members. They feel that a certain amount of the importance which now attaches to the office of Minister for Defence will be lost if he is not given the full control of the forces.

Sir JOHN FORREST.—No.

Mr. CAMERON.—Then cannot understand why Ministers object to the amendment. It seems to me, as a layman, a very fair one. The Minister for Home Affairs told us a short time ago that when he was in charge of the Defence Department, and required £50,000 to put the forces in a proper state of efficiency, the Treasurer declined to give him the money,

Sir JOHN FORREST.—I asked for £125,000, and he gave me £75,000.

Mr. CAMERON.—On that occasion the Treasurer was, in a small way, acting on the same lines as the English Chancellor of the Exchequer. The report of the Royal Commission which was appointed in England to inquire into the manner in which the Boer war was conducted, shows that the Minister for War was influenced by the action of the Chancellor of the Exchequer in refusing to grant him a sufficient sum of money to make adequate preparations. I can understand that the Minister may think it derogatory to him that a Member of the Senate and a Member of the House of Representatives should be appointed to the proposed Council; but the arrangement has my warmest support. There is at present a Member of the Senate who went through the late war in South Africa, and has therefore practical experience of military matters.

Sir JOHN FORREST.—He voted against the amendment.

Mr. CAMERON.—Although he will not always be a Member of the Senate, that body may contain other members of equal knowledge, whose advice would be of the utmost value. Neither the present nor the late Minister for Defence has any knowledge of warfare, except, as has been suggested, political warfare. Therefore, they should welcome whatever system can be obtained at the hands of experienced officers. We have been told that a Minister is subject to the control of Parliament, and that if he makes mistakes he can be hauled over the coals or turned out of office; but upon how many occasions has a Minister been turned out of office, either in Australia or elsewhere, because he has made mistakes?

All that is generally said is that the Minister behaved badly, but that he did not know better, and he is therefore whitewashed. We wish to prevent, if possible, mistakes from happening. We spend about £600,000, more or less, upon our defence forces, and contribute a certain amount for the maintenance of an Imperial Squadron in Australian waters, and it is likely that in a few years we shall establish a navy of our own. Under these circumstances, I do not think that a layman who has no knowledge of military or naval matters should be given uncontrolled authority over our naval and military forces. No doubt, the General Officer Commanding and the Naval Commandant will make good suggestions; but the Minister is at liberty to accept or reject them as he pleases. If, however, they were supported by a Council of Defence consisting of, amongst others, a Member of the Senate and a Member of the House of Representatives, their suggestions would carry much more weight.

Motion agreed to.

Clause 35—

Persons voluntarily enlisting as members of the Active Forces shall engage to serve for a prescribed period of not less than three years.

*Senate's Amendments.*—Omit "Active," insert "Permanent and Militia." At end of clause, add "and as members of the Volunteer Forces and Reserves for a prescribed period of not less than two years."

Motion (by Sir JOHN FORREST) agreed to—

That the Senate's amendments be agreed to.

Clause 39—

Every soldier or sailor . . . . . may, except in time of war, claim his discharge . . . . . on the following conditions—

(b) He shall, if he is not exempted from such payment for special reasons, pay such sum, not exceeding £2, as is prescribed.

*Senate's amendment.*—Omit paragraph *b*, insert new paragraph—“(b) He shall, if a member of the Militia Forces, pay such sum not exceeding £2, and if a member of the Volunteer Forces pay such a sum not exceeding £1, as may be prescribed, but such payments may, for special reasons, be waived by the General Officer Commanding, upon the recommendation of the officer commanding the corps or ship's company from which the member seeks to be discharged.”

Motion (by Sir JOHN FORREST) agreed to—

That the Senate's amendment be amended by omitting the words "General Officer Commanding, upon the recommendation of the officer commanding the corps or ship's company from which the member seeks to be discharged," with a view to insert in lieu thereof the words "officers authorized by the regulations to waive them," and be agreed to.

Senate's amendment inserting new clause 39A agreed to.

Senate's amendments in clauses 43, 51, and 52 agreed to.

*Senate's Amendment.*—Insert the following new clause:—

"54A. (1) When any member of the Defence Force dies or is killed while on active service, or is killed while in the performance of his duty, or dies from injuries received or disease contracted while on active service, or from injuries received while in the performance of his duty, provision shall be made out of the Consolidated Revenue Fund, at the prescribed rate, for his widow and for his children under sixteen years of age.

(2) When any member of the Defence Force becomes incapacitated from earning his living by reason of injuries received while on active service, or in the performance of his duty, or by reason of disease contracted while on active service, provision shall be made for the payment to him, out of the Consolidated Revenue Fund, of an allowance or gratuity at the prescribed rate.

(3) No payment or allowance shall be made where the death or incapacity of a member of the Defence Force is attributable to his misconduct or wilful neglect."

Motion (by Sir JOHN FORREST) proposed—

That the Senate's amendment be agreed to.

Mr. GLYNN (South Australia).—I think that the amendment of the Senate is open to the objection that it is contrary to the provisions of the Constitution. Section 53 of the Constitution provides that—

Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate.

The Senate may not amend proposed laws imposing taxation. . . . The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

It seems to me that the Senate, in making the provision for families of men killed or incapacitated wider than it was in the original clause are amending a proposed law so as to increase a proposed charge or burden upon the people. I think it will not be contended that, because there is no amount specified, this provision does not impose taxation. The same point arose in regard to the sugar duties, and it was settled adversely to the claim which would be established by the Senate if we accepted this amendment. We cannot be too particular in these matters. If the Senate has not the power, we should not allow any amendment to pass which asserts the right to the exercise of such power. I hope that the Minister will ask the Committee to disagree to the amendment.

Mr. KINGSTON (South Australia).—I am sure that the Government desire to preserve the privileges of the House, and this matter, although it may seem a small one, is of the utmost consequence. We must look with jealousy on all possible attempts by the other branch of the Legislature to invade our sole rights. I do not know that that is the intention, but it is certainly the effect of the amendment. We made provision for the payment of compensation if certain events arose, and the Senate, in re-drafting the clause, and perhaps improving it, have provided for the payment of compensation in cases which we did not contemplate. Provision is made that compensation shall be paid for injuries received whilst in the performance of duty, irrespective of active service. The original clause 55 provided that whenever any member of the Defence Force was killed on active service, or on duty, or became incapacitated from earning his living from wounds or disease contracted on active service, provision should be made out of the Consolidated Revenue Fund at prescribed rates. That does not say anything as to becoming incapacitated by injuries sustained whilst on duty. Of course, the matter is a very simple one; but a question of principle is involved, and if we allow a precedent to be established, in derogation of our rights, we shall do wrong. The amendment practically provides for an appropriation of revenue. The Senate rejected the clause passed by this House, and proposed a new clause, which we should have had a right to insert, but which they have no right to substitute for ours. If the Senate cannot provide directly for an appropriation of revenue, I do not think they can indirectly declare that revenue shall be appropriated. They say, in this case, that provision shall be made out of the Consolidated Revenue at a prescribed rate. The Senate have no right to insert an amendment which has the effect of imposing an increased charge or burden on the people. But that is the effect of their amendment.

Mr. GLYNN.—The proposed new clause goes beyond the provision which was contained in the original clause, because it provides that compensation shall be paid to the man himself, whereas the original clause stated that provision should be made for his wife and family.

Mr. KINGSTON. — That is another point. We should be very jealous of our

constitutional position, because the amendment is undoubtedly a substantial invasion of our rights, and a departure from the principles of the Constitution, which prevent the Senate from increasing the burdens proposed to be imposed by us. I venture to say that honorable members do not desire that a mischievous precedent should be created in derogation of our rights. If we pass the new clause we shall certainly sanction a very undesirable departure.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I think that it could be contended that the clause, as originally drafted, contained all that is now proposed in the Senate's amendment; but it must be confessed that the full meaning could be extracted from the original clause only by means of a good deal of ironing out. There is also the danger that the new clause may contain some fresh provision. Perhaps we might overcome the difficulty by substituting for the words "out of the Consolidated Revenue Fund" the words, "moneys provided by Parliament."

Mr. GLYNN.—But you could not get money out of the Consolidated Revenue Fund unless it were provided for by Parliament.

Mr. DEAKIN.—The words "money provided by Parliament," would show that Parliament would require to provide the money in order to give effect to the clause.

Mr. KINGSTON.—That would not overcome the difficulty as to the proposed increased burden upon the people.

Mr. DEAKIN.—There would be no increased burden unless Parliament voted the money.

Mr. KINGSTON.—We should open the way for driving a coach and four through the Constitution. Does the Prime Minister suggest that if we proposed £5,000 the Senate could double the amount.

Mr. DEAKIN.—No.

Mr. KINGSTON.—But they are proposing to increase the amount by introducing new objects into the clause.

Mr. DEAKIN.—It might be contended that the new clause did not really extend the objects of the original clause.

Mr. KINGSTON.—The provision for compensation for injury sustained whilst in the performance of duty undoubtedly widens the scope of the clause.

Mr. DEAKIN.—But the term "active service" has a wider meaning than "on duty."

Mr. KINGSTON.—No; a soldier may be on duty when not on active service.

Mr. DEAKIN.—I rather think that the right honorable member is correct. The term "active service" is defined in the Bill as service in time of war. Perhaps the difficulty might be overcome by substituting for the words "out of the Consolidated Revenue Fund" the words "out of moneys, if any, from time to time appropriated by Parliament for the purpose."

Mr. GLYNN.—That would open the way for the Senate to direct us as to what we should do with the finances.

Mr. DEAKIN.—I do not think so. We sent up a clause which was obscurely drawn, and with our consent the clause was redrafted to place its meaning beyond doubt. In some way words have been introduced which technically increase the ambit of the clause, because it now covers cases which would not have been embraced within a strict construction of the original clause.

Mr. KINGSTON.—The result being that an increased burden would be imposed upon the people.

Mr. DEAKIN.—Not if the clause were amended in the way I suggest.

Mr. KINGSTON.—But an additional object has been introduced into the clause.

Mr. DEAKIN.—The Senate could introduce any further object they pleased, so long as no financial result was reached. By adopting the wording I have suggested we shall rob the clause of its financial effect, and leave the appropriation of the necessary moneys to be dealt with separately. We shall remove the technical objection raised by the right honorable and learned member for South Australia.

Mr. KINGSTON (South Australia).—I desire to point out that the Senate are absolutely forbidden to appropriate money. Therefore, the suggestion that because we made a certain proposal, the Senate have the right to reject our proposal, and to substitute one of their own, can hardly be defended. There are two objections to be urged, namely, that the Senate have no right to appropriate money, and that the Constitution provides that the Senate shall not increase the burdens of the people. The Constitution provides that the Senate shall not amend any proposed law so as to increase any proposed charge or burden upon the people. We proposed to make certain payments to certain people under certain circumstances.



The proposal now before us relates to cases which would not be covered by the original proposal. Surely that would involve an increased charge or burden upon the people. It was clearly laid down in connexion with the Sugar Bonus question that any action on the part of the Senate which had a tendency to increase expenditure would amount to a proposal to increase a charge or burden upon the people. In this case the Senate has said, in effect—"The clause is wrongly drafted, and we shall put it in better form. We shall go further. You provide for payments in six cases, but we shall extend the provision to include payments in seven cases." It is necessary to resist the amendment in order to safeguard the right of this Chamber under the Constitution. I think there are very good reasons for rejecting the clause altogether, and holding the Senate to the position that, as regards the expenditure of money, neither shall they directly appropriate nor indirectly require that an appropriation shall be made. This is the House which holds the purse-strings; this is the Chamber from which must emanate all propositions for the expenditure of money. If there was one provision of the Constitution more than another which was fought over and settled definitely, it was that. It is not for the other Chamber to arrogate to itself a power which is expressly forbidden within the four corners of the Constitution. The Senate is undoubtedly providing for an expenditure which was not contemplated by us. It is imposing an increased burden on the people, and therefore the clause ought not to be accepted by this Committee.

Mr. DEAKIN.—I shall ask the Committee to strike out the clause rather than leave the question in doubt. I have amended clause 55 to express what we intended by that provision in its original form.

Motion, by leave, withdrawn.

Motion (by Mr. DEAKIN) agreed to—

That the Senate's amendment be disagreed to.

Clause 55—

When any member of the Defence Force is killed on active service, or on duty, or dies, or becomes incapacitated from earning his living by wounds or disease contracted on active service, provision shall be made for his wife and family out of the consolidated revenue at the prescribed rates.

*Senate's Amendment.*—Omit clause.

Motion (by Mr. DEAKIN) agreed to—

That the Senate's amendment be disagreed to; but that the clause be amended by the insertion

after the word "service," line 4, of the words "or on duty," the omission of the word "wife," with a view to insert in lieu thereof the word "widow," and the insertion after the word "family" of the words "or for himself, as the case may be."

Mr. FISHER (Wide Bay).—Would it not be possible to still further extend this definition? Under the clause in its present form, if a young soldier, who was the sole support of his mother and sisters, were killed upon active service, they would have scarcely any claim for compensation. I do not think that the Committee intend that in such a case she should derive no benefit.

Mr. DEAKIN.—I think such a case might be held to be covered by the word "family."

Motion agreed to.

Senate's amendments in clauses 59, 71, 74, 78, 81, and 86 agreed to.

Senate's amendment inserting new clause 87A agreed to.

Senate's amendments in clauses 88, 89, 90, 91, 92, 105, 107, and 108 agreed to.

Senate's amendment inserting new clause 108A agreed to.

Senate's amendments in clauses 109 and 116 agreed to.

Clause 120—

(1.) The Governor-General may make regulations . . . for securing the discipline and good government of the Defence Force . . . and in particular prescribing matters providing for and in relation to—(a) The establishment and composition of a Board of Advice and the convening procedure and powers of the Board.

(3.) All regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof if the Parliament be then sitting, and if not then sitting within thirty days after the next meeting of the Parliament.

*Senate's Amendments.*—Omit "and composition of a Board of Advice," lines 5 and 6, insert "of a Council of Defence." Omit "Board," line 7, insert "Council." After paragraph *h* insert new paragraph "*hh* The maintenance, control, regulation, and training of cadet corps." After paragraph *r* insert new paragraph "*s* The payment of compensation to wives and families of members of the Defence Forces as provided in Part III., division 4, of this Act.

Motion (by Sir JOHN FORREST) agreed to—

That the Senate's amendments omitting "and composition of a Board of Advice," lines 5 and 6, with a view to insert in lieu thereof the words "of a Council of Defence," and omitting "Board," line 7, and inserting "Council" be disagreed with; and that the amendments inserting new paragraphs *hh* and *s* be agreed to.

Senate's amendments in second and third schedules agreed to.

Resolutions reported; report adopted.

Motion (by Sir JOHN FORREST) agreed to—

That the Minister for Defence, the honorable and learned member for South Australia, Mr. Glynn, and the mover be appointed a committee to draw up reasons for disagreeing to certain amendments of the Senate.

The Committee presented the following report :—

As to clause 27—

1. That the proposed Council of Defence would interfere with the responsibility of Ministers to Parliament.

2. That it is inexpedient to alter the existing system until more information is obtained as to the action taken upon recent proposals for reorganization of the Army in England.

3. That the Board of Advice, as proposed in the Bill by the House of Representatives, meets existing circumstances, and will give time for full consideration.

As to new clause 54—

Because clause 55, as now amended, renders this amendment unnecessary.

Report adopted.

## EXTRADITION BILL

### SECOND READING.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That the Bill be now read a second time.

Probably honorable members have already familiarized themselves with the proposals which are contained in this measure. At the present time the Imperial Extradition Act of 1870, and the Acts of 1873 and 1895, construed together express the English Statute Law. Of course, extradition arises out of treaties which are made between contracting Powers—the Powers in this case being the mother country and practically all other foreign nations. Under these treaties British legislation has been passed, and it has been possible under it for the several States to so legislate as to apply the British law. The object of our Acts has been to transfer from the Governor of a State, in whom the exercise of the authority under the Imperial Act was vested, to magistrates for the convenience of administration. A question has now arisen as to the effect of the Constitution of the Commonwealth in reference to these powers, and it is proposed to remove all doubts upon the matter by the introduction of this measure. The case in which they presented themselves in a practical shape was that of one Gerhard. The learned judges of the State of Victoria, before whom the application for his

extradition was heard, expressed a doubt as to whether the Constitution of the Commonwealth had or had not deprived the Governors of the States of the exercise of the powers they previously enjoyed. We propose to remove that doubt by treating the Commonwealth as one British possession, by vesting in the Governor-General the authority under the Imperial Act, and by enabling him to appoint his deputies in the States to carry it out. By adopting the system which already obtains in the various States, and applying it to the Commonwealth as a whole, we put the position of persons for whom extradition is asked beyond question. Indeed we go a step further. Amongst the whole of the British possessions Canada is the only one which has set aside British law in respect of this question, and enacted legislation of her own which prescribes not merely the procedure under which the Dominion will grant extradition, but provides that application for the extradition of persons who have committed offences within its borders may be made directly to any foreign Power instead of through the Secretary of State for the Colonies. The last clauses of this Bill contain a similar proposal. Following the Canadian Act this measure gives the Commonwealth power to act directly should we need to ask a foreign country to return to us persons who have committed criminal offences within Commonwealth territory. That is the sum and substance of the Bill. In other respects it merely substitutes the Governor-General for the State Governors.

Mr. FISHER.—Can the right honorable gentleman give me an idea of what the offences comprise?

Mr. DEAKIN.—As a matter of fact applications for extradition are usually made in connexion with crimes such as embezzlements or frauds. They may, of course, relate to far more serious offences.

Mr. KINGSTON.—Clause 3 refers to the Imperial Act, which we have not before us, and therefore we do not know the meaning of it. Is that convenient?

Mr. DEAKIN.—It is by the authority of that Act that we are passing this law. It is therefore necessary—

Mr. KINGSTON.—Is an "extradition crime" among the terms which are defined in the Imperial Extradition Act?

Mr. DEAKIN.—Yes.

Mr. KINGSTON.—We use the term "extradition crime" in clause 6, and we do not know from anything in the Bill what it means. If the provision in the Imperial Act were repeated it would avoid questions as to the nature of the crimes to which this term applies.

Mr. DEAKIN.—My right honorable friend suggests that we should repeat the definition in the English Act, so that those upon whom it falls to administer this law will have no difficulty in regard to it.

Mr. GLYNN.—The English Act is always tied up among a lawyer's papers for the purpose of reference. It is never incorporated in an Australian Act relating to it.

Mr. DEAKIN.—No doubt it would have been found a convenience had the course suggested by the right honorable member for South Australia, Mr. Kingston, been adopted; but, after all, no proceedings under this Act would ever be taken except under legal advice.

Question resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clause 1 agreed to.

Clause 2 (Commencement).

Mr. FISHER (Wide Bay).—I am anxious to know, before we proceed any further with the consideration of the Bill, what it will embrace. Suppose, for example, that some socialist from Germany had the temerity to say that the reigning head there had overstepped his rights—

Mr. DEAKIN.—We do not grant extradition for offences of a purely political nature.

Mr. FISHER.—An assertion such as that to which I have referred would be a crime in Germany, and if an application were made for the extradition of a man in respect of a crime of a political nature, without any statement to that effect, how would the question be decided? I wish to know exactly how we stand.

Mr. DEAKIN.—The Court has to be satisfied in each case of the nature of the charge which is made. In addition to that there are two classes of cases in respect of which extradition will not be granted. In the first place, a fugitive criminal will not be surrendered if the offence in respect of which his surrender is demanded is one of a political character. The offence in respect of which the extradition is sought must be against the ordinary criminal laws of the

country to which the offender is to be surrendered. Secondly, it is provided in the Imperial Act that a fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by agreement, that he shall not be tried in respect of any offence committed prior to that with which he is charged. As the honorable member is aware, one of the most honorable phases of the foreign policy of Great Britain has been its consistent refusal to surrender offenders charged with merely political offences. To make assurance doubly sure, there is the further enactment that a fugitive shall be surrendered only on condition that the law of the country to which he is surrendered provides that he shall not be tried for any offence committed prior to that with which he is charged.

Mr. KINGSTON (South Australia).—I wish to know whether this clause is in the usual form? It provides that the Act shall come into force from the date of the proclamation of the King's Order in Council. I do not know how the form usually runs, but we might not wish the Act to come into operation as from the date of the proclamation. We might desire it to come into force from a date fixed in the King's order, or in the proclamation itself. There is no power given to the King or the Government to fix as the date upon which this measure shall come into operation a date other than that of the proclamation. The honorable and learned member knows that we usually take power to fix the date of the coming into operation of an Act by proclamation; but under this provision our hands will be tied.

Mr. DEAKIN.—My reading of the clause is that the measure will come into operation on the date of the proclamation.

Mr. KINGSTON.—But it cannot be directed that it shall come into operation on a date subsequent to that of the proclamation.

Mr. DEAKIN.—It will come into operation on the date on which the Governor-General makes known by proclamation that the King has directed that the Act shall have effect in the Commonwealth as if it were part of the Extradition Act, 1870. It is true that we cannot provide that the Act shall come into force on a date subsequent to that of the proclamation, and so give notice that it will come into operation on a particular day; but we can keep

back the issue of the proclamation until we think that the States have received sufficient notice.

Mr. KINGSTON.—We shall have no power to give notice by fixing the date by proclamation.

Mr. DEAKIN.—No ; but we shall have power to hold back the proclamation until the date on which we wish to declare that the Act shall come into force.

Mr. KINGSTON.—Even then it would be sprung upon the public.

Mr. DEAKIN.—We shall, of course, intimate to the States Governments our intention to publish the proclamation on a particular date and the communications which will pass between the States and the Commonwealth will operate as a notice to magistrates and others affected by this measure. We shall in that way attain the object which the right honorable member has in view.

Clause agreed to.

Clause 3 (Terms defined in Imperial Extradition Acts).

Mr. KINGSTON (South Australia).—The Prime Minister has probably by this time secured a copy of the Imperial Act setting forth the definition of the term "extradition crime." I suggest, and the little debate which has taken place shows the necessity for it, that it would be highly desirable if instead of referring the public to an Imperial Act, which may not be available—and, as a matter of fact, it is very difficult as a rule to obtain the Imperial Acts in some places—we repeated the definitions, particularly of the words "extradition crime," given in the English Act. If the Prime Minister has a copy of the Act in front of him he might give us the benefit of the definition of that term.

Mr. L. E. GROOM (Queensland).—I have a copy of the English Act, and it sets forth that—

The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act.

The list of crimes is set out in the schedule, and it is a very lengthy one.

Mr. FISHER.—It would be well for the honorable and learned member to read it, in order that it may be embodied in *Hansard*.

Mr. L. E. GROOM.—The schedule provides that—

The following list of crimes is to be construed according to the law existing in England or in a

British possession (as the case may be) at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act : Murder, and attempt and conspiracy to murder ; manslaughter ; counterfeiting, and altering money, and uttering counterfeit or altered money ; forgery, counterfeiting and altering, and uttering what is forged or counterfeit or altered ; embezzlement or larceny ; obtaining money or goods by false pretences ; crimes by bankrupts against bankruptcy law ; fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company made criminal by any Act for the time being in force ; rape, abduction, child-stealing, burglary and house-breaking, arson, robbery with violence, threats by letter or otherwise with intent to extort, piracy by law of nations, sinking or destroying a vessel at sea, or attempting or conspiring to do so ; assaults on board a ship on the high seas with intent to destroy life, or to do grievous bodily harm ; revolt or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master.

All this is provided for in the Act of 1870 ; but the Act of 1873, 36 and 37 Victoria, chapter 60, provides that—

The following list of crimes is to be construed according to the law existing in England . . . :—Kidnapping and false imprisonment ; perjury and subornation of perjury.

Then follow a series of acts relating to larceny and the malicious destruction of property. They are all serious offences. In every treaty a list of the crimes to which it relates is enumerated ; and, as a rule, simple thefts—I know it is the case so far as the Netherlands are concerned—are excluded. Only the higher and more serious offences are covered by the term "extradition crime." I think that the Prime Minister has followed the proper course in declaring in the Bill that we are acting under the authority of the Imperial statute, because we shall thus have the benefit of the English decisions to guide us.

Mr. KINGSTON.—It is highly inconvenient to have to refer to the English Act for the meaning of certain terms.

Mr. L. E. GROOM.—It would be advantageous if, in the publication of the Commonwealth statutes, the rule adopted in Queensland were followed. Imperial statutes affecting Australian relationships are always included in the volumes of Queensland statutes.

Mr. KINGSTON.—We should either adopt that course or insert the necessary parts of the English Act in this Bill, otherwise a man will find it necessary to go to a lawyer in order to ascertain to what cases the Act applies.

Mr. L. E. GROOM.—In order to set out all the definitions, we should practically have to re-enact a great portion of the Imperial statute; but it would be a great advantage if, in the next edition of Commonwealth statutes, Imperial Acts with reference to which we have legislated were reprinted.

Mr. GLYNN.—We did that with regard to the Constitution of South Australia, and we have also bound up the Commonwealth Constitution with our State Acts.

Mr. L. E. GROOM.—The more convenient plan to adopt in this case would be to reprint the Imperial Acts and bind them up with our statutes.

Mr. KINGSTON (South Australia).—I would ask the Prime Minister either to make the Imperial Acts bearing upon this Bill available to those who will have to use the measure by binding them up with it, or to adopt what I think would be the simpler method, and repeat in the Bill itself those definitions which have a special meaning under the Imperial statute. I think that the most important of them is the definition of the term "extradition crime." If in placing this law in the hands of the people we render it necessary for them to search through the Imperial legislation in order to arrive at the meaning of our statute, we shall adopt a regrettable procedure. I am inclined to think that it would be sufficient to incorporate in this Bill the definition of the words "extradition crime," although as I have not the Imperial Act before me I am in the dark so far as this question is concerned.

Mr. DEAKIN.—It is provided in the Imperial Act of 1870 that—

The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act.

The first schedule gives the list of offences which the honorable and learned member for Darling Downs has just read. The suggestion made by the right honorable member for South Australia, Mr. Kingston, appears to be reasonable—that is to say, that we should attach to this Act, not exactly as a schedule, but for purposes of information, the definition to which he has alluded, and any other definition or list of offences which may appear to throw light upon its provisions. Extradition proceedings cannot be taken without the assistance of a lawyer, and are not matters

with which the ordinary citizen is greatly concerned.

Mr. L. E. GROOM.—They are also very technical proceedings.

Mr. KINGSTON.—Why use a term that challenges attention?

Mr. DEAKIN.—I will take care that something of the kind proposed is done, just as we have inserted in some of our Commonwealth legislation extracts from the Constitution.

Clause agreed to.

Clauses 4 to 7 agreed to.

Mr. KINGSTON (South Australia).—Is the Prime Minister satisfied that it is sufficiently clear that the Attorney-General referred to in clause 6 is the Attorney-General of the Commonwealth, and not of a State?

Mr. DEAKIN.—I think it is clear.

Preamble agreed to.

Bill reported without amendment; report adopted.

Bill read a third time.

## HIGH COURT PROCEDURE AMENDMENT BILL.

### SECOND READING.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That the Bill be now read a second time.

The introduction of this measure has been rendered necessary by the reduction of the number of Justices of the High Court. The provisions of the High Court Procedure Act were framed upon the assumption that there would be five Judges, one of whom would be always at the principal registry. Section 8 of the Act provides that any party to a cause in the High Court may at any time apply to the Court for an order transferring the cause from the registry in which it is pending, if that is not the principal registry, to the principal or some nearer registry, to allow of the decision of some interlocutory matter before the visit of a Justice to the district registry, so as to prevent delay and save expense; but in drawing up the rules, it has been found that with the curtailment of the number of Justices it will be impossible for one Justice to be always at the principal registry. Consequently, I propose to amend the original Act so that whenever a party to a cause desires to make application to the Court, and no Justice is present in the place where the registry in which the cause pending is

situated, he may have his cause transferred to some other registry where a Justice is present. It will be noticed by the legal members of the House that this is an absolute provision for the granting of *ex parte* applications as a matter of course, and it may be contended that it is liable to be availed of for vexatious purposes. My reply is that it is impossible, owing to the infinite variety of the causes in regard to which it may be thought desirable to make use of the provision, to frame any other. The safeguard is that the question of costs is entirely in the hands of the Court, which will have power to punish any attempt to use the provision for other than legitimate purposes. The provision is necessary to give greater elasticity of procedure for dealing with cases arising all over the Commonwealth by a small number of Justices. A cause may arise in Victoria, and no Justice may be available in Melbourne to hear any interim application. A party to the cause may, therefore, have it transferred for the purpose of some interim application to the registry in Sydney or Adelaide, or wherever a Justice is sitting, so that it may be ripe for trial when a Justice is due to sit in the Melbourne registry. The Bill enables the machinery already in existence to be worked more easily for the benefit of litigants.

Question resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clause 1 (Short title).

Mr. GLYNN (South Australia).—I agree with the Prime Minister that this is a remedy which we should afford to litigants; but I do not accept the reasons which he has given for the introduction of the Bill. As it was intended that the High Court should sit in Banco at Brisbane, there would have been no Justice at the principal Registry at times, even had there been five Justices instead of only three.

Mr. L. E. GROOM (Darling Downs).—I would suggest to the Prime Minister that in future it may be advisable to adopt, in regard to amending Bills, some such practice as has been adopted in Queensland, to prevent the necessity for consolidating statutes. Under section 26 of the Queensland Elections Act of 1897, it is provided that in future the Government Printer shall embody amending statutes in the original Act, so as to make the publication practically a consolidated statute. The arrangement is a

great convenience to those who have to deal with Acts which have been amended.

Mr. DEAKIN.—I think the suggestion an excellent one.

Mr. G. B. EDWARDS (South Sydney).—I am glad that the suggestion has been made. I referred to the matter early last session—I think when the Acts Interpretation Bill was before us. To my mind, it is an inconvenient arrangement to have amending Acts printed separately from the original Act, because it makes our legislation difficult for people to follow. The honorable member for Darling Downs has shown us how the Queensland Parliament has got over the difficulty, and I think that the adoption of a similar system here, or the passing of an Act for the consolidation of amending Acts with the original Acts, would prove a great public convenience. In New South Wales there is a whole series of Acts amending the Land Act, so that unless one has a lawyer's annotated copy, it is extremely difficult to know what the law upon the subject is. If we can obviate the present inconvenience it will be a wise thing to do.

Clause agreed to.

Clauses 2 and 3 and preamble agreed to.

Bill reported without amendment; report adopted.

Bill read a third time.

## APPROPRIATION BILL 1903-4.

*In Committee* (Consideration of Senate requests):

Second Schedule.

### PARLIAMENT.

Divisions 1 to 10, £30,207.

*Senate's requests.*—That the salary of the Clerk of the Papers and Accountant £380, be increased to £420; the salary of the Shorthand Writer and Typist £188, be increased to £200; the salary of the Housekeeper and Doorkeeper £205, be increased to £235; and that the salary of the President's Messenger £188, be increased to £200.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The Senate has requested certain amendments in the second schedule of the Bill. They are four in number, and they relate solely to the officers attached to that Chamber. It is requested that the salary of the Clerk of Papers and Accountant shall be increased from £380 to £420, that the salary of the Shorthand-writer and Typist shall be increased from £188 to £200, that the payment to the Housekeeper and Doorkeeper shall be increased from £205 to £235, and that the

provision for the President's messenger shall be increased from £188 to £204. The figures proposed to be inserted are those which appeared in the original Estimates. In other words, we are now asked by the Senate to restore the Estimates to their original form. The reductions were made by this Committee on the ground that the number of members in the other Chamber was smaller than in this House, and that, consequently, the work to be performed by the officers was not so great as that devolving upon the officers here.

Mr. KINGSTON.—The reasons why the items were challenged was that they provided for increases of salary.

Mr. DEAKIN.—Yes. I find on inquiry that although it is obviously true that there are twice as many members in this House as in the other Chamber, it was not noticed at the time that the matter was discussed in this Committee that the number of officers affected connected with the other Chamber was much smaller than the number holding similar positions attached to this House. There is only one Clerk of Papers, whereas there are two officers performing similar duties on this side. Then, again, as against three messengers on the Senate side, there are five on this side, and if this part of the staff of the other Chamber be taken as a whole, it will be found that it has little more than half the strength of the staff of this House. That aspect of the matter did not appear to be considered during the short discussion which took place in this Chamber. It was assumed that an attempt was being made to increase the salaries of officers on the other side, irrespective of the fact that their duties were less onerous than those performed by the officers of this Chamber. Apart from that consideration, however, I would ask honorable members to consider the attitude which should be assumed with regard to the officers and attendants of the other Chamber. Are proposals made in connexion with the officers of this Chamber to be subject to review elsewhere, and are proposals upon reasonable lines with regard to officers in another place to be scrutinized here? That is a matter which I think honorable members may very well consider. In regard to the public expenditure generally the powers and privileges of this House are laid down and carefully defined in the Constitution, and it is absolutely necessary that they should be

preserved in order to secure the harmonious working of the Constitution. But I think that we may fairly regard from a distinct point of view matters relating to the immediate expenditure upon the Parliamentary staffs. Honorable members are brought into association with the officers of this Chamber, and see their work and know how they are occupied, and surely they are in a better position to judge of their claims than the members of another place can be. If that argument be sound, as applied to this Chamber, it can surely be appropriately applied to the other House in regard to this special matter. This is not a question in regard to which the ordinary procedure need be followed, because if there is any matter with which honorable members in another place may be regarded as specially acquainted, and upon which they are specially entitled to be heard, it is in regard to their own officers and the remuneration to be paid to them. Without attempting to lay down any hard and fast principle, I would suggest that what may be termed the courtesies to be observed between the Chambers might be well established, if it were recognised generally that in regard to proposals relating to the officers of this House honorable members were entitled to the first and practically the last word, without regard to the fact that another Chamber required to be consulted. In the same way, the wishes of members in another place within ordinary and reasonable limits should be similarly regarded, and they should be credited with the same direct and personal knowledge of the duties and value of the services of their officers.

Mr. McDONALD.—Is not that reducing the whole thing to a farce? Is it not absurd to contend that we must not say anything regarding a matter which affects the Senate?

Mr. DEAKIN.—I contend that the expenditure with which we are dealing occupies a position different from any other. We should be regarded as specially competent to deal with the expenditure which takes place under our own eyes, and members in another place should be looked upon as quite capable of managing the affairs relating to their own officers.

Mr. GLYNN.—But they are subject to more pressure than we are from their officers, and we ought to check them, whilst, on the other hand, they ought to check us.

Mr. DEAKIN.—If that attitude were assumed it would not conduce to those harmonious relations which should be sustained between the two Chambers.

Mr. McDONALD.—Does the Prime Minister mean to say that we are not more familiar with the duties of the officers of the Senate than with those discharged by the great majority of the public servants?

Mr. DEAKIN.—Probably we are, but that does not affect the question.

Mr. KINGSTON.—The principle is that the officers who do the most work should receive the most pay.

Mr. DEAKIN.—But the Senate staff is not nearly so large as ours.

Mr. CAMERON.—The Senate officers have not to work such long hours as have our officers.

Mr. DEAKIN.—Perhaps the burden upon them is not so great; but still it must not be forgotten that a fewer number of officers have to discharge these duties. Increases provided for at the request and by the advice of the Senate and its officers, should receive the most considerate attention from this Chamber. The amount involved is trivial. The Government in the first place were satisfied that the increases proposed were reasonable, and after honorable members in another place have by a large majority requested that this House should agree to the restoration of the salaries to the amount originally proposed, it appears to me desirable that we should grant the concession. That is the least that courtesy demands.

Mr. McDONALD.—But is it the right course to adopt?

Mr. DEAKIN.—Yes, I think it is, under the circumstances.

Mr. CAMERON.—Do these officers get through as much work in proportion as do our officers?

Mr. DEAKIN.—I am sure that they are not overpaid.

An HONORABLE MEMBER.—They are not underpaid.

Mr. DEAKIN.—I hope not. I should be very sorry to think that any public servant was underpaid. I would point out to honorable members that it is not proposed to increase salaries which are already large. The officers concerned have been engaged for many years in the State service, and none of them receive large salaries. The whole amount involved does not reach the sum of £100. An opportunity is now

presented to us to perform a graceful and at the same time a just act.

Mr. KINGSTON.—I think that the number of officers on each side is the same.

Mr. DEAKIN.—I am speaking upon the strength of the statements which were made during a debate in the other Chamber. It was clearly stated that the staffs affected by these proposals were considerably smaller than similar staffs in this House.

Mr. KINGSTON.—The total number of officers employed upon the Senate staff is sixteen, as against nineteen who are employed upon the staff of this House.

Mr. DEAKIN.—We voted increases in the salaries of some officers of this House to the amount of £70, and struck off increases which were proposed in the salaries of officers elsewhere to the extent of £98. I do not think that the difference between the number of officers employed upon the Senate staff and those employed upon the staff of this House is as small as the right honorable member for South Australia, Mr. Kingston, seems to think. The official statement upon the matter, which I venture to believe is correct, reads as follows:—

But leaving out the Clerks at the table and the Serjeant-at-Arms in the one case, and the Usher of the Black Rod in the other, there are five men in the House of Representatives to do work which is done by two men in the Senate. In the House of Representatives there is a Clerk of Papers and Accountant at £420, and a Clerk of Records at £350. We have no such corresponding officer as the Clerk of Records. In the House of Representatives there is an Assistant Clerk of Committees and Reading Clerk at £300, and we have no such corresponding officer. We have a shorthand-writer and typist at £180, and there is no such corresponding officer in the House of Representatives. There is an Assistant Reading Clerk at £200, and a junior clerk at £80, and we have no such corresponding officers. It will be seen, as I say, that there are five officers in the House of Representatives to do work which is done by two officers in the Senate, and the officers of the House of Representatives receive £1,350 per annum, as compared with £568 paid to officers of the Senate.

That statement shows that there is a very considerable discrepancy between the cost of the staffs of the two Houses. Under these circumstances I hope that honorable members will agree to reconsider their former decision in favour of a reduction. If they do so we shall dispose of a question which has its difficulties, because it relates to the control of officers by each House. I therefore move—

That the Senate's requests be agreed to.



Mr. FISHER (Wide Bay).—I think that every honorable member will recognise the conciliatory attitude which the Prime Minister has adopted upon this question. It is not my intention to discuss its constitutional aspect. No doubt honorable members have their opinions regarding the power of the Senate to fix the salaries of its own officers if it think fit to do so.

Mr. DEAKIN.—It has not that power.

Mr. FISHER.—The Senate has no more exclusive power in that matter than it has in any other public matter.

Mr. DEAKIN.—I admit that.

Mr. FISHER.—How the honorable gentleman can dissociate high constitutional principles from the action of the other Chamber because it relates to officers of the Senate, I cannot understand. A distinct majority of this Committee intimated to the Treasurer that these increases should not be paid. The Treasurer thereupon affirmed that he would accept the vote which had been arrived at as a declaration as to the reduced salaries which these officers were to receive. I do not say that the officers in question are not worthy of a higher remuneration if we were in a position to pay it. They may be worth twice their present salaries, but they are not worth them to a poor Commonwealth which is crying out every day that it can scarcely meet its engagements. Take the case of Queensland as an example. How many people with a university education in that State have earned £200 a year during the arduous period through which they have recently passed? We should be treating this matter in a way which would be quite unworthy of us if we did not openly express our opinions. There are other parliamentary officers who no doubt perform their work in a most admirable manner, and personally I should be exceedingly glad to give them an increase of salary. But these are hard times, and this Chamber having emphasized its opinion upon the question of increases generally that opinion ought to prevail. I should be very much surprised if honorable members now went back upon the attitude which they adopted when these Estimates were introduced. I am exceedingly sorry that the Treasurer is not in his place, because he at least understands what is the position. I desire to distinctly disavow any intention, in any remarks which I have made, to make an attack upon the Senate. I merely claim that we

are here as the custodians of the public purse, and that if we neglect to inform the other Chamber of our views upon this matter, we shall fail to discharge the highest obligation which attaches to our position. Whilst we all sympathize with the conciliatory spirit which has been evinced by the Prime Minister, I trust that none of us will give way merely for the sake of keeping peace. There is no peace to be found in such tactics, and there never can be. If we permit the Senate to successfully assume this position once, it will certainly repeat its action in the future. I trust that the Prime Minister will withdraw from the attitude which he has taken up, and will indorse the sound and constitutional principle of adhering to the expressed will of this House.

Mr. WILKS (Dalley).—The honorable member for Wide Bay has referred to Australia as a "poor Commonwealth." I admit that it is poor; but at the same time I do not think that an expenditure of £98 will ruin it. I altogether object to the reasons which have been advanced by the Prime Minister as to why we should agree to the request of the Senate. We have been told that a good Chairman of Committees is a man who never assigns reasons for his action. Certainly the Prime Minister in attempting to offer reasons for the course which he proposes has placed himself in an extremely awkward position. He has declared that the amount involved is a trivial one. I thoroughly agree with him. He also affirms that the officers of the Senate deserve the increases which are proposed. In such circumstances why did he not defend them when these items were previously under consideration? I did not vote for the reduction. But when the Prime Minister informs us that the request to reinstate these increases carries with it a policy of "Hands off the Senate" in return for the Senate keeping its hands off the House of Representatives, I cannot indorse his proposal.

Mr. DEAKIN.—I said within "reasonable" limits.

Mr. WILKS.—Who is going to define the meaning of that adjective? I believe that the officers of the Senate earn their salaries and that the amount which it was proposed to grant them under these Estimates was small enough. The Government therefore should have defended them. Under the circumstances, however, I cannot

support the proposition which has been laid down by the Prime Minister.

Mr. EWING (Richmond).—Every honorable member will agree with the statement that the officers attached to the staff of the other Chamber are subjects of dual control. At the same time we cannot forget that they are servants of the Senate.

Mr. WILKS.—Of the Commonwealth.

Mr. EWING.—They are servants of the Commonwealth absolutely; but they are also servants of the Senate. If the other House is not fit to manage half-a-dozen officers, what is it fit to do? To me it always appears to be unwise to fight great principles upon small occasions. To induce the people to interest themselves in any great cause, we must appeal to their imagination; but the sum of £98, would not appeal to the imagination of a wombat. We desire, as far as we can, to be fair to our officers. It is very much more important that we should be fair to them than that we should quarrel with the Senate over a small question of detail. I find that the Clerk of Papers in the Senate was appointed to the State service upon the 17th March, 1890, whilst the Clerk of Papers in the House of Representatives entered the service upon the 1st August, 1883. No doubt they are excellent officers, since they both come from the State of New South Wales. A position was offered to a senior officer in the House of Representatives and he accepted it. His junior was subsequently offered a similar position in the Senate, and he likewise accepted the offer. It now appears that the junior officer will receive as high a salary as does the senior officer who accepted the position in the House of Representatives. I do not say that that is unjust. If the President thinks that the officer in question is worthy of a higher salary we shall no doubt be pleased to see him obtain it; but the point is that, rightly or wrongly, it is generally presumed that service in the Senate ranks higher than does service in the House of Representatives, inasmuch as it involves less work and less pressure upon the energy of the individual. If the Senate chose to give a man £150 a year for doing less work than we should expect to be discharged for that remuneration, we should have to bow to its judgment, unless we were prepared to quarrel with it. If the Clerk of the House of Representatives felt that he would be promoted by being transferred to the Senate,

and if other officers in this Chamber considered that they would obtain legitimate promotion by being transferred to another place—

Mr. WATSON.—Why should they? Higher salaries should be paid to the officers of this House.

Mr. EWING.—The Clerk of the House of Representatives would accept a position in the Senate if the opportunity offered. I presume that officers of the House of Representatives consider that transfer to the Senate means promotion, and, therefore, an officer joining the Senate staff obtains priority over an officer of the House of Representatives. Obviously, from a comparative stand-point, an officer of the House of Representatives in those conditions would be treated unjustly.

Mr. CAMERON.—That would be a good argument for the reduction of salaries in another place.

Mr. EWING.—The honorable member thinks that any argument is a good one for the reduction of salaries. Would it not be possible to suggest to the President and Mr. Speaker that an arrangement should be made to determine the seniority of officers of the Parliament. If that course were adopted, some injustice would be avoided, and the whole matter would be placed upon a fairer basis than at present.

Mr. WATSON (Bland).—In view of the emphatic vote taken on this question in Committee of Supply a week or two ago, I am rather surprised to learn that the Government propose to agree to the request made by another place.

Mr. DEAKIN.—I showed that there were certain grounds for the adoption of this course, to which no allusion was made on the occasion to which the honorable member refers.

Mr. WATSON.—I do not think that they are likely to alter the position as put forward on that occasion. The point was not that the officers in question might not be worth higher salaries. It was that in the first place their salaries had been fixed at what was considered only two years ago to be a fair basis. I do not object so much to the amount of money as to the principle involved, namely, that every year or two increases are to be made in the salaries of the officers of these Chambers. I emphatically object to that position. I should not mind the salary of an officer who had rendered long service to the Commonwealth.

and whose responsibilities had increased from time to time, being raised at the end of occasional long periods. It is proposed, however, that at the expiration of two years from the date of their appointment these officers in the Senate should be placed on a level with the officers of the House of Representatives. Even allowing for the fact that there are one or two additional officers connected with this Chamber, I still contend that the officers of another place have not nearly so much work to do. It is well known that the Senate does not sit as regularly as we do. We cannot expect the Senate to be kept going as regularly and as continuously as is this Chamber. All large measures involving taxation and expenditure must originate in this House, and consequently much longer sittings will be the rule in this Chamber as compared with another place, and we shall always have a much greater amount of work to perform. As to the suggestion put forward by the President that we have no right to touch the salaries of officers in the Senate, I would say in the first place that in dealing with the Estimates we did not have before us any expression of opinion on the part of another place as to what these salaries should be. It would also appear that a number of senators take the view that we had no right to touch the Estimates relating to that Chamber, and that whatever was suggested, not by the Senate, but by the House Committee, ought to have been accepted by us. This Chamber has absolute control over the public purse, and, apart from any question of merit which may be involved, I consider that as a matter of principle we should resent the attempt on the part of another place to dictate to us what these salaries shall be. I have not a word to say against the ability of the officers concerned, but it is altogether wrong that we should have these increases of salaries forced upon us at frequent intervals. If we accept this principle on the present occasion, we may be asked next year, on the initiative of either Mr. Speaker or the President, to increase salaries which, to say the least of them are already reasonable. I trust, therefore, that honorable members will repeat the vote which they gave when dealing with the Estimates a week or two ago. The Committee was then emphatic in declaring its objection to the proposed increases, and I trust that it will be equally emphatic on the present occasion.

Mr. THOMSON (North Sydney).—The variety of reasons which have been put forward in support of the granting of these increased salaries has caused me some astonishment. I am sure that any honorable member, if convinced that these officers were called upon to do the same amount of work as that discharged by the officers of this Chamber, would be perfectly ready to grant these increases. There has been a failure, however, to show that they do the same amount of work, even although there are three officers less in the Senate than in the House of Representatives. If I understand the position rightly, when this matter was first brought before the Committee, the increases were urged on the ground that the Senate considered that its officers should be paid salaries as high as those received by officers holding corresponding positions in this House. It was apparently on that ground that the reductions were made. I do not see that there is any reason for such a contention on the part of another place. I should not object to an officer of the Senate receiving a higher salary than that paid to an officer of this House holding similar rank if it could be shown that he performed more work, and the same principle should apply to officers of this House. If they do more work than do the officers of the Senate they should certainly receive a higher salary. The Prime Minister to-night based his contention on what is a wholly bad principle, namely, that each Chamber should be left to deal with its own officers as it sees fit.

Mr. DEAKIN.—Within reasonable limits.

Mr. THOMSON.—If that principle were accepted we should have a discussion every year as to what were reasonable limits. I think that we must exercise our control over the expenditure in connexion with another Chamber, just as fully as we do in relation to the expenditure of this House, or of any branch of the Public Service. The stress laid by the Prime Minister upon the argument to which I have referred renders it almost impossible for the Committee to accept his proposal, because it would be understood that in doing so we had adopted the argument on which it was based. The one good reason which the honorable and learned gentleman put forward in support of his proposition has not been substantiated to the full satisfaction of the Committee. It is stated that equal work is performed by certain officers in both Houses, but I fail to see

that such can be the case. If that statement were true, I certainly should not object to similar salaries being paid to the officers in each Chamber, but in the circumstances which I have related I do not see my way clear to support the Prime Minister's proposal.

Mr. FISHER (Wide Bay).—I would respectfully suggest to the Prime Minister that he should allow this matter to stand over until to-morrow.

Mr. McDONALD.—Let us deal with it at once.

Mr. FISHER.—It is a very important question, and we wish to ascertain the full reasons given by the Senate for making this request. We have agreed to the adjournment of the House on far less important considerations.

Mr. KINGSTON (South Australia).—I think that we occupy a rather happy position in relation to this matter. The position is certainly somewhat different in the State from which I come. In the South Australian Constitution there is practically a provision requiring that the salaries of the various officers of the two Houses of Parliament shall be somewhat similar. Here we have nothing of the sort. I venture to suggest that we should undoubtedly treat the suggestions of the Senate with every courtesy. At the same time, in justice to the public, and in the proper discharge of our duties if we hold strong opinions we should certainly give effect to them, just as we should expect the Senate to do. The amount that is spent in respect of salaries in the Senate—a much smaller body than is the House of Representatives, and a body which has certainly not the same amount of work to perform—is out of proportion to the expenditure of this House. I would call attention to one or two little matters to which the honorable member for North Sydney has, to some extent, already addressed himself. Speaking generally, the House of Representatives has twice as much work to do as has the Senate; but the only difference in the number of men on the respective staffs is a difference of three. Sixteen officers are engaged in the Senate and nineteen in the House of Representatives. As regards the cost, the House of Representatives, whose officers have twice the amount of work to perform, incurs an expenditure of about £6,800, while the Senate expenditure amounts to about £6,000.

The smaller body, which does less work, costs within 12½ per cent. of the cost of the larger body. I am inclined to think that there is a disposition to introduce here the South Australian system. It is most desirable that the South Australian example should be followed in many cases, but this is not one of them. Do honorable members think it necessary that the Senate, with half the number of members to be attended to, should have the services of the same number of messengers as we have? Yet I find between £1,300 and £1,400 in the schedule for eight Senate messengers. The increases requested are not reasonable, and I venture to think that the Senate will not be disposed to find fault with us in exercising our undoubted right and duty in refusing to grant them.

Motion negatived.

#### DEPARTMENT OF HOME AFFAIRS.

Divisions 18 to 24, £213,739.

*Senate's Request.*—That the number of Superintendents of Works be reduced to two, and the aggregate salaries to £1,200.

Mr. DEAKIN.—I move—

That the Senate's request be agreed to.

My honorable colleague, the Minister for Home Affairs, finds, upon reconsideration, that the appointment of two superintendents will not be necessary during the present year.

Mr. THOMSON.—Then why were they asked for?

Mr. DEAKIN.—Because it was contemplated that more work would be undertaken than we now see our way to carry out during the financial year. Certain changes must take place before these appointments are made.

Motion agreed to.

Resolutions reported; report adopted.

#### APPROPRIATION (WORKS AND BUILDINGS) BILL 1903-4.

*In Committee* (Consideration of Senate's amendments.)

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The Senate have made two amendments in the schedule to this Bill. In division 4, subdivisions 2 and 4, the following items appear:—

Telegraph line from Melbourne to South Australian border, owing to the use of the line having

been granted to the Eastern Extension Company in connexion with international traffic, £5,043.

Additional wires from Adelaide to New South Wales and Victorian borders, owing to the use of lines having been granted to the Eastern Extension Company in connexion with international traffic, £8,000.

The Senate have struck out all the words after the word "border" in the first item, and all the words after the word "borders" in the second item. These words merely constitute explanations which it was not necessary to insert in the Bill, but which were placed there to afford information to honorable members of both Houses. Now that they have served their purpose, I see no reason why the Senate's amendments should not be agreed to. I therefore move—

That the Senate's amendments be agreed to.

Motion agreed to.

Resolution reported; report adopted.

Mr. ISAACS.—Do I understand that the Senate have made amendments in a Bill for the ordinary annual services of the year?

Mr. SPEAKER.—I have looked into the point, and I find that the Bill is clearly not a measure providing for the ordinary annual services of the year, but an appropriation for the purposes of additions to new works and buildings.

## ADJOURNMENT.

### STANDING ORDERS: INTER-STATE CERTIFICATES.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That the House do now adjourn.

I hope that to-morrow honorable members will find leisure to deal with the proposed new Standing Orders. The Standing Orders Committee, which represents every party in the House, has, after devoting a great deal of time to their consideration, both last session and this, unanimously approved of them.

Mr. WATSON.—Were they not circulated some weeks ago?

Mr. DEAKIN.—Yes; but some minor alterations have since been made. Copies of the Standing Orders, as finally amended, will be circulated to-morrow.

Mr. THOMSON (North Sydney).—I hope that the Prime Minister will not ask us to undertake the task of passing the Standing Orders at this stage of the session. They will have to be looked into and criticised very carefully.

Mr. DEAKIN.—Copies of them were circulated some time ago.

Mr. THOMSON.—Yes, but the statement was made that there was no likelihood of dealing with them this session, and consequently honorable members have not familiarized themselves with them.

Mr. WATSON.—If we adopt the proposed Standing Orders we can afterwards alter any that we find inconvenient.

Mr. THOMSON.—It is not an easy thing to alter Standing Orders. In my opinion it would be a hopeless task to begin their consideration at this stage of the session. We should not be asked to undertake that duty until we have an opportunity to consider them fully. I, and I daresay other honorable members, have not looked at them, because, in view of the statement of the late Prime Minister, we understood that there was no likelihood of dealing with them this session.

Mr. DEAKIN.—They have met with the unanimous approval of the Committee.

Mr. THOMSON.—The House must not abrogate its functions merely because a Committee is unanimous.

Mr. DEAKIN.—But the fact is a strong recommendation.

Mr. THOMSON.—What chance have we of passing the proposed Standing Orders if they are to be questioned one by one, perhaps for want of an opportunity to thoroughly study them beforehand? I would urge upon the Prime Minister the undesirability of dealing with the matter this session. We have conducted our work under the draft Standing Orders without difficulty. Even allowing for the few circumstances which might be mentioned as not quite bearing out that statement, the business of the House has been conducted satisfactorily, during the long and trying sittings of this Parliament, under the temporary Standing Orders. We shall not have had a fair opportunity to consider the new Standing Orders if they are to be dealt with to-morrow.

Mr. DEAKIN.—A large number of them are identical with those in use in other Parliaments, and will be accepted without question.

Mr. THOMSON.—I am not certain that they will be. We should at least have an opportunity to fully consider the whole of the Standing Orders, not only separately, but in their relation one to the other. It was represented that there was no likelihood

of our being asked to deal with them during this Parliament, and I think that a strong protest will be justified if any attempt is made to proceed with them at this stage of the session.

Mr. McDONALD (Kennedy).—I would point out to the honorable member that it is now over twelve months since the new Standing Orders were first laid upon the table. About five months ago they were again presented to honorable members in a slightly revised form, and the late Prime Minister stated that, if an opportunity presented itself, honorable members would be invited to consider them. Further than that, honorable members were asked to make any suggestions which they might deem desirable, in order that the Standing Orders Committee might take them into consideration. I do not think, however, that a solitary suggestion was received, and it was naturally supposed that the proposed Orders met with general approval. It would be wise, if possible, to dispose of the Standing Orders this session rather than leave them to be discussed by the new Parliament. I do not think that honorable members will find in them very much to cavil at. I attended almost every meeting of the Committee, which unanimously adopted the Standing Orders in the form in which they were finally laid upon the table. I hope that honorable members will consent to deal with them to-morrow.

Mr. V. L. SOLOMON (South Australia).—I desire to ask the Minister for Trade and Customs whether the Inter-State certificate system has been, or is to be, abolished. Some few weeks ago it was reported that the present system was to be discontinued early in the present month, but I find that it is still in vogue. I wish to know whether the harassing and annoying regulations now in force are to be done away with.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—There is some difficulty in the way of dispensing with Inter-State certificates. The two-year period mentioned in the Constitution expired on the 8th of this month. The duties which were formerly collected between the various States are no longer being levied, and for that purpose the Inter-State certificates are no longer necessary. But they are still required to facilitate the financial adjustments between the States, which must be continued for five years after the imposition of uniform

Customs duties. If the Inter-State certificates were abolished, some other system would have to be adopted in their place. I have communicated with the Treasurer with a view to ascertain whether it is not possible to make arrangements which will afford greater freedom. So far we have not been able to devise any means, but I expect a recommendation from the Customs officers to-morrow which will perhaps enable me to partially, if not wholly, do away with the certificates. Some of the States object to the abolition of the certificates, because they are afraid, and perhaps with reason, that in the absence of the check they afford they would not receive full credit for the duties upon goods imported into other States, but consumed within their borders. I can assure the honorable member that if possible a less irritating system will be adopted.

Mr. L. E. GROOM (Darling Downs).—I desire to ask the Prime Minister a question in reference to the statement just made by the Minister for Trade and Customs, to the effect that the two-year period fixed for the collection of Inter-State duties expired on the 8th of this month. If the same principle be applied to section 93 of the Constitution, the five-year period there specified will begin, not from the date upon which the Customs Tariff Act received the Royal Assent, but from the date upon which the Tariff was first brought into operation. I admit that the construction of the section depends upon the meaning to be attached to the word "imposition." If the imposition of Custom duties were held to date from the time at which the Royal Assent was given to the Customs Tariff Act, the State of Queensland, which is at present drawing a large revenue from the duties upon goods imported into New South Wales, would have her rights conserved for a year longer than if the five-year period were to date from 8th October, 1901. Probably the matter is one for the interpretation of the High Court. The matter was incidentally mentioned recently by the Chief Justice of Queensland.

Mr. ISAACS.—The question will assume a very acute form in connexion with section 93.

Mr. L. E. GROOM.—No doubt; but I am now dealing with section 93. The Minister for Trade and Customs apparently assumes that there will be no dispute as to the time at which the two-year period commenced; but I hope that he will bear in mind the possibility of another construction

being placed upon the word "imposition." Queensland would lose a very considerable amount of revenue unless her interests were conserved for the full five-year period. I desire to impress upon the Prime Minister that as regards the construction of section 93 for the purposes of the collection of duty in the future, the five-year period should date from the time at which the Customs Tariff Act received the Royal assent. If the view apparently taken by the Minister for Trade and Customs is shared by the Government, a serious injustice may be inflicted upon Queensland, which is now receiving £100,000 a year in the form of duty upon goods imported into other States.

Mr. WATSON.—The whole question of the book-keeping system must be debated before any alteration is made.

Mr. L. E. GROOM.—Yes; but the date upon which the book-keeping period terminates will depend upon the meaning attached to the word "imposition." I desire to conserve to Queensland the £100,000 per annum which she is now receiving in respect to duties collected upon goods imported into other States.

Mr. KINGSTON.—The honorable and learned member wishes Queensland to enjoy the benefit of the duties for six years instead of five.

Mr. L. E. GROOM.—No, I do not. But I desire that Queensland shall have the full benefit of the arrangement contemplated by the Constitution. Of course, I can understand that for the purpose of validating the collection of duties under the Tariff it was necessary to give a retrospective effect to the Act. But my contention is that the date fixed by the Constitution for the book-keeping period cannot be altered in such a way as to deprive the State of Queensland of revenue for one year which properly belongs to it.

Mr. FISHER (Wide Bay).—I desire to direct the attention of the Prime Minister to the necessity of making a slight amendment in the Public Service Act before the session closes. Under section 80 of the Public Service Act power is given to make regulations—

for examinations, for fixing the fees payable for entrance examinations, and for registering in the order of merit the names of all persons who have passed the entrance examinations, and of those candidates who, having qualified at any such examination, may be appointed to fill subsequent vacancies arising within nine months thereof.

As a matter of fact, this provision has proved an utter failure. The nine months' period was never referred to during the discussions in Parliament, and is condemned by the Public Service Commissioner and others as altogether too short. A number of estimable citizens who desire to see their sons in the Public Service have made strenuous efforts to qualify them as candidates. In Queensland a large number of lads passed with a very high percentage; and, although the nine months' period is now drawing to a close, not one of them has been appointed. It is ridiculous that candidates should be asked to renounce all claim to appointment at the end of that period, and to pay fees for another examination. I understand that the Public Service Commissioner desires that a period of two years should be fixed, but I think that eighteen months would be a reasonable term. I hope that the Prime Minister will consent to introduce a short Bill which will protect these candidates who have qualified against loss, and absolve them from the payment of fresh fees. Judging from the opinions expressed by a number of honorable members in both Houses, it is not likely that a proposal in the direction I have indicated would meet with any substantial opposition.

Mr. WATSON (Bland).—I think there is a great deal in the suggestion of the honorable member for Wide Bay. I know of a number of cases in which candidates have passed the examinations, and although many months have elapsed they have not secured appointments. It seems a pity that we should insist, after the lapse of nine months, upon the examinees again submitting themselves for examination. I think that the result of an examination ought to hold good for twelve months. Judged by its cost to the Commonwealth, once a year is quite often enough to hold an examination.

Mr. GLYNN.—I think the Government promised to deal with that matter some time ago.

Mr. WATSON.—There ought not to be much objection offered to the passing of a Bill which contained only one paragraph, and which was designed to remedy what was evidently an error on the part of both Houses of the Legislature when the Public Service Act was passed. I should also like the Prime Minister to say whether he can spare time for a discussion of the regulations under that Act, which were

mentioned by the honorable member for South Australia, Mr. Poynton, to-day. It is rather important that the decisions of the Senate should be considered by this Chamber. I admit that the resolutions which were arrived at by the other House will be without force even if they are adopted here. Nevertheless Parliament ought to express its opinion upon important regulations of this character, and if an hour or two can be spared for the purpose I think that the House may well be granted an opportunity to discuss them before the session closes.

Mr. ISAACS (Indi).—I desire to say a word or two in regard to postal facilities in my district. I have received some very strong complaints in this connexion. I do not say that the fault rests altogether with the Government; but the matter is one which deserves early consideration at the hands of the Postmaster-General. In various portions of the North-Eastern district there is a great want of proper telephonic and other means of communication, to which I drew attention when the Estimates were under discussion. But I wish particularly to refer to the lack of facilities in connexion with Bright and other towns in its neighbourhood. Although Bright is a very important centre it enjoys fewer facilities to-day than its residents enjoyed some thirty years ago. Upon Thursday no letters or newspapers reach that town from the metropolis, and the same remark is applicable to the period intervening between Friday and Monday. I know that a great deal of difficulty is attributable to the changes which have been made in the Victorian railway arrangements. At the same time I strongly urge this matter upon the consideration of the Postmaster-General. I trust that he will ascertain whether arrangements cannot be made to maintain proper communication between Bright and the metropolis. The present position is very severely felt in business circles and in every other direction. I understand that other honorable members have experienced similar difficulties. I think that the regulations of the Postal Department are much too drastic, and that in some cases they are actually prohibitive. The other matter to which I wish to call attention has reference to the electoral rolls. Day after day I receive information which convinces me that a great proportion of the population is not enrolled.

Sir JOHN FORREST.—Not a large proportion.

Mr. ISAACS.—I am afraid that is so, if the information which I have received from municipal clerks and shire officials is correct. In one town alone I am informed there are at least 500 residents whose names do not appear upon the electoral rolls.

Mr. CAMERON.—Is not that their own fault?

Mr. ISAACS.—Certainly not. I do not know that it is anybody's fault, but it will certainly be the country's misfortune if the evil is not remedied very early. I understand that the Minister for Home Affairs announced to-day that he had written to the mayors and presidents of the shire councils in reference to this matter. I think that was a very proper step to take, and I should like arrangements to be made whereby these officials can be directed to forward the names of electors immediately to the Electoral Officer. I have no doubt that they would be willing to undertake this work. Unless some steps are taken to secure the proper enrolment of all eligible persons, and to rectify omissions which have occurred, we shall have a considerable disenfranchisement. Whatever the result of the elections may be, that is a matter which we should all deplore.

Mr. SYDNEY SMITH (Macquarie).—I understand that the honorable member for Wide Bay wishes to proceed with the consideration of the Standing Orders tomorrow. I think that is an undesirable course to adopt. A majority of honorable members have not even had an opportunity to read them. The Government themselves have made no serious effort to deal with the Standing Orders, and it is unfair that, at this late period of the session, we should be asked to pass them without consideration. I spoke to half-a-dozen honorable members to-night upon this matter, and I found that not one of them had read the Standing Orders.

Mr. McDONALD.—More shame to them.

Mr. SYDNEY SMITH.—There is no shame attached to the matter, because nobody expected that in order to fill up time at the fag end of the session we should be asked to discuss the Standing Orders.

Mr. McDONALD.—We want to finish the session this week.

Mr. SYDNEY SMITH.—We shall not finish the session by entering upon a consideration of the Standing Orders if I can prevent it. The provisional Orders have



worked very well for two and a half years, and the Government have made no serious attempt to amend them, and I fail to see why at this late hour of the day we should be called upon to pass permanent Orders, seeing that they can be of no possible use to this Parliament.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I propose to consult the Public Service Commissioner in reference to the amendment of the Public Service Act in the direction indicated by the honorable member for Wide Bay. I have had the advantage of a short consultation with the Minister for Home Affairs and my colleague who lately occupied that position, and it is just possible that a Bill containing a single clause dealing with the matter may be introduced to-morrow. I hope that the honorable and learned member for Indi will indicate to the Minister for Home Affairs the particular township in which it is suspected that the names of a number of electors have been omitted from the rolls. I need scarcely assure him that every effort is being made to cope with circumstances of that kind, wherever they are known to exist. The action which has been taken by the Minister for Trade and Customs represents the views of the Government in regard to the date upon which the uniform duties were imposed. The Ministry reckon that date from the time those duties were imposed by resolution in this House, although they were afterwards authorized by Act of Parliament. I am aware that the contrary opinion has been held; but, from the first, the Government has acted upon the view which I have expressed. I feel sure that when the honorable member for Macquarie examines the Standing Orders he will discover that those which have given him most concern are conspicuous by their absence. The Orders proposed are the result of long experience in other Parliaments, and I think may be accepted with very little alteration.

Mr. SYDNEY SMITH.—I have often seen an Order adopted without fair consideration being given to it, and that practice has caused a great deal of inconvenience.

Mr. DEAKIN.—I attach much importance to the opinion of the honorable member for Kennedy. Standing Orders which can withstand his criticism must be framed upon exceedingly safe lines.

Mr. SYDNEY SMITH.—I venture to say that the Prime Minister himself has not read these Standing Orders.

Mr. DEAKIN.—But I will undertake to say that by to-morrow I shall have read enough of them to enable me to deal with them. Concerning the request of the honorable member for Bland, that an opportunity should be given to discuss the Public Service Regulations, I hesitate to make a promise. At any rate, I cannot undertake that any matter will be considered out of its order.

Question resolved in the affirmative.

House adjourned at 10.15 p.m.

## Senate.

Thursday, 15 October, 1903.

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### APPROPRIATION BILL (1903-4).

Bill returned from the House of Representatives with a message intimating that it had made one of the amendments requested by the Senate and had not made the remainder.

### CUSTOMS BOATMEN: SYDNEY.

Senator MCGREGOR asked the Vice-President of the Executive Council, *upon notice*—

1. Is it a fact that the boatmen in the Customs Department, Sydney, have not been supplied with uniforms for two years?
2. Do these boatmen work seven days a week, and do they receive no overtime payment?
3. Will the Government see that they receive overtime pay in future?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Authority was given in August last for boatmen to receive their uniforms. They were not supplied last year.
- 2 and 3. No. They are employed on alternate Sundays. The salaries attached to the positions were fixed to include these extra services.

### SECRETARY: DEPARTMENT OF TRADE AND CUSTOMS.

Senator HIGGS asked the Vice-President of the Executive Council, *upon notice*—

1. How many applications did the Public Service Commissioner receive in reply to the notification in *Gazette* No. 36 from Commonwealth "officers qualified and desirous of being appointed" to the vacant office of Secretary, Department of Trade and Customs, at a salary of £600?

2. Was he empowered at that stage by the Public Service Act or any regulation thereunder to receive, consider, and recommend an application for the vacant office from Mr. Stephen Mills, of the New South Wales Civil Service; and, if so, under what section or regulation?

3. Why has Mr. Mills not been appointed to the vacant office; and under what section of the Public Service Act or regulation have his services been borrowed temporarily from the State of New South Wales?

4. Did the Chief Officer of the Department exercise his right under regulation No. 148 to direct an officer temporarily to carry out the duties of the vacant office; and, if not, why?

5. If the official view is that Mr. Mills is rendering "temporary assistance" within the meaning of section 40 of the Public Service Act, did his name appear on the Register of Candidates for the State of Victoria; and, if not, by what authority is he temporarily employed?

6. Has it been officially acknowledged that at least one Commonwealth officer among the applicants was possessed of the prescribed qualifications for the position, and deemed to be capable of discharging its duties as described in *Gazette* notification; and, if so, why did not the Commissioner recommend such officer for appointment on probation?

7. Has Mr. Mills any pension rights under the Public Service Act of New South Wales?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Twenty-two applications were received from officers in the Commonwealth and States services, and seven from persons outside the service.

2. Yes; under section 33 of the Act, officers in the employment of the State are eligible for positions in the Commonwealth service.

3. As two officers, specially selected for their knowledge of Customs work, have already failed to satisfactorily carry out the duties of the office, it is desired to test the officer presenting the best credentials before the permanent appointment is made. It is a mutual arrangement between the Commonwealth and States Governments to loan the services of officers when required.

4. No; it was not considered necessary to do so.

5. Section 40 of the Public Service Act has no bearing in this matter.

6. This has not been acknowledged by the officer most competent to judge, namely, the permanent head of the Department. The desired object is to secure the services of the best man available irrespective of all claims of mere seniority.

7. No.

Senator HIGGS asked the Vice-President of the Executive Council, *upon notice*—

1. At what salary were the services of Mr. Stephen Mills, of the Civil Service of New South Wales, assessed by its board of three Public Service Commissioners?

2. At what salary is he temporarily performing the duties of secretary, Department of Trade and Customs?

3. Did he act as literary secretary to the Federal Sites Commission?

4. Will the Minister cause to be laid upon the table of the Senate this session a copy of all the papers relating to the vacant office of secretary, Department of Trade and Customs, and the appointment or employment of Mr. Stephen Mills?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. £400 per annum.

2. The same as paid to him in the State.

3. Mr. Mills was called upon in the emergency consequent upon the illness of the secretary to take up the duties, which he performed most satisfactorily.

4. Yes.

## BRITISH NEW GUINEA.

Senator WALKER asked the Vice-President of the Executive Council, *upon notice*—

1. Is it the intention of the Government to consult Parliament before appointing a Lieutenant-Governor of British New Guinea?

2. What salary is it proposed to attach to the office; also, what travelling or other allowances?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. In the Bill to provide for the government of Papua it is proposed that there shall be a Lieutenant-Governor with a salary of £1,250 per year.

2. Travelling allowances would be made for expenses actually incurred. A residence at Port Moresby is provided.

## OVERTIME: POST OFFICE OFFICIALS.

Senator Lt.-Col. NEILD asked the Vice-President of the Executive Council, *upon notice*—

Referring to the statement of the Minister of Defence, recorded on pages 4206-7 of *Hansard*, to the effect that payment for overtime to certain officials in the Post Office, Sydney, "is now under consideration"—

1. Has any decision been arrived at?

2. If so, will he communicate same?

Senator PLAYFORD.—The answer to the honorable senator's questions is as follows:—

1 and 2. It is assumed that the honorable senator refers to certain sorters who were not entitled to overtime under the State regulations, having been appointed subsequently to 1893. If so, the Public Service Commissioner decided on 25th August last that they should be paid at the same rate as other sorters doing similar work.

## RETURNING OFFICERS.

Senator Lt.-Col. NEILD asked the Attorney-General, *upon notice*—

Having regard to the appointment of officers of the Public Service as returning officers—

1. Has the question been considered that these returning officers may be called upon to give casting votes?

2. Is it considered desirable that a member of the Public Service should be placed in the position of becoming the author of any candidate's membership of the Legislature?

Senator DRAKE.—The answers to the honorable senator's questions are as follow :—

1. Sections 161 and 164 provide that returning officers shall give a casting vote.
2. As he will be an elector, he has a right to vote, and there is no objection, therefore, to his exercising the vote in this case.

### INCOME TAX.

Senator WALKER asked the Attorney-General, *upon notice*—

1. What, if any, progress has been made in the two test cases to which he referred on 30th September, in connexion with income tax claimed by the Government of Victoria on Commonwealth parliamentary allowances to members non-resident in the State of Victoria?

2. Who are the nominal defendants in the actions referred to?

Senator DRAKE.—The defendants in the cases referred to are the Hon. Alfred Deakin and Sir William Lyne. The statements of case to be submitted to the Supreme Court of Victoria are now being settled by counsel.

### LIBRARY COMMITTEE.

The PRESIDENT laid upon the table a report from the Joint Library Committee, which was read by the CLERK (*vide* page 6204).

### PAPERS.

Senator PLAYFORD laid upon the table the following papers :—

Correspondence between the Treasurer and Premier of Victoria with respect to the Commonwealth taking over from that State the loan of £5,000,000.

Ordered to be printed.

Small Arm Ammunition Issue: Alteration of Regulations.

Australian Engineers: Appointments to First Commissions—Regulations.

Public Moneys received or disbursed in connexion with Corps: Financial Administration—Alteration of Regulations.

Australian Light Horse and Infantry: General and Instructional Staffs: Appointment of Officers to—Regulations.

### SEAT OF GOVERNMENT BILL.

#### SECOND READING.

Debate resumed from 14th October (*vide* page 6099), on motion by Senator DRAKE—

That the Bill be now read a second time,

upon which Senator DOBSON had moved, by way of amendment—

That the word "now" be left out with a view to the words "this day six months" being inserted.

Senator MILLEN (New South Wales).—I am sure that honorable senators will share my regret that many expressions of opinion—many incidents—have imparted into this discussion an amount of heat and friction which is extremely undesirable. But, whilst expressing that regret, I feel that the events to which I refer justify me in outlining the attitude which New South Wales takes up. The point from which I start is that the Constitution Act provides that the Federal Capital shall be located in New South Wales with certain restrictions. All that that State asks is that the bargain shall be kept. But, in reply to our request, we are met with all sorts of objections aimed at the undertaking itself. My reply to the objectors is that the objections are made too late; that if there was any fault to be found with section 125 it ought to have been found before the Constitution Bill was accepted. When the time comes for carrying out the arrangement, it is demurred to on the ground that it will be too expensive or too inconvenient. The time for those objections to be raised was when New South Wales was asked to enter the Federation. It does appear to me that something approaching a confidence trick is being attempted if, after having secured the co-operation of New South Wales by reason of that section, the undertaking is not carried out at the earliest possible moment.

Senator DOBSON.—The honorable senator is fighting a boggy, I think.

Senator MILLEN.—The honorable and learned senator has given me a rather different opinion. With a tireless persistency from the time when the Senate first met until now, he has stood forward as the apostle of delay and amendment.

Senator DOBSON.—An apostle of discussion and consideration.

Senator MILLEN.—I shall deal with that point later on, but may I remind the honorable and learned senator that he acquiesced in that very provision before it was accepted by New South Wales? Did he stand on a public platform in his own State and tell its people—or, better still, did he tell New South Wales—"Whilst I am accepting the Constitution, it is my intention at the earliest possible moment to see—"

to amend that provision?" Had he taken that course his position would have been unassailable. But as he held his tongue at that time, we must assume that he acquiesced in the arrangement, and certainly by his silence he, like public men in other States, led New South Wales to believe that they agreed to the compact and were prepared to loyally carry it out. These latter-day objections and criticisms seem to me to savour of disloyalty.

Senator HIGGS. — He abandoned the Divorce Bill in order that he might enter the campaign against the Federal Capital site.

Senator MILLEN. — I wish to refer briefly to various events which have created a suspicion in the minds of the people of New South Wales. It will be within the knowledge of honorable senators that action has been contemplated against section 125 of the Constitution. Certainly, within very few months from the meeting of the Parliament, we had the two Melbourne newspapers leading a crusade against the selection of a site, commencing with gentle ridicule of what they were pleased to term "The Bush Capital," and proceeding until they reached a depth of scurrility which is evidenced by the leading article in to-day's *Age*. No public journal of any standing ever fell so low as the *Age* did to-day, when it launched out into such wild accusations against the integrity of New South Wales.

Senator Lt.-Col. NEILD. — Do not take any notice of such a rag.

Senator MILLEN. — It is because of these things, because the public men and the public journals are leading this crusade that New South Wales is obliged to take notice of them.

Senator STYLES. — Senator Dobson is not a Victorian.

Senator MILLEN. — I do not mean to say that Victoria is alone in her iniquity in this matter, but I am pointing to these various events as justifying the suspicion which has been engendered in the mind of the people of New South Wales. We have the *Age* to-day referring to the condition that the Capital should be in New South Wales as a nefarious condition. Did it preach that doctrine when it urged the acceptance of the Constitution? On the contrary, did it not refer to the section as a graceful concession to the mother State?

Senator Sir JOSIAH SYMON. — What is nefarious in that?

Senator MILLEN. — That is for the *Age* to say. I am pointing out the attitude which was taken by public men and public journals prior to the acceptance of the Constitution by New South Wales, and at the present time.

Senator O'KEEFE. — Let the honorable senator vote for Albury and he will have the *Age* with him.

Senator MILLEN. — I think it probable that the *Age* would be with me if I voted for Albury, but not even to secure the support of the *Age* would I vote for a site the selection of which would be a wide departure from the spirit of the Constitution. The same newspaper, speaking on this matter, says that New South Wales exacted a bribe before she would join the union. If that statement had been made before New South Wales came into the Federation does any honorable senator, who knows how closely public opinion was divided in that State with regard to the Commonwealth Bill, think that she would have consented to join?

Senator DOBSON. — It is only another way of saying that New South Wales insisted upon the concession.

Senator MILLEN. — But the honorable senator and others consented to it also. It is said to be a bribe, and a nefarious condition now, but not a word of that kind was said then. But having brought New South Wales into the Federation by that means, the opponents of this Bill now want to depart from the terms that were agreed upon. Without going beyond the debates of the Senate, we have had declarations made which confirm my statement. We have had honorable senators stating by way of interjection that we might very well delay the establishment of the capital for twenty years. Amendments have been suggested, the effect of which would be practically to alter the Constitution. Only yesterday, Senator Dobson told us that on financial grounds it would be a proper thing to amend the Bill so as to cause delay. I again ask the honorable and learned senator why he did not tell us before New South Wales came into the union that his acceptance of the Commonwealth Bill was conditional on several amendments being made in it? But he kept that to himself.

Senator DOBSON. — Within three months after Federation was established the New South Wales representatives commenced to

agitate for the establishment of the Federal Capital.

Senator MILLEN.—I say that a bargain was made, and that as honorable men you are bound to keep it. Whether the cost involved will be more or less is immaterial. As I have said, there is a desire in the minds of several people to delay indefinitely the carrying out of that provision of the Constitution.

Senator FRASER.—Not indefinitely.

Senator MILLEN.—Then let me ask honorable senators what they mean by a temporary provision?

Senator DAWSON.—They mean until they die.

Senator MILLEN.—Only yesterday we had an interjection from Senator Styles to the effect that it was not the people's Convention that inserted the Federal Capital provision in the Constitution. What is the inference from that interjection? Surely this is getting very close to the contention that the Federal Capital provision was not approved of by the people.

Senator STYLES.—I merely corrected Senator Neild when he said that the Convention inserted the section in the Constitution. I stated that the Convention never saw it.

Senator MILLEN.—The purpose of the honorable senator's correction was to show that there was some difference between this section of the Constitution and the other sections.

Senator FRASER.—We accept it as one Constitution now.

Senator STYLES.—It was accepted by the people.

Senator MILLEN.—But the fact remains that this section, like the balance of the Constitution, was adopted by the people, and it stands there to-day with only one difference between it and the remainder of the Constitution. There is a marked difference between the provision under which the location of the capital is secured to New South Wales and the rest of the Constitution. The rest of the Constitution is an agreement entered into jointly and severally by the States. But the 125th section is an agreement entered into between New South Wales on the one part, and the people of the other States on the other. It is an arrangement under which New South Wales consented to join the Federation on the condition that the capital should be within her territory.

Senator STYLES.—They bribed New South Wales.

Senator MILLEN.—The honorable senator only confirms my view by saying that he regards it as a bribe. When New South Wales is told by such a prominent and experienced public man as Senator Styles is, that the section is a bribe, she has a right to be suspicious. He did not call it a bribe when he advocated the acceptance of the Commonwealth Bill.

Senator STYLES.—I voted against the first Commonwealth Bill.

Senator KEATING.—Because it did not contain this 125th section!

Senator MILLEN.—Senator Styles having voted against the Commonwealth Bill without this section, afterwards voted for the amended Bill with the section in it.

Senator STYLES.—Because there were other amendments of which I approved.

Senator MILLEN.—One inference from yesterday's debate is that, in opposing the selection of the capital, any stick is good enough to beat a dog with. We had Senator Downer stating that the delay in reference to the choosing of the capital was due to want of unanimity on the part of the New South Wales representatives. He said that had it not been for that want of unanimity the question would have been settled long since. The *bona fides* of that statement can be tested in this way: The New South Wales representatives are agreed to-day; but what attitude does Senator Downer take up now? Having arrived at what he said was an essential condition—unanimity on the part of the New South Wales representatives—is his support secured? Not for one moment. Senator Downer's attitude reminds me very much of the old fable of the wolf and the lamb. The wolf complained that the lamb was muddying the water from which he was drinking; but he was reminded that the lamb was on the nether side of the stream, and could not possibly have muddied the water. The wolf, however, wishing to consume the lamb, soon found some other cause for picking a quarrel. That is exactly what Senator Downer has done. He says, in the first instance, that he wishes to have unanimity on the part of the New South Wales representatives; and when that unanimity is secured he still refuses to carry out the terms of the Constitution. But while Senator Dow-

the capital in such a locality that it would not be within the centre of the influence of Melbourne. Do honorable senators mean to tell me that there would be any concession to New South Wales if the capital were placed at Albury?

Senator BEST.—Undoubtedly!

Senator MILLEN.—If the capital were placed at Albury, or near the borders of Queensland, it would be keeping the word of promise to the ear, but breaking it otherwise. The whole purpose of placing the capital in New South Wales was to give that State the advantages which would result from the possession of the capital.

Senator CLEMONS.—The honorable senator is confusing New South Wales with Sydney.

Senator MILLEN.—I am doing nothing of the kind; I am referring to the jealousy and rivalry there was between the two States, as to which should obtain most advantage from the possession of the capital.

Senator CLEMONS.—In this Chamber we do not know cities, but only States.

Senator MILLEN.—I do not think that Senator Clemons knows that much sometimes. Whilst we may attempt to disguise the facts, which are more or less sordid, they existed, and it is necessary to consider them in order to get a proper interpretation of the provision.

Senator BEST.—Why, in the case of Melbourne, was a limit not created within which the capital should not be placed?

Senator MILLEN.—As I understand, such a condition was assumed to be unnecessary.

Senator MCGREGOR.—Why was it not stipulated that the capital site should not be within 1, 00 miles of Melbourne?

Senator BEST.—That is the question.

Senator MILLEN.—If honorable senators want to say that that is the letter of the bond, well and good. I am not affirming that the capital should be within the 100 miles limit of Sydney, but simply showing what was the opinion of New South Wales; and that State thinks that she does all that is required of her if she consents to the capital being equi-distant from Melbourne and Sydney.

Senator PLAYFORD.—New South Wales offered us Albury as one of the sites we might choose.

Senator MILLEN.—New South Wales offered Albury as a site to be examined; and, if I remember rightly, one of the

gentlemen who was largely instrumental in having that site included is a colleague of the Vice-President of the Executive Council. But the action of the representative of Albury can hardly bind the State of New South Wales.

Senator BEST.—Albury was recommended by Sir Henry Parkes.

Senator MILLEN.—Is Senator Best prepared to indorse all the opinions of Sir Henry Parkes?

Senator BEST.—Certainly not.

Senator MILLEN.—I wish now to refer to the two conditions which, if adopted, will largely weaken its value of the concession to New South Wales. First, there is the contention that the capital should be on the border of the State; and, secondly, that the area should be greatly enlarged.

Senator DOBSON.—Does the honorable senator not think that these proposals are made in good faith, and not in order to thwart or check New South Wales?

Senator MILLEN.—I do not quite follow the honorable and learned senator; and, if he does not mind, I shall proceed with my remarks.

Senator DOBSON.—I gathered, from the honorable senator's previous remarks, that he thought these proposals were made in order to deprive New South Wales of her rights.

Senator MILLEN.—I did not say so. What I said was that the effect of the proposals is to largely destroy the value of section 125 to New South Wales.

Senator DOBSON.—But not to deprive New South Wales of any constitutional rights.

Senator MILLEN.—It would deprive New South Wales of one legal right, as I shall endeavour to show. I venture to say that if, prior to voting on the Constitution, the section had declared that the capital should be in the territory of New South Wales, but not less than 100 miles from Sydney, and on the border, the Constitution would never have been accepted. New South Wales would have regarded such a proposal as simply a fraud—as offering in words something not intended to be given in fact.

Senator O'KEEFE.—Then New South Wales only came into Federation because she got the capital?

Senator MILLEN.—That was the turning point with New South Wales.

Senator Lt.-Col. GOULD.—New South Wales had refused the previous Bill.

Senator MILLEN.—Personally I voted against both Constitution Bills, though on entirely different grounds from any relating to the Federal Capital, so that my position is clear. It is idle now to inquire as to whether it was a lofty motive or otherwise on the part of New South Wales.

Senator MCGREGOR.—And now New South Wales is going for her "pound of flesh."

Senator MILLEN.—The "pound of flesh" was conceded to New South Wales, and if the other States objected, they ought to have rejected the Constitution, with that condition in it. The attitude of honorable senators, even as shown in their interjections, reminds me of that neat little story in *David Harum*. David had struck a "rank jib," but he purchased it and sold it, with the recommendation that the horse was free and without blemish, could trot a mile in 2 min. 30 sec., could be driven by a lady as well as a man, and could stand without hitching. We all know what happened; and honorable senators are giving a guarantee which, on its face, appears right enough, but underneath there is a reservation which, if acted upon, will largely destroy the value of the concession to New South Wales. As a reason why the capital should be on the border-line, we have the preposterous proposition that New South Wales is likely to tear up her railway lines, adopt prohibitive railway tariffs, or in some other way hamper the work of the Federal Government. I cannot think that those who advance that suggestion believe it themselves.

Senator FRASER.—I quite agree with the honorable senator.

Senator MILLEN.—A case which requires to be buttressed by arguments or statements of that kind must be rather weak. If New South Wales did attempt anything of the kind, I have sufficient belief in the innate powers of the Constitution to think that the Federal Government would find ways and means of carrying on their business. If there would be such a danger, in regard to the Federal territory, there is an equal danger to-day; but I never fear when I get into the train at Sydney that my Melbourne friends will tear up the railway lines, in order that I may not be able to come to the Federal Parliament, and speak on behalf of my

State. Nor do I anticipate that any of the other States would take any such ridiculous and extravagant action.

Senator DOBSON.—What is there in the argument that we should have a Federal territory?

Senator MILLEN.—That matter was dealt with by Senator Dobson yesterday, and I think that every one knows the reasons which make it desirable to have a Federal territory. It is quite a different matter to suggest that Federal representatives may not pass over the territory of a State, or if they do, that they will incur danger. I am sure that Senator Dobson does not believe any such suggestion.

Senator DOBSON.—I do not believe it, as is shown by the fact that I should like the Federal Capital to be in Sydney.

Senator MILLEN.—The second proposal, to which I take exception, is that the 100 square miles shall be extended to 1,000 square miles. Honorable senators contend that the Constitution gives a right to take a larger area, because the section provides that the territory shall contain an area of "not less than 100 square miles." The argument is that we may take any area in excess of that mentioned. Would it be contended that the Commonwealth had the power to take the whole State of New Wales?

Senator BARRETT.—We do not want the whole.

Senator MILLEN.—It does not matter whether we want it or not—have we the legal right to take it? If there be the legal right to take ten times the area mentioned in the Constitution—

Senator O'KEEFE.—We have a legal right to take as much as New South Wales chooses to give.

Senator MILLEN.—That, of course, means no right at all. But is it contended that the Commonwealth has the legal right to take an area in excess of 100 square miles? If so, the only logical conclusion of that is that the Commonwealth may take the whole of New South Wales, being not less than 100 miles from Sydney. Does any one contend that such a proposition will hold water?

Senator BARRETT.—We do not want it.

Senator MILLEN.—I am asking whether we have the right to take it? If we have not the right to take the whole of New South Wales, we have no right to take 1,000 square miles. If there be the

the capital in such a locality that it would not be within the centre of the influence of Melbourne. Do honorable senators mean to tell me that there would be any concession to New South Wales if the capital were placed at Albury?

Senator BEST.—Undoubtedly!

Senator MILLEN.—If the capital were placed at Albury, or near the borders of Queensland, it would be keeping the word of promise to the ear, but breaking it otherwise. The whole purpose of placing the capital in New South Wales was to give that State the advantages which would result from the possession of the capital.

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Senator CLEMONS.—In this Chamber we do not know cities, but only States.

Senator MILLEN.—I do not think that Senator Clemons knows that much sometimes. Whilst we may attempt to disguise the facts, which are more or less sordid, they existed, and it is necessary to consider them in order to get a proper interpretation of the provision.

Senator BEST.—Why, in the case of Melbourne, was a limit not created within which the capital should not be placed?

Senator MILLEN.—As I understand, such a condition was assumed to be unnecessary.

Senator MCGREGOR.—Why was it not stipulated that the capital site should not be within 1, 00 miles of Melbourne?

Senator BEST.—That is the question.

Senator MILLEN.—If honorable senators want to say that that is the letter of the bond, well and good. I am not affirming that the capital should be within the 100 miles limit of Sydney, but simply showing what was the opinion of New South Wales; and that State thinks that she does all that is required of her if she consents to the capital being equi-distant from Melbourne and Sydney.

Senator PLAYFORD.—New South Wales offered us Albury as one of the sites we might choose.

Senator MILLEN.—New South Wales offered Albury as a site to be examined; and, if I remember rightly, one of the

gentlemen who was largely instrumental in having that site included is a colleague of the Vice-President of the Executive Council. But the action of the representative of Albury can hardly bind the State of New South Wales.

Senator BEST.—Albury was recommended by Sir Henry Parkes.

Senator MILLEN.—Is Senator Best prepared to indorse all the opinions of Sir Henry Parkes?

Senator BEST.—Certainly not.

Senator MILLEN.—I wish now to refer to the two conditions which, if adopted, will largely weaken its value of the concession to New South Wales. First, there is the contention that the capital should be on the border of the State; and, secondly, that the area should be greatly enlarged.

Senator DOBSON.—Does the honorable senator not think that these proposals are made in good faith, and not in order to thwart or check New South Wales?

Senator MILLEN.—I do not quite follow the honorable and learned senator; and, if he does not mind, I shall proceed with my remarks.

Senator DOBSON.—I gathered, from the honorable senator's previous remarks, that he thought these proposals were made in order to deprive New South Wales of her rights.

Senator MILLEN.—I did not say so. What I said was that the effect of the proposals is to largely destroy the value of section 125 to New South Wales.

Senator DOBSON.—But not to deprive New South Wales of any constitutional rights.

Senator MILLEN.—It would deprive New South Wales of one legal right, as I shall endeavour to show. I venture to say that if, prior to voting on the Constitution, the section had declared that the capital should be in the territory of New South Wales, but not less than 100 miles from Sydney, and on the border, the Constitution would never have been accepted. New South Wales would have regarded such a proposal as simply a fraud—as offering in words something not intended to be given in fact.

Senator O'KEEFE.—Then New South Wales only came into Federation because she got the capital?

Senator MILLEN.—That was the turning point with New South Wales.



Senator Lt.-Col. GOULD.—New South Wales had refused the previous Bill.

Senator MILLEN.—Personally I voted against both Constitution Bills, though on entirely different grounds from any relating to the Federal Capital, so that my position is clear. It is idle now to inquire as to whether it was a lofty motive or otherwise on the part of New South Wales.

Senator MCGREGOR.—And now New South Wales is going for her "pound of flesh."

Senator MILLEN.—The "pound of flesh" was conceded to New South Wales, and if the other States objected, they ought to have rejected the Constitution, with that condition in it. The attitude of honorable senators, even as shown in their interjections, reminds me of that neat little story in *David Harum*. David had struck a "rank jib," but he purchased it and sold it, with the recommendation that the horse was free and without blemish, could trot a mile in 2 min. 30 sec., could be driven by a lady as well as a man, and could stand without hitching. We all know what happened; and honorable senators are giving a guarantee which, on its face, appears right enough, but underneath there is a reservation which, if acted upon, will largely destroy the value of the concession to New South Wales. As a reason why the capital should be on the border-line, we have the preposterous proposition that New South Wales is likely to tear up her railway lines, adopt prohibitive railway tariffs, or in some other way hamper the work of the Federal Government. I cannot think that those who advance that suggestion believe it themselves.

Senator FRASER.—I quite agree with the honorable senator.

Senator MILLEN.—A case which requires to be buttressed by arguments or statements of that kind must be rather weak. If New South Wales did attempt anything of the kind, I have sufficient belief in the innate powers of the Constitution to think that the Federal Government would find ways and means of carrying on their business. If there would be such a danger, in regard to the Federal territory, there is an equal danger to-day; but I never fear when I get into the train at Sydney that my Melbourne friends will tear up the railway lines, in order that I may not be able to come to the Federal Parliament, and speak on behalf of my

State. Nor do I anticipate that any of the other States would take any such ridiculous and extravagant action.

Senator DOBSON.—What is there in the argument that we should have a Federal territory?

Senator MILLEN.—That matter was dealt with by Senator Dobson yesterday, and I think that every one knows the reasons which make it desirable to have a Federal territory. It is quite a different matter to suggest that Federal representatives may not pass over the territory of a State, or if they do, that they will incur danger. I am sure that Senator Dobson does not believe any such suggestion.

Senator DOBSON.—I do not believe it, as is shown by the fact that I should like the Federal Capital to be in Sydney.

Senator MILLEN.—The second proposal, to which I take exception, is that the 100 square miles shall be extended to 1,000 square miles. Honorable senators contend that the Constitution gives a right to take a larger area, because the section provides that the territory shall contain an area of "not less than 100 square miles." The argument is that we may take any area in excess of that mentioned. Would it be contended that the Commonwealth had the power to take the whole State of New Wales?

Senator BARRETT.—We do not want the whole.

Senator MILLEN.—It does not matter whether we want it or not—have we the legal right to take it? If there be the legal right to take ten times the area mentioned in the Constitution—

Senator O'KEEFE.—We have a legal right to take as much as New South Wales chooses to give.

Senator MILLEN.—That, of course, means no right at all. But is it contended that the Commonwealth has the legal right to take an area in excess of 100 square miles? If so, the only logical conclusion of that is that the Commonwealth may take the whole of New South Wales, being not less than 100 miles from Sydney. Does any one contend that such a proposition will hold water?

Senator BARRETT.—We do not want it.

Senator MILLEN.—I am asking whether we have the right to take it? If we have not the right to take the whole of New South Wales, we have no right to take 1,000 square miles. If there be the

right to take more than 100 square miles, why the moderation in multiplying the area by only ten? I think I lay down a very fair proposition when I say that this section gives the Commonwealth the right to take such an area as may be necessary for Federal purposes. The language in the Constitution—"not less than 100 square miles"—is exactly the language used in the Bill we are discussing, which provides that the area shall not be less than 1,000 square miles. If the language in the Constitution justifies us in taking ten times the area mentioned, and this Bill becomes law, the latter may be interpreted as meaning that we may take ten times the area there mentioned, namely, 10,000 square miles, or 6,400,000 acres.

Senator CLEMONS.—Surely the honorable senator does not think that this is a compulsory acquisition Bill? The Commonwealth can accept, but cannot seize.

Senator MILLEN.—If we insist on this provision in the Bill, knowing that we cannot get the area without the consent of New South Wales, and that New South Wales is not prepared to grant it, what follows? We shall be laying down conditions the acceptance of which is impossible, and which must nullify altogether the concession to New South Wales.

Senator CLEMONS.—Not at all.

Senator MILLEN.—We should be laying down conditions the acceptance of which we know is impossible, and the effect of which will be to indefinitely delay the settlement of the question.

Senator CLEMONS.—The Bill merely empowers the Commonwealth to accept 1,000 square miles, if New South Wales will grant that area.

Senator MILLEN.—But if New South Wales declines to grant that large area, and the Commonwealth declines to accept a smaller area, what happens? If the larger area is taken it will absolutely despoil New South Wales, because we shall be taking something to which we have no right.

Senator CLEMONS.—The Bill is not worth twopence so far as that goes, seeing that the Commonwealth cannot take the land.

Senator MILLEN.—If we have the right to take the words, "not less than 100 square miles," as meaning 1,000 square miles, then under the Bill it could be argued that we were entitled to take the words, "not less than 1,000 square miles," as meaning 10,000 square miles. It is provided that whatever

area of Crown lands may be within the Federal territory shall be granted free to the Commonwealth. It is not only the 100 square miles which has to be granted free.

Senator DAWSON.—Yes, it is.

Senator MILLEN.—The Constitution is clear on the point.

Senator DAWSON.—It is not clear, and I think that the common-sense of the Federal Parliament will arrive at the conclusion that any area over 100 square miles must be paid for.

Senator MILLEN.—Section 125 of the Constitution provides that such portions of the Federal territory as consist of Crown lands shall be granted to the Commonwealth without payment. Whether we select 100 square miles, 1,000 square miles, or 10,000 square miles, every acre of Crown land must be granted without payment.

Senator BARRETT.—There may be very little Crown land in the area.

Senator MILLEN.—It does not matter whether there be little or much. The very fact that honorable senators who propose this larger area are prepared to pay for it shows that they know their claim is not equitable. Honorable senators, when they talk about paying for any excess area, entirely overlook the fact that the Constitution proposes, in no doubtful language, that all Crown land within the area shall pass to the Commonwealth without payment. I feel quite certain that New South Wales is not prepared to make such a large surrender. Sir John See affirmed the other day that he was not prepared to grant an inch more than 64,000 acres. I have had no means of communicating with Sir John See as to what really was in his mind, but I regard his words as the naturally impatient answer of a man to what he believes to be an outrageous demand. I am safe in saying, however, that New South Wales will willingly and freely grant any land which is necessary for the fit and proper purposes of a Federal territory. What is New South Wales asked to do to-day? New South Wales is asked to grant land for the purposes of a scheme of land nationalization.

Senator FRASER.—That provision was proposed at the instance of the Labour Party, and submitted to by a weak Government.

Senator BARRETT.—And advocated throughout Victoria by many candidates.

Senator MILLEN.—I do not at all object; in fact, I subscribe to the idea that the ownership of the land within the Federal territory should remain with the Federal authorities; but that can be done with 100 square miles just as well as with 1,000 square miles. I contend that, however right the principle may be, if Members of Parliament want to carry out an experiment with rural land it ought to be carried out in their own States, and with their own land. I would remind Senator Smith of the opportunity afforded by the broad acres of Western Australia for carrying out these political ideas, which, to my mind, are very suggestive of political youth. For the purposes of a Federal Capital 100 square miles is ample, and within that area the land nationalization experiment could be carried out. There is one other argument which is used in support of the proposition for a larger area, and which at first sight appears to have some weight. The argument is that the Federal territory shall be of such magnitude as will insure an increment in value sufficient to enable the capital to be self-supporting—in other words, to make its creation a good financial transaction. Those who advance that argument surely have very little knowledge either of the land proposed to be taken or of the land laws of New South Wales. In the first place, if 1,000 square miles be taken around either Tumut or Bombala, the great bulk of the land will be found to be distinctly poor. But whether the land be poor or rich makes no difference to the point which I wish to emphasize, namely, that before the Commonwealth can get any return, the value of that land will have to multiply four times. In New South Wales at the present time, the principle adopted by the Government is to charge a rental of  $1\frac{1}{4}$  per cent. on the capital value. I assume, from interjections we have heard, that for any excess area taken honorable senators are willing that the Commonwealth should give New South Wales some financial recompense. If the Commonwealth Government take over the land at the capital value, they will have to let it at a rental of  $1\frac{1}{4}$  per cent., or they will find no tenants, for the simple reason that immediately outside the Federal territory the New South Wales Government will be offering land at that rental. Any rental less than 5 per cent. will give no adequate return, allowing for the cost of a Lands

Department; so that, as I say, there can be no adequate return unless the land multiplies in value four times. Do honorable senators suppose that rural lands, stretching for sixty or seventy miles in the neighbourhood of a small capital, will multiply their value to that extent within any appreciable distance of time. I venture to say that it will be one of the most disastrous speculations ever indulged in if the Commonwealth, under the circumstances, seeks to acquire an area as a matter of purchase. I now desire to briefly say a word or two as to the arguments advanced on the merits of particular sites. I recognise that the contest is now narrowed down to Bombala and Tumut. I know my own State of New South Wales very well, and have a good general knowledge of Queensland; and I cannot shut my eyes to the fact that the eastern coast of Australia is destined to carry by far the larger portion of the population of the continent. That being so, I should, quite apart from its undoubted merits, have preferred Armidale; but I recognise that that site is impossible, in view of the pronounced opinions of honorable senators. While I regard Armidale as destined to be the centre of the future population of the continent, I regard Lyndhurst as the present centre; but recognising the opinion of my fellow members, I have to forego my preference for that site and to choose between Tumut and Bombala. I have no hesitation in making my choice; but I would like to point out the somewhat inconsistent attitude of those who have spoken for Bombala. Yesterday we had Senator Downer strongly objecting to any material increase of the area beyond 100 square miles, but supporting Bombala and demanding a seaport. The land of New South Wales not being any more elastic than that of South Australia, he has not shown us yet how, while confining himself to the minimum of 100 square miles, he is going to have Bombala and a seaport within the Federal territory. Now we come to the arguments advanced by Senator Dobson in favour of the same site. He affirms that one essential condition is that the Federal territory shall have a seaport. Only one of the sites suggested has a seaport, and that is Bombala. While he affirms that there is only one site which complies with that essential condition, yet he asks time to consider what site shall be selected. If, in his view, a

seaport is an essential condition, he cannot logically ask any more time in which to consider the selection of a site, because there is only one site which possesses that requisite. I have spoken at greater length than I intended to do. I have sought, so far as I could, to put the facts before honorable senators as they present themselves to the minds of New South Welshmen. I would ask honorable senators to extend some consideration to the wishes, or, if they like, to the sensitiveness of New South Wales. What we ask is what we think we are legally entitled to ask—that, without any undue delay, steps shall be taken to determine the seat of government. I am not going to say that there should be any immediate effort to incur a large expenditure—I should oppose such a proposal—but I think that New South Wales has the right to ask, if only as an evidence of good faith on the part of the Federation, that the selection of a site shall be made now.

Senator Sir JOSIAH SYMON (South Australia).—I happen to be one of those who very earnestly desire that this question of the Federal territory, within which the seat of government has evidently to be placed, shall be settled at the earliest possible moment. I thoroughly agree with much of what Senator Millen has said upon that subject. I think, without reservation or equivocation, that it is due in the first place to New South Wales that it should be settled as early as possible.

Senator DAWSON.—Therefore, the honorable and learned senator will vote against Bombala?

Senator Sir JOSIAH SYMON.—Why should I be against Bombala? On the contrary, I expect my honorable friend to support Bombala, and so solve the question. If all those who have doubts with respect to Tumut will immediately declare, by way of interjection, that they favour Bombala, we might end the sitting at once, and the session at a very early date. It is due, not merely to New South Wales, but to the Constitution and to the Commonwealth, that we should, at the earliest possible moment, define this territory within the borders of New South Wales, in order that we may settle at what part of the Federal area the seat of government shall be placed. That is what the Constitution requires of us. That is what all of us contemplated when entering into the Federal bargain. I do not agree with Senator Millen that it

was the intention of the people of this country—who, in the final resort, declared the Constitution under which they intended to live—that that area of Federal territory should be placed as near as possible to Sydney, or to the 100-mile limit outside Sydney. I think that the language of the Constitution expresses plainly what was the intention of everybody—that it should be within the State of New South Wales, but not within 100 miles of Sydney. And it was a weakness on the part of my honorable friend's very able advocacy of the principle to which we are seeking to give effect that he should have suggested that a part of the inducement to New South Wales was that in respect of this provision the capital should be placed contiguous to the 100-mile limit. I do not think with Senator Walker that the selection of the Federal territory and the establishment of the capital within that territory stand at all on the same footing as the establishment of the executive, the legislative, or the judiciary parts of the Constitution. I mean that the thing is equally extravagant from that point of view, as, I venture to think, with all submission, my honorable friend's suggestion about placing the territory contiguous to the 100-mile limit is extravagant from the other point of view.

Senator DAWSON.—Does not the honorable and learned senator think that it must be within the sphere of New South Wales influence as against Victorian influence?

Senator Sir JOSIAH SYMON.—I do not think that that was any element in the matter.

Senator MILLEN.—It was, in New South Wales.

Senator Sir JOSIAH SYMON.—I really do not believe that it was in New South Wales, although I know there was a feeling of rivalry between the two States, or, perhaps, to reduce it to a narrower limit, between the two cities. In the Convention, it was proposed by Sir William Lyne that Sydney should be made the capital in the Constitution, and it was supposed that the proposal was made not seriously, but in order to take wind out of the sails of Mr. Reid. It was abandoned, and the choice was left in the Constitution to the Parliament. I wish absolutely to dissociate myself from those who have suggested as a reason against Tumut, or any other site, that it would be in such a position within New South Wales as to be a kind of pocket

borough for Sydney, or, in other words, that it would be so under the control of Sydney that, if the proceedings of the Commonwealth Government or Parliament displeased that State, the rails could be taken up, and the gates closed, when we should be without either ingress or egress in respect to the Federal territory. I do not believe for an instant that there is any foundation for a suggestion of that kind. My honorable friend, Senator Dobson, in a moment of heedless rhetoric, gave expression to that view, but I assume that he spoke unthinkingly, and without any serious intention of offering it as an argument.

Senator DOBSON.—I only pointed out what might be done. I did not express my own view.

Senator Sir JOSIAH SYMON.—The idea ought not to be put forward that it might be done. I do not believe that the settlement of this question is to be advanced one yard by stirring up strife, or by the introduction of other elements of heat or friction in addition to those which already exist in the rivalry between the two cities. We have examples of that rivalry frequently. It is absurd that we cannot enter into a discussion of this question without imputing motives, and suggesting courses of action which might be very proper on the part of some barbarous potentate or community in the centre of Africa, but which we can hardly attribute to any portion of the Australian Continent. Whilst I venture to think that it is our business to get the question settled at the earliest possible moment, still I am not prepared, and I do not think any of us are prepared to yield up our right of criticism, or surrender our judgment on a particular site, merely to have the question finally settled within the next day or two. There has been very great delay. The blame for that delay has rightly been placed on the shoulders of the Government, because it has been inexcusable. Speaking in May last on the Address-in-Reply, I said that it would have been perfectly easy to have had initial steps taken with a view to determining the position of the Federal territory. It might have been advanced a stage or two, and we might then have been able without difficulty to arrive at a final settlement before the session closed. The Parliament is in no way to blame. The people of New South Wales have to blame only the Ministry, and in particular the late Minister for Home

Affairs, who has simply dallied and dodged with this question during the past six months. It is placing all of us in an exceedingly embarrassing position to have this matter brought up for determination just as the sands in the glass of this Parliament are about run out. However, we have to deal with the question as far as we can. In what way are we asked to deal with it? The Bill seems to me to be founded on an entire misapprehension of the position under the Constitution. How such a Bill was ever framed by any one who has sought to apply an intelligent apprehension to the provisions of the Constitution under which it is supposed to be done, I cannot conceive. The Bill says—

It is hereby determined that the seat of Government shall be at or near Tumut.

That is not what the Constitution requires us to do. The Bill is perfectly ineffective, it seems to me. It amounts to nothing more than the expression of a wish on the part of the Parliament in respect to a particular locality.

Senator DRAKE.—Section 125 of the Constitution says that it “shall be determined by the Parliament.”

Senator Sir JOSIAH SYMON.—I was going to acquit my honorable and learned friend of being a party to this extraordinary Bill, which exhibits on its face not one gleam of intelligent apprehension of what the Constitution means. Under section 125 the seat of government has to be determined by the Parliament; but where?

Within territory which shall have been granted to or acquired by the Commonwealth.

That has never been done.

Senator O'KEEFE.—Does not the honorable and learned senator think that we should first choose a site?

Senator Sir JOSIAH SYMON.—No; we should first choose the territory. If the honorable senator will reflect for a minute he will see that we are putting the cart before the horse.

Senator DRAKE.—That is hair splitting.

Senator Sir JOSIAH SYMON.—We have no more right to determine the position of the seat of government until the territory is allocated than we have to determine anything else with which we have no concern.

Senator DRAKE.—No we have to determine the locality first.

Senator Sir JOSIAH SYMON.—My honorable and learned friend happens to be Attorney-General, but he will have to study the Constitution a little more than he has done.

Senator DRAKE.—I know all about this.

Senator Sir JOSIAH SYMON.—How are we to get the Federal territory? This matter has been discussed from a point of view which is altogether misleading. Senator MILLER discussed with very great force the position in respect to the 100-mile limit. Naturally he got confused by the expression "not less than 100 miles," and he sought to differentiate between the right to insist on anything over 100 square miles and the 100-mile limit. Allow me to say that they are both in the same position. I do not believe that this Parliament can take one single square inch of territory without the consent of New South Wales. It is of no use to blink the fact.

Senator HIGGS.—It is all under offer to us.

Senator Sir JOSIAH SYMON.—I am not talking about the offers, but about our performing a farce, as though we were a circus indulging in some kind of burlesque entertainment.

Senator DRAKE.—No; we leave that to the honorable and learned senator's leader.

Senator Sir JOSIAH SYMON.—The honorable and learned senator is a mere clown, but of a milder type. Why should he make an offensive remark like that?

Senator DRAKE.—Why should the honorable and learned senator make an offensive remark to me?

Senator Sir JOSIAH SYMON.—I made no offensive remark to the honorable and learned gentleman. Why should he drag in my leader, and talk in that way?

Senator DRAKE.—It is quite right when the honorable and learned senator talks about our being a circus.

Senator Sir JOSIAH SYMON.—The honorable and learned senator ought to be ashamed of himself.

Senator DRAKE.—I am not; but I am ashamed of the honorable and learned senator's leader.

Senator Sir JOSIAH SYMON.—The idea of the Attorney-General making a statement like that in a House of this description! He is not worthy of his position when he says such a thing

Senator DRAKE.—Nor is the honorable and learned senator, and he never has been.

Senator Sir JOSIAH SYMON.—Let us take the position under the Bill. This territory—whether we desire 10, 50, 100, or 10,000 square miles—must be the subject of cession by New South Wales. Therefore, those who desire to have more than 100 square miles are perfectly entitled to put in that request as well as any other request. It is just as effective to say, "We desire that the area of this territory shall be 1,000 square miles," as it is to express a desire that it should be 50 square miles.

Senator MILLER.—Does not the honorable and learned senator admit that it is absurd to proceed by Bill?

Senator Sir JOSIAH SYMON.—I say that it would have been just as effective and more appropriate if we had proceeded by resolution. But having got the Bill, it may be treated as a resolution. What is misleading about the Bill is that it professes to determine the seat of government before the territory has been granted or required—before we have declared the territory within which the seat of government may be chosen.

Senator DRAKE.—Does the honorable and learned senator say that a Bill is not the proper way to express the determination of Parliament?

Senator Sir JOSIAH SYMON.—What determination?

Senator DRAKE.—The honorable and learned senator said just now that it should have been done by resolution; but I hold that a Bill is the proper way to express any determination of Parliament, and he ought to know that.

Senator Sir JOSIAH SYMON.—I would tell the Attorney-General, if he would only listen and apply his intelligence while he listens, that we cannot determine the seat of government until the territory has been granted or acquired.

Senator DRAKE.—I say that the proper way to express the determination of Parliament is by a Bill.

Senator Sir JOSIAH SYMON.—The proper way would be for the two Houses of the Parliament to pass a joint resolution practically asking New South Wales to say that the Federal territory shall be in a particular place, and that area, if granted by that State, would become the Federal territory, and we should then be in a position to declare where the seat of

Government should be. That is the only course that it seems to me to be possible to take. Look at what has been done. The Bill says—

It is hereby determined that the seat of Government shall be at or near Tumut.

I say that that is not in accordance with the Constitution. The Constitution lays it down that the seat of Government shall be within territory "which shall have been granted to or acquired by the Commonwealth." And the grant or acquisition must be by means of cession on the part of New South Wales. Everybody who has studied the subject as it was expounded in connexion with the district of Columbia in the United States, knows perfectly well that that district was ceded to the Federal Government. There was no intention in our Constitution to alter that method. We are not dealing with the acquisition of a bit of land for a post-office, or some other public building. We are dealing with territory, and the only means by which one State or self-governing community can obtain territory from another is by cession or by conquest. This is by cession. Whatever the Commonwealth Parliament decides to be the locality, whether it be an area of 100 square miles or any reasonable area beyond that—I have no hesitation in saying that the State of New South Wales will immediately cede it.

Senator FRASER.—Is not New South Wales compelled to do so?

Senator Sir JOSIAH SYMON.—No.

Senator FRASER.—Is not that State compelled by the Constitution?

Senator Sir JOSIAH SYMON.—The only way by which we can escape from the absurdity pointed out in connexion with the words "not less than" is by applying the same rule to an area of over 100 square miles as we should apply to an area "of not less than" 100 square miles. If we want 1,000 square miles we cannot enforce it. If we want less than 100 square miles what power have we got to enforce it? None. The Federal territory must be obtained by cession from New South Wales, and, therefore, when we attempt by this Bill to go through the farce of using the language of enactment—

Senator HIGGS.—This is only with regard to Crown lands.

Senator Sir JOSIAH SYMON.—No; alienated land is just as much the territory of New South Wales as is unalienated land, except that alienated land will have to be paid for, and unalienated land will not.

Senator FRASER.—Did not the New South Wales Parliament agree that 100 square miles should be ceded?

Senator Sir JOSIAH SYMON.—have no doubt that the Parliament of New South Wales will cede that territory to the Commonwealth.

Senator Sir JOHN DOWNER.—I think they must.

Senator Sir JOSIAH SYMON.—I have no reason to suppose they will not. But until they cede the territory we cannot determine where the capital shall be; and that is the point to which I wish to direct the attention of the Senate.

Senator DRAKE.—They will not cede any territory until we have determined where it is to be.

Senator Sir JOSIAH SYMON.—I take the view that it is not susceptible of reasonable argument that "not less than 100 square miles" means about 100 square miles. It means as much as you like; and the very fact that the words are "not less than" indicate that it means as much as you like. It may be 10,000 square miles or the whole State of New South Wales, if you please; but subject to the condition that New South Wales must cede it, whatever the area is. If we are guided by that consideration in regard to the words "not less than" it is as plain as possible what the framers of the Constitution meant, and what the Premiers meant, when they added those words to this particular part of the Constitution. If that is the case, and if the territory is subject to cession, I can only treat this Bill as an expression of the wish of the Parliament that the Federal area—whatever may be determined upon—shall be in the neighbourhood of a particular locality. I think it is an unfortunate thing that that wish is to be expressed by Bill. It appears to me that that matter has not been carefully thought out.

Senator DRAKE.—Oh, yes it has.

Sir JOSIAH SYMON.—The thoughts applied to it must have been of a very muddy order.

Senator DRAKE.—That is only the honorable and learned senator's opinion.

Senator Sir JOSIAH SYMON.—It has been thrown upon the floor like a bone to be gnawed at. The Government previously introduced a lot of arrangements for a conference, which would have degraded this Senate and sacrificed its integrity to the

greater numbers of the other House. So that really they have been exploring for some method of carrying the section of the Constitution into effect, and they have hit upon this method, by a Bill which declares its purpose in extraordinary words, which I venture to think no one has ever seen in a Bill or Act of Parliament before—

It is hereby determined that the seat of government of the Commonwealth shall be at or near Tumut, and the territory granted to or acquired by the Commonwealth within which the seat of government shall be should contain an area—

Whoever read such language as that in an Act of Parliament? We know that Acts of Parliament either declare or enact something, but I never saw before in an Act of Parliament an expression of a pious wish such as we are asked to insert in this Bill that the area of the Federal territory should be extended. Let us declare, if that is our opinion, by saying, emphatically and plainly, that we should like the Federal territory to be 1,000 square miles in area.

Senator O'KEEFE.—Let us say "shall" or nothing.

Senator Sir JOSIAH SYMON. — Yes; "shall" or nothing. Let us accompany that by words which will show that we intend no discourtesy to New South Wales, and that we do not wish to be peremptory; but let us express ourselves in such a way as to indicate what our view on the subject is. If that is our meaning, there is no doubt about our right to express it. It is as possible for us to say what additional area we shall acquire as to limit it to 100 square miles. I do not know that the words "not less than" were introduced for the purpose of enabling us to take a larger area as some honorable senators seem to think, so as to embrace a port or a means of access by river. I know that in the American Constitution the words were "not exceeding" 100 square miles. The intention in that case was perfectly obvious. They wanted for a capital simply a place for a city with some elbow room; but we may require a larger area for the purpose of taking in—as some honorable senators say there is great necessity for doing—access to a river or a water frontage. It should not be forgotten that in regard to the District of Columbia, a portion of that territory was given by Maryland, and the other portion by Virginia. The two portions ran astride of the Potomac River, so that there was access by water. Fifty or sixty

years ago—in 1846, I think—Virginia received back her portion of thirty-four square miles and left the territory as it is now, some sixty-four or sixty-six square miles in area. But probably it was the intention of the framers of the Constitution, and of the Premiers who inserted this provision, to give greater scope and expansiveness; and it may be all the better for us that it should be so. But whether that was the intention or not, there is no doubt that this Bill does not decide matters. This Bill is only an expression of a wish. Whatever the form of enactment may be, both as to locality and as to area, and whether we shall get the territory or not—I have no doubt we shall get it—it must be obtained by cession from the Government and the people of New South Wales and not by virtue of any right of this Parliament to compulsorily acquire it. That being the view which I take of this Bill—that it gives expression to a wish—it is impossible for me to support the amendment moved by Senator Dobson. I do not know what his idea was in moving it in relation to a matter that has reached this stage. I rather agree with Senator Miller, who seems to think that Senator Dobson is very like a rudderless ship on an unknown sea and does not know quite where he is on this question. I do not know whether it is that he wants the site not to be selected at all, or whether he wishes to defeat this Bill as a lever to undoing the Constitution and ultimately putting the Federal Capital in Sydney. Is that what he means? Does he mean this amendment to be an insidious attempt to override the Constitution? My honorable and learned friend is constantly committing these little assaults—making these little nibbles, as I may call them—upon the Constitution. I do not know, in the present instance, if that is his intention or not?

Senator DOBSON.—I want Senator Symon to tell us what he proposes to do.

Senator Sir JOSIAH SYMON. — I always thought my honorable and learned friend was a true Federalist, but I begin to doubt it, because I find that whenever he is making these attacks upon the Constitution he waves the flag of economy. We have heard that before, in regard to a much more vital part of the Constitution. As far as this particular matter is concerned, I think it would be a great mistake to carry Senator Dobson's



amendment. It is very much better for us to take the view that, as we have this Bill before us—irregular as it may be—it gives us an opportunity of reducing to a limit of two the eligible sites. Whether we insert the name of Bombala or retain the name of Tumut, it will be wise for us to come to a decision upon the measure. If we insert the name of Bombala, and the other branch of the Legislature does not agree with us in that respect, we shall at any rate have reduced the conflict for the present to these two places, and shall have an opportunity later on, with, I hope, more knowledge and information, and, perhaps, after more thought, of determining finally where the Federal Capital shall be.

Senator DOBSON.—The honorable and learned senator has not the courage of his opinions. I thought we were all going wrong, according to him.

Senator Sir JOSIAH SYMON.—Senator Dobson is always going wrong; but if he votes for Bombala he will be absolutely right in the present instance. I intend to vote for Bombala, not because I intend to put my opinion dogmatically against the opinion of those who think that there are serious objections to that site, but for other reasons. I listened with great interest to some of the speeches made yesterday, with a view of eliciting information. The first speech made in advocacy of Tumut from the New South Wales side was not, to my mind, convincing. But while I shall vote for Bombala, I wish to say very plainly that if the matter is not settled now I reserve to myself distinctly the right, upon further investigation and further discussion, to change my mind upon the whole subject. I am prepared, if the matter is settled now, to accept Bombala and be satisfied with it.

Senator DOBSON.—The honorable and learned senator seems to be a little bit "wobbly" about it.

Senator Sir JOSIAH SYMON.—What is my little wobble compared with Senator Dobson's huge wobble? He is the champion wobbler of Australia. I think that it is deplorable that we should at this late stage, when the candle of our legislative work is burning out, be called upon to determine this great historical question. But still, if we are to determine it, I am going to vote for Bombala, reserving to myself the right, if I get further information later on, and good reasons are

given for some of the other sites, to change my mind, and to vote for a preferable site when the permanent and final selection of the seat of government is made.

Senator BARRETT (Victoria).—In addressing myself to the question before the Chair, I want to try, if possible, to follow the example set by several honorable senators who have preceded me, and to speak in such a way as to leave no sting behind. I must confess that, when I reflect upon some of the speeches that have been delivered, I come to the conclusion that there has been a good deal of irritation expressed. I, however, want to discuss it in a calm and temperate spirit, and to arrive at what I regard as a proper determination. Senator Symon has said that the course we are pursuing is not the proper one. Whether his contention be correct or not, if we pass this Bill it will be a deliberate expression of opinion by the Senate. When we previously discussed the subject, the Senate showed the way in which, in its opinion, the Government should deal with it, and the proposition agreed to on the motion of Senator McGregor directed the Government to proceed by means of a Bill. We have two propositions before us. In the first place we have the Bill, the second reading of which has been moved; and, secondly, we have an amendment proposed by Senator Dobson that the Bill be read this day six months. The object of the amendment is to shelve the Bill. I intend to support it. I have no hesitation in saying that it would be a good thing if the Bill were shelved under present circumstances; and if Senator Dobson's proposal is not carried, I shall divide the Senate on the motion for the second reading, in order that I may express, by my vote, the opinion which I entertain. If the Government are successful in carrying the motion for the second reading of the measure, I shall vote for the site which I think ought to be selected; but if I cannot secure the choice of my first preference, I shall do what I can with the object of preventing the Bill from becoming law. Probably in the end I may adopt the position which has been taken up by Senator Symon, and vote for Bombala; though I reserve to myself the right to alter my opinion in the light of the further knowledge which I may acquire in regard to any alternative site that may be proposed. Senator Dobson submitted a number of

reasons in favour of his amendment, and with some of those reasons, though not with all, I agree. I was pleased to listen to Senator Downer. As was pointed out yesterday, this is probably the last occasion on which we shall hear the honorable and learned senator in the Senate, seeing that he has renounced his intention of resigning his seat; and I should like to take the opportunity of expressing my personal opinion that his deliverance of yesterday is a credit to himself and undoubtedly expresses the Australian view. This afternoon, Senator Symon blamed the Government for the attitude which they have taken up on this question. The honorable and learned senator charged the Government with neglect of duty in not submitting the Bill before this late period of the session. I do not, however, blame the Government, who, so far as I can see, could have adopted no other course. We have only to remember the vast amount of legislative work which had to be done in order to agree that the Government could not have introduced a measure relating to the capital site at an earlier date. While this is true, however, my main objection to the measure is that it has been left to the dying hours of the last session of the first Parliament.

Senator MCGREGOR.—We must be doing something in our dying hours.

Senator BARRETT.—That is quite true, if it be only praying for our souls. In a matter of such importance as the choice of a Federal Capital, it would have been better if the Government had given more time for its consideration, or, at this stage of the session, had excised it from their programme. The question of the Federal Capital has given most of us a great deal of difficulty. I have read the reports of the Royal Commission, and of Mr Oliver, and have followed the evidence given by the various witnesses, in addition to personally inspecting every one of the proposed sites. Yet, after all, I confess that it has not been easy for me to make up my mind. There has been much conflict of opinion; and everything points to the fact that there is not sufficient information before us to enable us to arrive at a proper decision. A good deal has been said as to the rights of New South Wales, and there is no doubt that section 125 of the Constitution declares that the Federal Capital shall be within that State, subject to certain obligations

and conditions. I admit that the right of New South Wales is unchallengeable, and I should be no party to any proposal to go behind the agreement under the Constitution. But, in urging delay, I thoroughly believe I am acting in the interests not only of New South Wales, but of the whole of the people of Australia. There is no mandatory provision in the Constitution that the Federal Capital shall be fixed within a specified time. We all know, however, that from the beginning, there has been a feverish anxiety that the first Parliament should enact all the legislation contemplated by the Constitution. The speeches which have been delivered by the representatives of New South Wales show that the proposal to now fix the Federal Capital is made entirely in the interests of that State. While it is perfectly true that the Constitution, as accepted, contained a provision that the Federal territory should be within New South Wales, the people of Australia, when the Constitution was before them, did not give the question that consideration which it deserves. The people now are seriously reconsidering the position, and there is a reaction in regard to many matters connected with the Federal movement. The people of Australia are not readily swallowing everything told them, as they did when Federation was being advocated; and time is bringing forth fresh developments.

Senator MCGREGOR.—Victoria swallowed the biggest bite, seeing that the voting of that State in favour of Federation was three to one.

Senator BARRETT.—I deny that Victoria "swallowed the biggest bite." I believe that the people of the Commonwealth desire to express their opinion on matters Federal at the forthcoming elections, and they have a perfect right to do so. We cannot disguise the fact that honorable senators desire to protect the interests of their own States, and I am only doing my duty in expressing what I believe to be the opinions and desires of the people of Victoria. If the question of the Federal Capital be relegated to the new Parliament which is to meet a few months hence, and it is then shown to be the desire of the States to carry out the bargain with New South Wales, I shall be prepared to do all that is reasonable to that end. We ought to realize the seriousness of the step we are asked to take. We are choosing a Federal

Capital not for to-day, but, as has been well said, for all time. The opinions of Mr. Oliver, the opinions of the Royal Commission, and the opinions of those witnesses who favour certain districts, are diametrically opposed. Mr. Oliver flatly contradicts the Royal Commission, and in turn the Royal Commission ridicules the findings of Mr. Oliver. The site first chosen by Mr. Oliver is placed last in the list of the Royal Commission, and Mr. Oliver returns the compliment. Even the representatives of New South Wales are not in agreement on the question.

Senator Lt.-Col. GOULD.—In what respect?

Senator BARRETT.—Representatives are advocating various sites. While there was a combination in another place in favour of Lyndhurst, the vote was taken under peculiar circumstances, and it was shown that the New South Wales representatives were not unanimous even in regard to that site.

Senator Lt.-Col. GOULD.—Lyndhurst got a very substantial vote.

Senator BARRETT.—At any rate, they are not unanimous, and I honestly believe that if the selection of the site were postponed, the representatives of New South Wales would, in the end, be better pleased than would even the representatives of other States.

Senator CHARLESTON.—Is the honorable senator justified in saying that?

Senator BARRETT.—I think I am, and the honorable senator ought to know that what I am saying is correct.

Senator Lt.-Col. GOULD.—It is simply an expression of Senator Barrett's opinion.

Senator BARRETT.—It is an opinion formed after hearing speeches, not only here, but in another place, and after conversations with members of the Parliament. What are the essential points of section 125? It is provided, first, that the site shall be determined by Parliament; secondly, that the territory granted or acquired shall be owned by the Commonwealth; thirdly, that the land must be vested in and belong to the Commonwealth; fourthly, that it shall be distant not less than 100 miles from Sydney; fifthly, that it shall contain not less than 100 square miles; and sixthly, that the Parliament shall sit in Melbourne until it meets at the seat of Government. If one

may judge from the speeches delivered, the whole trouble in regard to the matter arises from the fact that for the present the seat of government is in Victoria. When representatives of New South Wales talk about "the bond," it is well that they should be reminded that there are other bonds. From the time this Parliament first met until the present moment, New South Wales representatives have been urging that the seat of government should be moved to that State; and if they do not carry out their share of the bargain under the Constitution, they will have only themselves to blame, should New South Wales eventually lose the honour of having the Federal territory within her boundaries. As to the area, the Constitution provides that it shall not be less than 100 square miles; and my reading of the provision is that this, or any future Parliament, is not bound to that area. If it had been intended to confine the Federal territory to 100 square miles, the framers of the Constitution would have made that fact quite clear. No limit, however, is placed to the area, and the House of Representatives has declared that it is desirable to acquire 1,000 square miles. I do not think that there is any intention to contend that the Government of New South Wales can be compelled to grant more than 100 square miles; but if in the wisdom of Parliament 1,000 square miles is deemed to be a proper area, we are quite within our rights in asking that it shall be ceded to us on equitable terms. In regard to this, and many other sections, the people of Australia did not realize what they were doing when they accepted the Constitution; and if there be an unwise provision in regard to the Federal territory or any other matter, surely we have a right to make the best arrangements possible under the circumstances. Some honorable senators have spoken as though the proposed extension of the Federal territory had been suddenly sprung upon the Federal Parliament. They must be aware that on nearly every platform in all the States of the Commonwealth candidates for the Federal Parliament advocated that a greater area than 100 square miles should be acquired. Some spoke of 1,000 square miles, others of 5,000 square miles, and on many platforms I advocated that the territory acquired should be as large as possible, and also that the land should never be sold, but should be

held by the Government of the Commonwealth in trust for the generations to come.

Senator HIGGS.—No candidate ever proposed anything to the contrary.

Senator BARRETT.—I am prepared to give a vote on this question in keeping with my election pledges, and when we come to consider that provision of this Bill, I shall be prepared to vote for it. Several objections have been urged against the proposal. In the first place it has been hotly opposed by representatives of New South Wales, and it has recently been publicly opposed by the State Premier of New South Wales, Sir John See. In my opinion that gentleman has very unwisely declared that he will not give us an inch beyond the area to which we are entitled under the Constitution, and I suppose he refers to the area of 100 square miles. I believe that members of the Federal Parliament are entitled to say what area they think ought to be acquired in the best interests of the people of Australia, and if any trouble subsequently arises the people of the State of New South Wales must be held responsible for it, because they will be going back upon the bond, which is conditional, and can only be carried out if the conditions are faithfully adhered to. If the authorities in New South Wales throw obstacles in the way, it may be found that the greatest injury will be done to that State. If they fail to carry out a reasonable bargain proposed by the Federal Parliament they may find that there is such a thing as an alteration of the Constitution. It may be decided that the whole of the people of Australia shall be given the right to say where in future the Federal Capital shall be located. In discussing this question, we must have some consideration for the expense in which the people of the Commonwealth may be involved. Estimates of the probable cost have varied from £200,000 to £2,000,000, and in considering this Bill we require to look ahead and consider the probable cost. It is of no use for us to shut our eyes to facts. Once we carry the proposal of this Bill, it will be all moonshine to suppose that but a small sum of money will be spent upon the future Federal Capital. I have no doubt that the very fact that the capital has been selected, and that we are about to build, will entail upon the people of the Commonwealth the expenditure of a large amount of money. Personally, I should have no objection to the

selection of the locality in which the Federal Capital is to be situated if there were some agreement or undertaking that, at all events for the present, there should not be any large expenditure of money in connexion with it. In my judgment the requirements of the Commonwealth do not require it. We can go on as we have been doing for the present. No one anticipated that during the first three years of its existence the Federal Parliament would decide this important question. There is a further consideration to which I should like honorable senators who have not yet spoken to address themselves. I should like to know where the large amount of money which will be involved in carrying out this proposal is to come from. Is it to be provided from loan or out of revenue? Honorable senators of the Labour Party have recently declared that, so far as our spending power is concerned, it must in the future depend upon the revenue derived from Customs. If we are to take this money from revenue and remain true to the principle affirmed, I desire to know how it is possible to provide the large amount of money which will be necessary to carry out this scheme. To live within our means should be our motto in dealing with this matter. That is a sound policy for individuals, and it is also a sound policy to urge upon the nation. If we do not proceed upon such a policy, extra taxation will have to be imposed upon the people of the States, and I do not believe that they are at present prepared to stand it. The whole proposal is unnecessary. Australia does not require it. I intend to give my vote in such a way as to enable, not only the people of this State, but of the whole Commonwealth, to express their opinion upon the subject. I shall therefore, in the first place, vote for the amendment moved by Senator Dobson; in the second place, I shall divide the House on the Bill, if I can get another honorable senator to help me; in the third place, if I am forced to make a selection, I shall vote for that site which, in my opinion, will be best in the interests of Australia. If I am not successful in that I shall be guided by events; but, in any case, I shall do what I can to bring about delay in regard to this matter.

Senator STYLES (Victoria).—I need hardly rise to speak, as I intend to support Senator Dobson's amendment that the Bill be read this day six months. There are,

however, a few aspects of the question which I should like to submit to honorable senators who intend to vote for the second reading of this Bill. My reason for supporting the amendment is that a Federal Capital is not required.

Senator HIGGS.—The honorable senator is an extremist.

Senator PULSFORD.—We are progressive.

Senator STYLES.—I can well understand that honorable senators representing New South Wales desire not only to see a Federal Capital site selected, but also to see the Federal Capital in course of erection. I should not object if our population was increasing as rapidly as it ought to be, and if we had had several good seasons instead of several bad ones. The reason why, under those circumstances, I should not object is because it is in the bond—a foolish bargain, I admit, but one which, in my opinion, must be kept, but later on. I should like to know who wants this capital?

Senator PULSFORD.—Not Senator Styles.

Senator STYLES.—Certainly not! What section of the people of the Commonwealth wants this capital? Who cares about putting their hands in their pockets and stumping up in support of it? The question raised by Senator Barrett just now is worthy of consideration. Where are the funds to come from? How are we to borrow money in the face of the decision arrived at last session by honorable members of both Houses? They were quite unanimous in refusing to allow the Government to borrow £500,000 for increasing the postal and telegraphic facilities of the whole of the States of the Commonwealth.

Senator DE LARGIE.—There was no necessity for that.

Senator BARRETT.—And that money would have been spent on labour.

Senator STYLES.—Honorable members of both Houses decided that those improvements must be provided for out of revenue, but I apprehend that some honorable senators, who were so very particular about the finances last year, will be found ready to vote for the floating of a loan in order to create this sentimental city in the back blocks of New South Wales.

Senator MCGREGOR.—There is no necessity for that.

Senator STYLES.—I wish to know who requires this capital. Is it the Federal Legislature or the people of the Commonwealth?

Senator HIGGS.—The people of New South Wales.

Senator STYLES.—I wish to know whether it is the members of the Federal Parliament who require a Federal Capital at once, or the people of the Commonwealth, and not any particular section of it. If Federal legislators require a Federal Capital for their convenience, I remind them that they cannot get one more centrally situated than is Melbourne. A glance at the map of Australia will prove that. In the Senate we have equal representation of the States. The little State of Tasmania has six representatives, who have as much right to be considered as have the six representatives of the big State of New South Wales. And in this matter, involving the spending of a lot of borrowed money, or even of revenue, the whole of the people must be considered. The people of South Australia and of Western Australia must also be considered. If it is contended that the people require a Federal Capital, what do they require it for? Is it required for commercial and industrial purposes? Surely we have sufficient towns for the existing population of Australia? If a town had been required in the back blocks of New South Wales, in the neighbourhood of any particular site which may be selected, it would have been established there before now. If it is contended that a Federal Capital is required for commercial purposes, it will be admitted that some of the sites named would be of very little use to commercial men. There would be no outlook for them at Tumut or Lyndhurst, stuck away, as they are, in the middle of the State of New South Wales. None of the taxpayers of the community require this capital, and it is not wanted for Legislative, industrial, commercial, or defence purposes. If it could be shown that the establishment of the Federal Capital would increase the wealth of Australia by £5 I should be prepared to think over the matter. Railways, public works, and buildings do not form the State. People are essential to the building up of a nation. Does any one suppose that the creation of a town in any part of Australia would induce people to come here from abroad? If the Federal Capital were established, no doubt a large number of people would flock to it, as to a new gold diggings, and within a very short time possibly 20,000 people might be gathered together there, with the object of improving their positions in life. These people would

have to be kept by the taxpayers' money. Every penny of it would have to come from that source, because it could not be drawn from any other.

Senator PLAYFORD.—But some private works would be carried on, besides those in which the Commonwealth engage.

Senator STYLES.—But the money would have to come out of the pockets of the taxpayers.

Senator PLAYFORD.—If a public-house were built at the Federal Capital the taxpayers would not have to defray the cost of its erection.

Senator STYLES.—Still the money would come out of the taxpayers' pockets. From what other source could it be derived? The capital would not be established for commercial or industrial purposes, and if people flocked there from other parts of Australia they would leave vacant houses behind them. The Attorney-General appealed to us last night as level-headed common-sense business men; but he did not give us anything to think about. He made a number of bald statements; but he did not tell us the probable cost of the buildings at the Federal Capital, or how the necessary funds were to be obtained. The only estimate submitted to us is that framed by Mr. Oliver, and presented to the New South Wales Parliament on the 30th October, 1900—three years ago. The Commission of Experts appointed by the Government did not furnish any idea as to the probable cost of the capital. The Commissioners spent a great deal of time in visiting the proposed sites, and although they were selected for their special knowledge they left us entirely in the dark upon the point I have mentioned. Mr. Oliver is the President of the Land Court of New South Wales and is a very able man. His figures indicate the idea which prevails in New South Wales as to the character of the buildings which should be erected at the Federal Capital. The cost of Parliament House is set down at £750,000. That is a very good beginning.

Senator MCGREGOR.—Mr. Oliver was thinking about Melbourne when he made that estimate.

Senator STYLES.—He was thinking about getting Melbourne money with which to build it. The Governor-General's residence is estimated to cost £75,000, and the Post Office—out in the back-blocks of New South Wales—£100,000. The military academy, barracks, arsenal and

factory, and Commandant's residence are estimated to cost £200,000. These figures are very amusing, no doubt; but there will be another tale to tell when the people have to find the money. The Courts of Justice and various offices connected with them, are expected to cost £300,000. When tired legislators feel that they want a little relaxation, a National Hall, with an art gallery, which is expected to cost £150,000, will be at their disposal. Sundry other buildings are estimated to cost £292,500. Among these are official residences for the Ministers of State, which are expected to cost from £7,500 to £10,000 each; £250,000 is the amount set down as the cost of laying out of the city, and the total amount of the estimate is £2,117,500. I should call this "laying out" the taxpayers instead of laying out the Federal City. The items which I have quoted are quite exclusive of works connected with water supply, sewerage, lighting, or means of access. This is the only estimate which has been submitted to Parliament, and the only guide as to the money which will probably be spent.

Senator MCGREGOR.—We are not considering that now. We are discussing the selection of the seat of government.

Senator STYLES.—But what will happen when we have selected the site? When we have decided where the capital is to be established, we shall at once be called upon to vote £30,000 or £50,000 for carrying out survey and other similar works. Next year we shall probably be required to find £150,000, and then, when we are fairly committed to the enterprise, the Government of the day, urged on by their supporters from New South Wales, will ask for £250,000 more. So the game will go merrily on, year after year, until millions have been sunk in this alleged Federal Capital. Now let us see if we can understand why the representatives of New South Wales are so anxious to see the Federal Capital established. If we assume that the total expenditure upon the capital will be £3,000,000—I believe it will be nearer £5,000,000—New South Wales would only have to contribute 36·10 per cent. of that amount, or £1,083,000. The other five States would have to contribute nearly £2,000,000, which would be spent in New South Wales. That, however, would represent only a small part of the loss sustained by the other States. The drain of population to which they would be subjected is

worthy of consideration. I find that within ten years of the establishment of Washington, the Federal Capital of the United States, 24,000 people were congregated there. If a similar number of people were gathered together at the Federal Capital within the same period, they would represent a value to the Commonwealth of £7,000,000. The value to the State of every person—man, woman, and child—in Australia is £350, and, therefore, 20,000 persons at the Federal Capital would represent a total value of £7,000,000. Of the people who went to the capital, New South Wales would probably contribute 7,000 or 8,000, and the balance would come from other States, which would be poorer to the extent to which they were deprived of population, whilst New South Wales would be so much the richer.

Senator DRAKE.—Not New South Wales, but the Commonwealth.

Senator STYLES.—I say that New South Wales would be the richer. The Commonwealth would not gain one sixpence, because, so far as the Commonwealth is concerned, a man is just as valuable in Queensland as at the Federal Capital.

Senator PLAYFORD.—What has Victoria gained by our coming here?

Senator STYLES.—I do not know that she has gained a great deal. When I speak of the population of the capital, I do not refer to birds of passage like the Vice-President of the Executive Council.

Senator MCGREGOR. — The Victorian Government wants to tax such birds of passage.

Senator STYLES.—I quite understand why the people of New South Wales object to our acquiring anything more than 100 square miles of their territory. Personally I should like to appropriate 10,000 square miles. New South Wales has an area 50 per cent. larger than that of the French Republic or the great German Empire, and 1,000 square miles would represent only one three-hundredth part of the total. The people of New South Wales believe that there will be a large population at the Federal Capital, and that if the area of the Federal territory is limited, the residents within it will have to obtain their food and other supplies from New South Wales. They do not care to give us enough territory to enable us to grow food for our own people. Senator Symon said that if the Federal Capital were established

upon a small block of 100 square miles in the middle of New South Wales, the people of that State would not take advantage of that fact to put the screw on the Federal Parliament if they wanted anything from it.

Senator WALKER.—Hear, hear.

Senator STYLES.—The result of the vote taken upon the proposals embodied in the Bill, flatly contradict that idea. The conditions laid down in connexion with the capital site require that it shall be fifty miles long and twenty miles wide, that it shall extend from Tumut to the River Murray, and that it shall have a frontage of twenty miles to that river. This was done in order that at any future time it should not be within the power of the Government or Parliament of New South Wales to bring any undue pressure upon the Commonwealth Government. We do not believe that the present Parliament of New South Wales, which is acquainted with all the circumstances, would take any undue advantage of us; but we cannot answer for the conduct of later Parliaments. Therefore the House of Representatives wisely decided by an overwhelming majority that the Federal territory should extend to the Victorian border. I do not know how senators from New South Wales can explain away the fact that eight representatives of that State voted for the provision to which I have referred. Probably they believed that the time might come when the Parliament of New South Wales would take an unfair advantage of the Commonwealth if the Federal Capital were surrounded on all sides by New South Wales territory.

Senator Lt.-Col. GOULD.—No New South Welshman voted under that belief.

Senator STYLES.—Why did the members of the House of Representatives decide that the Federal territory should take this particular shape and extend to the Victorian border—to the dividing line between two States?

Senator Lt.-Col. GOULD.—The position was never put in the other House in that way.

Senator STYLES.—Eight representatives of New South Wales supported that proposal, the voting being thirty-five in favour of it and eleven against it—a majority of twenty-four. It is worth the while of honorable senators to consider whether we ought not to insist that the Federal territory shall

touch either the sea-coast or the boundary of one State other than New South Wales.

Senator LT.-COL. GOULD.—Victoria, for instance.

Senator STYLES.—The New South Wales representatives are always taunting us with that rubbishy idea. I do not believe that there is a man or woman in this State who wishes to repudiate the foolish bargain which was made by the Premiers of the States in reference to the Federal Capital. We indorsed it with our eyes open, and we are prepared to abide by it. It is merely a question of whether we can afford at the present time to waste some hundreds of thousands, possibly some millions, of pounds in building a city in the backblocks amongst mosquitoes and dead blacks.

Senator LT.-COL. GOULD.—Would the honorable senator mistrust Victoria as much as he does New South Wales?

Senator STYLES.—Yes; there is no difference between the people of the two States. If Victoria were located upon the other side of the Murray its people would probably be just as bad—if that is possible—as are the people of New South Wales.

Senator BEST.—I hope not.

Senator STYLES.—I know that it requires an effort of the imagination to conceive of such a possibility.

Senator PULSFORD.—Victorians have been going to New South Wales by thousands.

Senator STYLES.—To help to keep the people there.

Senator CHARLESTON.—And every one of them was worth £350.

Senator STYLES.—Senator Smith opened my eyes a little yesterday when he produced this map, and pointed out what we are invited to do. As honorable senators are aware, a Commission was appointed by the New South Wales Government, and subsequently another Commission by the Barton Government, for the purpose of investigating the claims of what were regarded as eligible sites for the future Federal Capital. Those two bodies cost thousands of pounds. They examined the rival sites but did not even mention either of these which are now recommended for our adoption. Indeed, there are not half-a-dozen senators who have inspected them. Personally, I have not been within miles of them. We have been told by Senator Gould that New South Welshmen are very much better than are the people of the other

States. In this connexion it is worth noting that at the present time the Government of South Australia refuses to give its sanction to the construction of the alleged trans-continental railway through its territory—a work which the residents of Western Australia consider would prove the salvation of the Commonwealth. I point to this fact to show that it is possible that the Parliament of a State may adopt a certain course of action. Consequently it would be well to place it beyond their power to do so. Senator Gould admitted yesterday that, under the Constitution, no time limit was imposed within which the capital site must be selected. But I do not know that anybody wishes to take advantage of that fact. At the same time, let us use a little common sense, and exercise ordinary business prudence in connexion with this matter. Had the framers of the Constitution thought it necessary to embody a time limit in that instrument of government they would unquestionably have done so, just as they did in connexion with the abolition of the Inter-State duties. In that case they clearly set out that a uniform Tariff should come into operation within two years from the inauguration of the Commonwealth. Similarly they fixed five years as the limit of the bookkeeping period and ten years as the term during which the Braddon clause should remain operative. I do not believe that the fact that a constitutional compact was made that New South Wales should have the Federal Capital had any appreciable effect upon the result of the referendum in that State.

Senator LT.-COL. GOULD.—The people refused to join the Federation till that compact was made.

Senator STYLES.—Then they were bribed by the promise that they would have the Federal Capital?

Senator LT.-COL. GOULD.—But what about Victorians, who desired to be the bribers?

Senator STYLES.—According to the statement of the honorable and learned senator, New South Wales would not enter the Federation until she was bribed, not by Victoria alone, but by the other States. It is a singular fact that the people from the other side of the little creek, called the Murray, are always ready to attack Victoria. They altogether overlook the other States. In speaking upon this Bill yesterday, Senator Walker advanced a very conclusive argument in favour of the election



of a site which nobody has ever seen, save the members of the two expert bodies to which I have referred, both of which condemned it. He said that Sir George Turner is the Treasurer of the Commonwealth, and therefore we ought to vote for Tumut.

Senator Lt.-Col. GOULD.—I said that Sir George Turner had voted for Tumut.

Senator STYLES.—Sir George Turner has never inspected the site at Tumut any more than I have.

Senator Lt.-Col. GOULD.—But he voted for it.

Senator STYLES.—With his eyes shut. "But," remarked Senator Gould, "there were other considerations which induced the people of New South Wales to vote for Federation." Of course there were. The real considerations were those which prompted thousands, who, in common with myself, had voted against Federal Union upon the first referendum to vote in favour of it upon the second. The Federal Capital was not a factor in determining their views. Indeed, it was never thought of except by a few politicians who wished to be returned to the Commonwealth Parliament. The real considerations which prompted the people of New South Wales to support Federation upon the second occasion was the alteration which had been made in clause 57, which relates to disputes between the two Houses, and the still greater alteration which had been effected in clause 128. Still another consideration was that, upon the first referendum, Mr. Reid had said "No," whilst upon the second he said "Yes."

Senator MCGREGOR.—The Victorians carried the first Bill by five to one.

Senator STYLES.—They did not carry it by as large a majority as they did the second Bill. That shows that my statement is correct. A larger proportion of the people voted for the second Bill than supported the first. In New South Wales 20,000 more votes were cast in favour of Federal Union upon the second referendum than were recorded upon the first, not because that State was to be granted the Federal Capital, but because of the substantial amendments to which I have alluded.

Senator WALKER.—Why did they not accept the first Bill?

Senator STYLES.—I have just been explaining. I am exceedingly sorry that Senator Neild is absent from his place upon the present occasion. Yesterday he made

some remarks concerning me to which I desired to reply. I had intended to speak to him very seriously.

Senator Lt.-Col. GOULD.—He will get it in *Hansard*.

Senator STYLES.—I have a note or two upon his remarks with reference to my occupation. He had no right to indulge in statements of that sort. I regret that he is absent, because I should have liked to prick that particular bladder.

Senator HIGGS.—Your occupation is quite as honorable as is his.

Senator STYLES.—Yes; I have never never had anything to do with atmospheric gas, or even with an insurance office. I shall support Senator Dobson's amendment upon the ground that a Federal Capital is not needed. No honorable senator can tell me why he wishes the Commonwealth Parliament to be removed from Melbourne. Honorable senators are always grumbling about the *Argus* and the *Age*, because they get "prodded" by them. I should like to know whether those newspapers have influenced the votes which have been recorded here. Have they caused any honorable senator to vote or speak in a way which he thought was not right?

Senator Lt.-Col. GOULD.—Certainly not.

Senator STYLES.—Then why do honorable senators wish to run away from these two big dailies.

Senator MCGREGOR.—Because there is a bad smell about the Yarra?

Senator STYLES.—I do not know that that is a sufficient reason. To my mind such an interjection is very uncalled for. The idea that a bad smell could exist in any part of Melbourne is preposterous. If I had to vote for any site I should certainly support Armidale. Only yesterday Senators Gould and Pulsford told us that, in a generation or two, Armidale will probably be the centre of population in Australia.

Senator Lt.-Col. GOULD.—It will be much nearer the centre.

Senator STYLES.—That is the very best reason which could be advanced why we should not build the Federal Capital now. According to Senator Pulsford it may be found, in the course of a generation or two, that we have erected it upon the outskirts of population. Yesterday the honorable senator read us some figures which nobody understood—not even himself. He was perfectly satisfied that he was right.

If they proved anything at all they demonstrated that the site of the capital ought not now to be selected, but that we should wait until Armidale becomes the centre of population in Australia.

Senator Lt.-Col. GOULD.—Fifty years hence.

Senator STYLES.—That argument was used by both Senator Gould and Senator Pulsford, and it is an argument for delay. We know that Armidale is an excellent site, and I could quite understand them saying, "Let us defer the selection of a site until population has gravitated north and Armidale becomes, a generation or two hence, the centre of population in the Commonwealth. In the meantime we shall remain in Melbourne, where we have the free use of a magnificent building which cost the people of Victoria £600,000, as well as the free use of a residence for the Governor-General."

Senator CHARLESTON.—Will the people of Victoria continue to exhibit that generosity towards us?

Senator STYLES.—There is no reason to believe that they will not. Through the Premier of the day the people of Victoria said to Sir Edmund Barton, "Here are two Parliament Houses; take which you like." Inferentially they also said that we might occupy these buildings as long as we pleased. The late Prime Minister, with that intelligence which we know him to possess, selected the better of the two buildings. No limit was placed upon the term of our occupation, and we may remain here as long as we please. We may continue to occupy these buildings free of charge, although the people of Victoria have to pay £21,000 a year interest in respect of the capital expenditure upon them. As long as Victoria does not complain, the Federal Parliament should not do so. If Senator Gould occupied free of charge a handsome dwelling on the capital cost of which the owner was paying £200 or £300 a year interest, he would be quite ready to continue to remain in occupation on those terms.

Senator Lt.-Col. GOULD.—No; I should expect to pay rent, and would be prepared to do so.

Senator STYLES.—The honorable and learned senator would not volunteer to pay for the use of the dwelling.

Senator Lt.-Col. GOULD.—I should.

Senator STYLES.—Then why not ask the Federal Parliament to volunteer to pay

for the use of these buildings? There is a splendid opening for some patriot to move that a rental of £21,000 per annum be paid by the Federal Government for the use of these buildings. I know that as a Victorian I shall be charged with parochialism in opposing the immediate erection of a Federal Capital. It will be said that I am unfederal and unpatriotic, and a good many other "uns" will be employed in expressing disapproval of my action. I am here, however, as a member of the States House. I am here not to represent any particular section of the people, but as one of six senators who have the honour to represent Victoria; and I shall do my best to conserve the interests of the people of the State as a whole. I think that I am best preserving the interests of the people of the State, and of the whole Commonwealth to boot, by opposing any present expenditure on a Federal Capital site, not to speak of a Federal Capital.

Senator MCGREGOR (South Australia).—I do not think it would be wise to allow this matter to be finally settled solely from the stand-point of the representatives of Victoria and New South Wales. The representatives of those two States appear to take a vital interest in the question; but honorable senators from all the other States are entitled to have a voice in the determination of the locality of the site and the expenditure which shall be incurred in connexion with it. Much has been said as to the desirableness of selecting a site nearer Sydney than Melbourne, and *vice versa*; but I believe that the majority of honorable senators representing the other States hold the opinion that the interests of the Commonwealth, rather than the individual interests of those two cities, should be considered. It has been said that if the Federal Parliament, acting on behalf of the people of the Commonwealth, is not prepared to accept any site or area which the Government of New South Wales chooses to offer, "something must happen." I should like to call the attention of honorable senators from New South Wales, not to what might happen but to what in that event would happen. If the people of New South Wales were not prepared to meet the wishes of the Federal Parliament, acting in the interests of the people of Australia, the sittings of the Parliament would continue to be held in Melbourne. That, I conclude, would be the ultimate position. Honorable senators are

called upon to determine the most suitable locality in which to establish the capital, and the area which should be acquired. To my mind it would be in the interests of Australia, and in no wise prejudicial to the individual States of Victoria or New South Wales, to acquire an area considerably in excess of 1,000 square miles. I am about to make a proposal—not with the intention of delaying the selection of a site, or of doing anything to aggravate the people of New South Wales—that we should acquire a large territory. The people of New South Wales will have no right to take exception to my proposition, for residents of the territory which I have in view have, within the last twenty years, asked that it should be separated from that State and attached to Victoria. It comprises the Riverina and the district eastward to the sea. I think that the Federal territory should take in not only Tumut, Batlow, Yarrangobilly, and several other places which have been referred to as an inducement to the selection of a certain site, but the whole area between the thirty-fifth parallel of latitude and the Victorian border. The Murrumbidgee would form the northern and western boundary, whilst the territory would be bounded on the south and slightly to the west by the Murray. That would mean an area of about 20,000 square miles. Such a proposal probably startles honorable senators from New South Wales.

Senator PULSFORD.—Not in the least; we have passed that stage.

Senator MCGREGOR.—Until recently, little was done by the Government of New South Wales to develop that stretch of country, and they should, therefore, have no hesitation in ceding it to the Commonwealth. I entirely agree with the statement made by Senator Symon that we shall have no power, so far as the Parliament itself is concerned, to acquire any territory until the Government or the people of New South Wales are prepared to cede it to us. In the event of a refusal the only course open to us would be to present an address to the British Parliament requesting them to amend the Constitution so as to compel New South Wales to cede the required territory to the Commonwealth. Honorable senators must recollect that our Constitution is an Act of the British Parliament, and the course I have indicated would thus be open to us.

Senator Lt.-Col. GOULD.—We had better annex Victoria.

Senator MCGREGOR.—The honorable and learned senator need not be alarmed. The members of the British Parliament are men of common-sense, and they would far rather allow the Commonwealth to acquire an area of 20,000 square miles from a State comprising a territory of nearly 360,000 square miles than cut off so large a slice of country from a small State like Victoria. Some people will be disposed to question my assertion as to the extent of New South Wales. We are all prone to exaggerate. When honorable senators representing New South Wales wish to make it appear that the State is only a small one, they say that it contains an area of only 310,000 square miles. If, on the other hand, they are blowing about its immensity, they assert that it contains an area of 360,000 square miles. I cannot absolutely say which of these statements is correct, but the truth must lie between the two extremes. I have not the least doubt that if the Constitution were amended so as to enable the Commonwealth Parliament and Government to find a home, several States, including even the small State of Victoria, would not object to hand over an area of 1,000 square miles in some quiet corner where the Federal pilgrims might rest in peace. Would it not be to the advantage of the people of Australia for the Commonwealth to acquire an area as large as that which I have indicated? If an area of 100 square miles in a central part of New South Wales were set apart for the purposes of the Federal Capital, it would, undoubtedly be an advantage to that State, as it would provide a new market for its produce, while its railway income would also be increased, because New South Wales might put restrictions on the introduction and the carriage of produce from any other State. It might say that because there was swine fever in Victoria the people in the Federal Capital should eat only New South Wales pork.

Senator HIGGS.—Where would the Inter-State Commission be?

Senator MCGREGOR.—It has not been appointed. Although I know that there might be a way of getting over a difficulty of that kind, still it is better to have the territory so situated that it would never arise. Why should we put ourselves in a difficulty when it can be avoided? Suppose

that we accepted the strip of country which Senator Styles pointed out on the map, and wanted to construct a railway from the Federal Capital, it could not be done without the consent of New South Wales, unless it was a line to the Victorian border; but even in that case we should have to ask the permission of Victoria to carry the railway any further. Why should the Federal Government, or the people of Australia not included in Victoria or New South Wales, be placed in a position of that description? That is one of the reasons why I favour the acquisition or cession of a territory containing 20,000 square miles; and I think it would be a fair thing for the Commonwealth to take over a portion of the public debt of New South Wales, proportionate to the amount which has been spent in the development of that country, and to add 10 per cent. to that amount, so that there would be no grievance left behind.

Senator DOBSON.—It could not be done under the Constitution.

Senator Lt.-Col. GOULD.—The honorable senator is suggesting how he would alter the Constitution.

Senator MCGREGOR.—There is no necessity to alter the Constitution, because under subsection 39 of section 51 we have ample power to carry out my suggestion.

Senator HIGGS.—“Matters incidental to the execution of any power.”

Senator Lt.-Col. GOULD.—And all the powers of the Parliament are defined.

Senator MCGREGOR.—The Parliament is empowered to acquire a Federal territory, and if it is incidental to the exercise of that power that we should pay New South Wales or take over a portion of its debt equivalent to the amount expended on that territory, it can be done under the authority of that sub-section.

Senator Lt.-Col. GOULD.—It will be a matter of agreement with New South Wales.

Senator MCGREGOR.—If that territory were acquired by or ceded to the Commonwealth, it would include two of the best harbors in Australia. Jervis Bay is, in my opinion, as good as Sydney Harbor, and Twofold Bay is very little inferior to it. We could construct a railway anywhere within that territory; it would not be necessary to get the permission of New South Wales or Victoria, because the construction of the line could be

authorized by the Federal Parliament with the consent of the representatives of those States. By carrying out certain improvements we should add to the value of something that belonged to the people of Australia. In a large territory of that kind it would be almost impossible to create any value which, except in a very incidental manner, would overlap the territory of New South Wales and Victoria. We should be entirely isolated from the possibility of acquiring an undue benefit at the cost of any State. We should be doing good to the whole Commonwealth. Once we decided to select the territory, all interest in the capital site would collapse in the rest of New South Wales. The people of Lyndhurst, Orange, Armidale, and other places would at once cease their agitation for the establishment of the seat of government. Once this territory was acquired by the Commonwealth a proper site could be quietly selected for the capital. I should not care whether it was established at Albury, Tumut, Lake George, or Bombala. It would amount to the same thing in the end. We should have all the benefits that would be conferred on the Commonwealth by the inclusion of those different sites in the Federal territory. If the representatives from the different States do not indorse my suggestions, then the next territory I am bound to advocate is a territory which would include Twofold Bay, and that is generally recognised as the Bombala site. It would be necessary to acquire an area of about 2,000 or 3,000 square miles, in which all kinds of climate could be found. A cold climate could be obtained up at Kiandra, in the Snowy Mountains; a temperate climate at Dalgety or Bombala; or a genial, warm climate in the neighbourhood of Eden. The capital could be established in the most suitable portion of that area. I desire to point out why it is necessary to acquire a greater area in one locality than in another. In some localities a small area might suffice for the requirements of a Federal Capital; but in another locality a much larger area would be required. And that only convinces me of the wisdom of those who framed a provision so elastic that the size of the area may be decided according to the nature of the locality. What do we want in a Federal territory? In the first place, we want a country which will give us an ample water supply, and to achieve that object we must have a sufficient

area to contain all the catchment for that water supply. Suppose that we had an area of 100 square miles in a certain position, and the catchment for the water supply to the capital was outside that area. It would be in the power of New South Wales at any time to say that it required all this water supply for irrigation purposes, and so place the Federal territory in exactly the same position as New South Wales and Victoria are attempting to place South Australia with respect to the River Murray. We do not want the Commonwealth to be placed in a difficulty of that kind. We want the Federal territory and the seat of government to be entirely independent of the State, out of which it may be carved, or which it may adjoin. In the case of Bombala, we should require to have 2,000 or 3,000 square miles, so as to include the entire catchment for the water supply.

Senator Sir WILLIAM ZEAL.—2,000 or 3,000 square miles?

Senator MCGREGOR.—Yes. What difference would that make to New South Wales? Take a line north of Twofold Bay and extend it to Mount Kosciusko, and see what New South Wales has ever done for that territory. It has been almost entirely neglected. If it has been neglected to that extent, then it is a territory which New South Wales ought to be glad to get rid of, or one which the residents ought to be glad to see surrendered by New South Wales. To my mind it is the place to which the least objection should be made by New South Wales. Another advantage is that that territory is almost exactly equidistant from Sydney and Melbourne. Is that an objection to the representatives of Victoria? Is it an objection to the representatives of New South Wales? If the latter say that they wish the Federal territory to be nearer Sydney than Melbourne, they at once admit that they have some ulterior design or motive in making that selection. This territory would not only be equidistant from the two cities, but would possess almost every climate that could be desired. Some honorable senators who have not been there will say that they could not live there; that the wind would blow the hair off their heads. But many persons who have never been in Southern Monaro have had their hair blown off their heads. In this territory we find fertile

countryside, why was it not developed long ago?" In the northern portions of New South Wales we find very fertile country, which has only been partially developed. In Riverina we find some country which is very fertile—why has it not been developed? According to all accounts there is some very fine country called Batlow—why has it not been developed? Simply because it would not bring grist to the mill of the Sydney commercialists.

Senator DAWSON.—Oh, no!

Senator MCGREGOR.—The honorable senator knows very well that nothing has ever been done in New South Wales that did not have the effect of increasing the importance of Sydney. Anything that has been done by private enterprise in any portion of the territory of that State that would have the effect of jeopardizing the position of Sydney has been blanketed by the New South Wales Government on the very first opportunity. One has only to go to Twofold Bay to find evidence of that fact. The tableland on which Bombala is situated is exceedingly fertile in many places. There may be rough ranges, but when one gets half way to Eden, one reaches a stretch of country very similar to the high lands near Adelaide, and capable of equal development. For fruit-growing, vegetable-growing, and production of all descriptions, there is not a better place in all Australia. There are hundreds of thousands of acres of that description. Therefore, who will tell us that this is not a suitable place for the Federal Capital? I do not wish to weary honorable senators by a description of the country, but I should like them to go and see it for themselves. When some honorable senators tell us that they are going to vote, first, to hang up the decision for six months, and then for such a site as would delay the final selection, I am almost inclined to vote against the site which they support. I do not like conduct of that description. I should like to see them more straightforward in their actions. If they are favorable to bringing the Federal Capital into existence as soon as possible they should say so. If they are in favour of repudiating the obligation we are under to New South Wales and the Commonwealth, they should declare themselves to that effect, and not adopt a course of action that is not creditable to themselves or to Parliament. The enormous cost which Senator Styles talks about need not alarm

the Commonwealth for a moment. In the first place, if we select the Federal Capital to-night, how many years will it require before very large sums of money can be spent? The first thing would be to enter into negotiations with the New South Government to acquire the land; and, judging from the present temper of that body, those negotiations would extend over two or three years. Then the territory would have to be surveyed; all the preliminary clearing would have to be done; competitive designs for public buildings would have to be invited; and tenders would have to be called for. The representatives of Victoria, who are anxious that the Federal Parliament should remain in occupancy of this building for ten or fifteen years, need have no alarm. We could proceed gradually with the work. Every year we could devote £100,000 out of revenue, or accumulate that amount of money, for the purposes of the capital, and thus prevent the necessity of borrowing. We should be quite justified in doing that, and could after a while erect all the buildings that are really necessary for the accommodation of the Commonwealth Parliament and its officers. We are not going to enter upon the policy outlined by Mr. Oliver, as quoted by Senator Styles. We are not going to build mansions for the Prime Minister, the Minister for Defence, and the other members of the Commonwealth Government. Those who are to occupy these high positions will have to stay at a hotel or provide house accommodation for themselves. If we were to build houses for the Federal Ministers, we should have just as much right to provide cottages for the Labour members. Indeed, that would be only fair. We pay the Federal Ministers large salaries, and they are quite able to build houses for themselves. Certainly, if they are to have houses, we should let the poor labour men have four-roomed cottages. I think that Senator Styles was simply drawing the long bow, or painting a very exaggerated picture, by his remarks in that respect. We have been told that every one who has inquired into the position lays stress upon the need for accessibility. What does accessibility mean, to most people? It means the easiest way to get to a place, and the easiest method of getting away again. If we chose the best position answering that description, we should select Albury, Yass, or Goulbourn. But accessibility to my mind has nothing whatever

*Senator McGregor.*

to do with present convenience. It has to do with the possibility of providing conveniences. If we can provide at Tumut, Bombala, or Lake George, facilities equal to those provided in any other site, the first-named places will be just as accessible as the others. Suppose we were to select Bombala. The New South Wales Government has two or three times placed upon the Estimates a sum of money for building a railway from Cooma to Bombala. The Victorian Government has two or three times surveyed lines from Bairnsdale to Delegate on the border. If we were to select any site on the Southern Monaro plains, there would be a race between New South Wales and Victoria as to which would first connect its territory with the Federal territory. If the States decided not to build railways, we should still be in an independent position. All we should have to do—and we have full power under the Constitution to do it—would be to construct a railway to Eden, and to buy a yacht similar to the one owned by the New South Wales Government. Then the Federal Government could take its members of Parliament anywhere it liked. Therefore, in respect to accessibility, Bombala is the site that is most favoured by nature. If Victoria decided to build a railway from Bairnsdale to the border, it would run through country that, up to the present time, is undeveloped. It is country that is well worthy of development, and in which a railway would pay handsomely. It has great potentialities in regard to mining, agriculture, and the timber trade.

Senator DOBSON.—The country is very disappointing, I believe. There is a very small proportion of good land.

Senator MCGREGOR.—The honorable and learned senator, with his vacillating turn of mind, has very little influence, and his opinion is not worth much so far as I am concerned.

Senator DOBSON.—I am mentioning a fact.

Senator MCGREGOR.—I am also mentioning a fact, from personal knowledge, and that influences me to a greater extent than does the opinion of the honorable and learned senator. If he were to tell me anything for a fact, I should have to get my friends to look up the authorities and verify it before I could take it for granted. But it does not much matter whether the New

South Wales Government undertakes the construction of a railway from Cooma or not, because when the Commonwealth Government has constructed a line from the tableland to Eden, if a line were constructed to Kiama, north of Jervis Bay, we should do just as much good as would be done by New South Wales by constructing the Cooma line. If that line were constructed it would practically be the shortest route from Melbourne to Sydney. That would be an advantage from which we as a Commonwealth would have the right to profit. I do not care what the opinion of honorable senators may be; if they do not give me substantial facts to prove that Tumut or any other place possesses advantages superior to those of Bombala I shall vote for what I think is the best site. I come to my conclusion as to what is the best site, not from the reports of experts, in whom I have very little confidence, but from my own observation. We are told that near Tumut there are the Yarrangobilly Caves; but it must be remembered that these caves are not very far from Bombala. If one goes to Dalgety and is taken to Buckley's Crossing, one of the charms claimed for the district is that it is in proximity to those very caves; and it seems strange that what is a charm on one side of the Dividing Range should be urged as an objection on the other side. I shall not be moved from my determination except for substantial reasons, though, of course, the substantial reasons must not come in the form of brickbats or missiles of that description. I hope this matter will receive the closest attention, and that nothing definite will be done until we have made up our minds as to what is the best site, not in the interests of New South Wales or Victoria, but in the interests of the people of Australia. Senator Pearce has already given some indication of the enormous cost which would be involved by our remaining in Melbourne or removing to Sydney. That honorable senator has shown conclusively that the most economical position in which the seat of government can be established is on fairly good land with a fairly good climate, where the least possible improvements have been made, so that the people of Australia may get every advantage from the unearned increment. I hope that the matter will be settled this session, and that future generations of Australians will have no reason to regret the choice we make.

Question—That the word proposed to be left out be left out—put. The Senate divided.

Ayes	...	...	...	4
Noes	...	...	...	25
				—
Majority	...	...	...	21

AYES.

Barrett, J. G.  
Fraser, S.  
Styles, J.

Teller.

Dobson, H.

NOES.

Baker, Sir R. C.  
Best, R. W.  
Charleston, D. M.  
Clemons, J. S.  
Dawson, A.  
De Largie, H.  
Drake, J. G.  
Gould, A. J.  
Higgs, W. G.  
Macfarlane, J.  
Mackellar, C. K.  
McGregor, G.  
Millen, E. D.

Neild, J. C.  
O'Keefe, D. J.  
Pearce, G. F.  
Playford, T.  
Pulsford, E.  
Reid, R.  
Saunders, H. J.  
Smith, M. S. C.  
Stewart, J. C.  
Walker, J. T.  
Zeal, Sir W. A.  
Teller.  
Keating, J. H.

PAIR.

Matheson, A. P.

Cameron, C. St. C.

Question so resolved in the negative.

Amendment negatived.

Senator DRAKE (Queensland—Attorney-General).—I should like to say a few words in reply on the main question. I am very glad to be confirmed in the opinion I formed originally that there is a minority, and only a small minority, in favour of delay, and that a majority of senators sincerely desire that this matter shall be settled. I trust that the purposes of delay will not be served by any differences of opinion between the two Houses. I consider that the Government are not to blame for the fact that this measure has been brought forward at a late period of the session. Senator after senator on the other side has in an off-hand way, without going into details, asserted that the Government are to be blamed for any delay there may have been.

Senator MILLEN.—And also honorable senators on the Government side.

Senator DRAKE.—The same assertion has been made by honorable senators on my own side. No doubt the charge arises from the fact that every senator in his own mind places the public business in a certain order of importance, and is of opinion that particular measures ought to be introduced before others. But it is for the Government to determine the order in which business shall be introduced. Honorable senators know

what a vast amount of business this Parliament had to undertake, and the Government ought to be acquitted of having in any way unnecessarily delayed this particular matter. I must strongly protest against the statements which have been made in reference to my colleague, the Minister for Trade and Customs. Whatever may be said of the Government generally, it is most unfair to charge the Minister for Trade and Customs with having at any time been slack in pressing this matter of the Federal Capital.

Senator O'KEEFE.—The Minister for Trade and Customs was blamed for affording honorable senators facilities for inspecting the proposed sites.

Senator DRAKE.—The Minister for Trade and Customs afforded those facilities to members of both Houses, and has given every assistance to parliamentary representatives who desired to view the sites on their own account. In addition, the honorable gentleman furnished members of both Houses with all the available literature on the subject the moment it was available; in fact, he has supplied all the material possible to enable us to arrive at a decision.

Senator KEATING.—The Minister for Trade and Customs has even been called the "Minister for Picnics."

Senator DRAKE.—No doubt, the honorable gentleman has been called all sorts of hard names; but it is most unjust that any delay there may have been should be ascribed to his action. I rose particularly to reply to observations which have been made as to the proper interpretation of section 125 of the Constitution. It has been said by some honorable senators, and apparently accepted by others as if it were a statement which did not admit of contradiction, that under that section it is absolutely necessary that in the first place New South Wales should cede territory. One honorable senator went so far as to say that it is absolutely useless for us now to pass a Bill of this nature—that we must wait until New South Wales has ceded some territory before we express the determination of Parliament as to where the seat of government shall be.

Senator CHARLESTON.—We may pass a resolution.

Senator DRAKE.—Whether we proceed by resolution or by Bill, we are told that it is not proper to express the determination now, but that we ought to wait until New South Wales grants the territory. By a

wrong construction of the section, it is said that if New South Wales should refuse—because that is what the contention means—to cede any territory, then all the provisions of the Constitution with regard to choosing the seat of government are absolutely nugatory. It is contended that, under such circumstances, we could not move at all, because there is no power to acquire territory by any other means. But that is not the opinion generally held on the subject. When I introduced the Bill, I said it was not my desire to raise these questions. I could see no necessity for doing so, for the reason that the Government of New South Wales have been hitherto, and are now, working so amicably with us as to leave no doubt whatever that as soon as we indicate in a proper constitutional manner the particular territory we desire, they will be ready and willing to do all that is necessary to a friendly settlement of the question. As representing the Commonwealth Government, I cannot allow to pass unchallenged the statement that if the Government of New South Wales were to refuse to cede territory there would be no power to acquire land for the seat of government. Senator McGregor is the only speaker up to the present who has pointed out that under sub-section 39 of section 51 there is power to do everything incidental to the carrying out of the main objects of the Constitution.

Senator Lt.-Col. GOULD.—That section does not give power to take territory.

Senator DRAKE.—The honorable senator is quite at liberty to express that opinion. I admit that the interpretation of section 125 presents considerable difficulty. I know that section 111 provides for the surrender of territory, but I am not prepared to agree with Senator Gould that, in the last resort, there is no power in the Constitution to enable us to acquire land as Federal territory. To show that an opinion has been given on this subject contrary to that which has been so very confidently expressed in the Senate this afternoon, I refer honorable senators to *Quick and Garran*. At page 981, in a discussion of the term "Granted to or acquired by the Commonwealth," the authors say—

The only conclusion is that the words "or acquired" refer to a different mode of acquisition: and the true interpretation seems to be that failing an agreement between New South Wales and the Commonwealth, this section confers upon the



Federal Parliament a reserve power to acquire a site without the concurrence of the Parliament of New South Wales.

Senator CLEMONS.—Does the honorable and learned senator cite that as an authority?

Senator DRAKE.—I shall cite something else as an authority presently for the honorable and learned senator, if he will allow me to submit the matter in proper order. *Quick and Garran* say further—

In other words the power to determine the seat of government, coupled with the direction that the seat of government shall be within territory granted to or acquired by the Commonwealth, implies that the Commonwealth in the absence of a grant has power to acquire the necessary territory without grant."

Then the authors refer in corroboration of this opinion to the proceedings of the Convention. I may as well read what they say—

That this was the intention of the framers seems clear from the history of the section. In the Adelaide Bill it was provided simply that the seat of government "shall be determined by the Parliament." At the Melbourne session, the words "and shall be within Federal territory" were added. This was expanded by the Premier's Conference to read, "And shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth." The object appears to have been to supplement the power of surrender or acceptance by a special power of acquisition, to make it clear that the duty of the Federal Parliament to determine the site could not be blocked by a refusal of New South Wales to surrender the territory needed.

Senator CLEMONS.—Does the honorable and learned senator think that an expression of the intentions of the framers of the Constitution give us power to acquire property? The thing is absurd.

Senator DRAKE.—An expression of the intention of the framers of the Constitution would not, of course, give any such power; but we see from it what they desired to enact.

Senator CLEMONS.—When we know what their intention was, it is worth nothing.

Senator DRAKE.—*Quick and Garran* say that the object was to prevent the determination of the site by the Federal Parliament being blocked by a refusal of New South Wales to surrender the territory needed. They say further—

This view seems to be supported by a general perusal of the section. There is a clear declaration that the seat of government is to be determined by the Parliament, but there is no declaration that the concurrence of New South Wales is essential. Had that been the intention, it would

surely have been expressly mentioned, and not left to be gathered by implication—and especially by implication from such wide words as "granted or acquired."

This also will be found interesting as the opinion of the authors of this work upon several of the contentions which have been urged during this debate—

"Against this construction it may be urged that whilst the Federal territory is to contain an area of "not less than 100 square miles" no maximum limit is fixed. It can hardly be supposed that the Federal Parliament has power to federalize an unlimited area of New South Wales as a seat of government. But the answer seems to be that the power only extends to the acquisition of an area reasonably necessary for the purpose; and, perhaps, in the case of acquisition without surrender, the reasonable maximum would be held not to exceed, or greatly exceed, the minimum of 100 square miles."

I quote that as the opinion of the authors of this work, and as being entitled to as much respect as the opinion of some honorable senators who have given us the value of their advice upon the subject this afternoon.

Senator Lt.-Col. NEILD.—Will the honorable and learned senator give us his opinion? We would rather have it.

Senator DRAKE.—I shall give the opinion of some one else first. I do not know that I am required at this stage to give my own opinion.

Senator CLEMONS.—As a friendly criticism, I suggest that the honorable and learned senator should reserve it.

Senator DRAKE.—When I am in trouble about some constitutional question I shall know where to seek for advice. It was stated during the course of the debate that the Government had admitted that they could not acquire land for this purpose under the Property for Public Purposes Acquisition Act. We have been told that the ex-Vice-President of the Executive Council said that in order to acquire land for the purpose of a Federal Capital it would be necessary to bring in another Bill. The honorable senator who said that misquoted the statement of Senator O'Connor. What Senator O'Connor said was that the Property for Public Purposes Acquisition Bill would apply to the acquisition of land for the Federal Capital; but seeing that it was proposed by the Government to deal with that land after it was acquired in a special way, it would be necessary to pass another Bill in order to do so. I notice that Senator Symon followed Senator O'Connor on that occasion;

but no objection appears to have been taken to the former's remarks. At page 2017 of *Hansard* for last year, in introducing the Property for Public Purposes Acquisition Bill, Senator O'Connor is reported to have said:—

There is a third class of acquisition of land for public purposes, which I will deal with separately, for, although the provisions of this Bill will be applicable to it, it will have to be dealt with principally by a special enactment. This is the acquisition of the Federal territory which may be necessary for the site of the Federal Capital. It is impossible to say now whether the territory which will be determined upon for the site of the Federal Capital will be property entirely granted by the State of New South Wales, as it may be, or whether it will be necessary to use the compulsory powers of the Constitution in order to acquire some site. But whichever course is followed, the Government have determined to make a new departure with regard to the holding of property within that territory. They have decided to reserve for the people of the Commonwealth for all time the benefit of the increase in value. They will not alienate a single foot of territory; but it will be dealt with on some principle of leasing which will preserve to the people the benefit of what has been described as "the unearned increment"; that is to say, the benefit which arises from the increasing value brought about by the whole people of the Commonwealth. That will be preserved for all time to the Commonwealth itself. It is quite evident that such a principle cannot be dealt with just in what may be described as a slap-dash method.

The honorable and learned senator was showing the necessity for the introduction of a separate measure to deal specially with that part of the subject. Then Senator Millen interjected—

Does that apply to land to be acquired under this Act, or is the honorable and learned gentleman speaking now only of a future Bill which may be introduced?

To that Senator O'Connor replied—

I am pointing out that this Bill may be and can be applied in respect of land acquired for the purpose of Federal territory; but I am pointing out at the same time that the considerations which must dominate the disposition of the Federal territory will be of so different a kind from that which applies to ordinary land that it will be necessary to have special legislation to deal with the acquisition and disposition of lands in the Federal territory. I make this statement, although it is but incidentally now, because this is a matter of policy which has been determined upon and which it is just as well that the Senate should be aware of as soon as possible. So that honorable members who may be discussing this question, having in view the Federal territory in which the Federal Capital will be, must always remember that there must be some special legislation to deal with that, and that the application of this Bill to territories such as I have described must be more or less incidental.

*Senator Drake.*

In the Bill now under discussion, it is provided that compensation shall be assessed in a certain way; but that in other respects it shall be subject to the provisions of section 19 of the Property for Public Purposes Acquisition Act. I had no desire to touch upon this subject, but I have dealt with it somewhat fully to show that Senator Symon was absolutely wrong in telling us that we ought to wait until New South Wales has come forward and ceded certain territory. That would appear to be an upside-down arrangement.

Senator FRASER.—Senator Symon did not say that.

Senator DRAKE.—The honorable and learned senator said that it was absolutely useless for us to proceed with this Bill, because we could do nothing whatever unless New South Wales ceded certain territory.

Senator FRASER.—No; the honorable and learned senator said we should approach New South Wales.

Senator DAWSON.—In any case, Senator Downer said that.

Senator CLEMONS.—I hope the honorable and learned senator is not deliberately misquoting Senator Symon.

Senator DRAKE.—I am not deliberately misquoting the honorable and learned senator.

Senator CLEMONS.—Then the honorable and learned senator is quoting Senator Symon inaccurately.

Senator DRAKE.—I do not think so. However, we shall see by the report. The honorable and learned senator also said that we were not proceeding in the right way by bringing in a Bill, and that we should have proceeded by resolution. Is that correct?

Senator CLEMONS.—Now the honorable and learned senator is accurate.

Senator DRAKE.—Well, Senator Symon was quite wrong there also. What we have to do under section 125 of the Constitution is to express the determination of Parliament. If honorable senators will turn to the first section of the Constitution they will find that Parliament consists of the King, the Senate, and the House of Representatives, and I say that the only constitutional way in which we can express the determination of Parliament upon this subject is by means of a Bill passed by both Houses of the Federal Parliament and assented to by the King.

Senator BARRETT.—The Senate directed the Government to introduce a Bill.

Senator CLEMONS.—Is this the only opportunity afforded for bringing in a Bill? Could not a Bill have followed a resolution?

Senator DRAKE.—A Bill might be introduced following a resolution; but Senator Symon has told us that we are not right in introducing a Bill to deal with this subject. Clearly we are right in introducing this subject by means of a Bill. It is necessary that the determination of Parliament should be expressed by an Act of Parliament, and the proper way, therefore, is to bring in a Bill.

Senator Sir WILLIAM ZEAL.—What does it matter?

Senator DAWSON.—What does it matter so long as the honorable senator secures delay?

Senator DRAKE.—As Senator Barrett has reminded me, we were told that we ought to have brought in a Bill when the Government submitted a motion in the Senate for a Conference with the House of Representatives—and I am very sorry that proposal for a Conference was not accepted. I am sure that would have been the right thing to do.

Senator CLEMONS.—The Government made a proposal for a Conference, and then dropped it.

Senator BARRETT.—Honorable senators said—"Let the Government take the responsibility of bringing in a Bill."

Senator DRAKE.—That is so. We have brought in a Bill, and, as soon as it comes before the Senate, honorable senators tell us we have done wrong. They try to throw contempt upon the work of the Government, and they say we should proceed by resolution.

Senator CLEMONS.—Senator Symon never said that the Government should bring in a Bill. The honorable and learned senator was not here. The Attorney-General is misleading the Senate again.

Senator DRAKE.—I did not say that Senator Symon told us that we should have brought in a Bill. I say that when we brought forward the motion for a Conference, we were told by a majority of honorable senators that we should have proceeded by Bill. I have no doubt Senator Symon was not here; the honorable and learned senator generally is not here.

Senator CLEMONS.—That is untrue.

The PRESIDENT.—Order. The honorable and learned senator must withdraw that remark.

Senator CLEMONS.—I withdraw it. I will say that Senator Drake's remark is inaccurate. I think the Attorney-General should be made to withdraw his statement respecting Senator Symon. It is grossly inaccurate.

Senator FRASER.—Senator Symon is here nearly every week.

Senator MILLEN.—The honorable and learned senator is here too often for the comfort of the Government.

Senator CLEMONS.—It is a cowardly thing to say in the honorable and learned senator's absence.

The PRESIDENT.—Order.

Senator DRAKE.—I will say that the honorable and learned senator does not attend very regularly.

Senator DAWSON.—I ask whether Senator Clemons is right in accusing the Attorney-General of making a cowardly statement.

The PRESIDENT.—I think it is far better that these personal allusions should not be made.

Senator DAWSON.—I ask as a matter of order whether Senator Clemons is entitled to make such an accusation?

The PRESIDENT.—It is certainly out of order to accuse an honorable senator of making a cowardly statement, or of saying what is not true.

Senator CLEMONS.—I have withdrawn the accusation.

Senator DRAKE.—I have only a word or two more to add. I feel sure that a majority of honorable senators must agree with me that the Government are adopting a proper course.

Senator FRASER.—In seeking for delay?

Senator DRAKE.—In seeking to obtain an expression by means of a Bill of the determination of Parliament with regard to the seat of government, it is proper that the Government should take this course of action, in order to enable the Government of New South Wales to meet us, as I believe they will, in a friendly spirit. I had no wish to raise this question of the acquisition of territory. In introducing the second reading of the Bill, I said that I was perfectly sure that the Government of New South Wales would be prepared to meet us. There was no necessity whatever to raise the question; but, as it had been raised, I felt bound to point out that the opinion expressed by some honorable senators is not the opinion held by the Government on this subject.

Senator CLEMONS.—There is nothing very wonderful about that.

Senator DRAKE.—I hope we shall pass the Bill, and that by this means we shall indicate to the Government of New South Wales where we desire the seat of government to be. If we do that I am perfectly sure that the Government of New South Wales will, as they have always done up to the present time, meet us in a most friendly manner, and that there will be no necessity whatever to raise the question of the ultimate power of the Federal Parliament in the matter.

Original question resolved in the affirmative.

Bill read a second time.

Senator DRAKE.—There is a division of opinion among honorable senators as to whether I should proceed with my contingent notice of motion relating to an exhaustive ballot, or leave the Bill to be dealt with in the ordinary way. I am willing to abandon my motion if honorable senators so desire.

Senator PEARCE.—We shall be told that we did not select the site by exhaustive ballot.

Senator DRAKE.—My reason for placing the contingent notice of motion upon the paper—

The PRESIDENT.—The Minister cannot speak unless he intends to move the motion of which he has given notice.

Senator DRAKE.—Could I not give my reason for not proceeding with the motion?

The PRESIDENT.—No.

Senator DRAKE.—Then I shall not say anything further. I do not intend to proceed with the motion.

Question.—That the Senate resolve itself into a Committee of the Whole for the consideration of the Bill—put.

Senator PULSFORD (New South Wales).—I hope that the Government will adhere to their proposal for an exhaustive ballot—

The PRESIDENT.—The honorable senator cannot speak at this stage. The Standing Orders provide that motions such as that now before the Chair shall be submitted without discussion.

Question resolved in the affirmative.

*In Committee:*

Clause 1 agreed to.

Clause 2—

It is hereby determined that the seat of government of the Commonwealth shall be at or near Tumut, and the territory granted to or acquired

by the Commonwealth within which the seat of government shall be should contain an area of not less than 1,000 square miles, and shall extend to the River Murray and the River Murrumbidgee.

Provided that the site shall be within a distance of twenty-five miles from Tumut, and at an altitude of not less than fifteen hundred feet above the sea.

Senator PULSFORD (New South Wales).—I had hoped that the Government would adhere to the programme which they arranged, so that every honorable senator might have had an opportunity of showing the interest taken by him in any particular site by means of the exhaustive ballot. If we omitted Tumut from the clause, could we then proceed to test the feeling of senators with regard to each separate site by means of an exhaustive ballot?

The CHAIRMAN.—It is not competent for the Committee to now take part in an exhaustive ballot, but it appears to me that the same result may be achieved by adopting the ordinary method of procedure. Suppose, for instance, that some honorable senator desired to propose the insertion of the word "Albury" before the word "Tumut," it would be competent for him to do so. If that proposal were rejected it would be open for any other honorable senator to move the insertion of the word "Bombala," and take a similar vote. If the name of any other site be inserted, the word "Tumut" must, of course, be subsequently omitted.

Senator PULSFORD.—I proceed to take advantage of your suggestion, Mr. Chairman, by moving—

That after the word "near," line 2, the word "Lyndhurst" be inserted.

I have already said all that I wish to say with regard to the latter site, and I shall therefore abstain from making a speech on this occasion.

Senator CLEMONS.—Would it not be better to first leave out the word "Tumut"—if that is the desire of the Committee—and to thus create a blank which might afterwards be filled by the insertion of the name of the site which meets with the most favour. I am not asking for your ruling, Mr. Chairman, so much as for your direction.

The CHAIRMAN.—I think that it would be more desirable to proceed in the way I suggest. Of course, if any other site be selected the word "Tumut" must be

omitted. But for the present the feeling of honorable senators can be tested by a series of amendments for the insertion of the names of other sites.

Senator CLEMONS.—I fear that the effect of following your suggestion will be to bring about an exhaustive ballot by indirect methods. If the amendment were carried we should have to proceed immediately afterwards to omit the word "Tumut." Honorable senators who desire to proceed to an exhaustive ballot will have an opportunity of doing so, whilst others who would prefer to proceed in the ordinary way, as in connexion with other Bills, will be unable to adopt the course which they think most desirable. The invariable practice is to first strike out the words to which objection is taken, and to afterwards insert others.

The CHAIRMAN.—The honorable senator is under a misapprehension if he suggests that we are not adopting the ordinary procedure. The course I have suggested is frequently followed.

Senator STANFORTH SMITH.—Under the course of procedure now being adopted no opportunity will be afforded to take a vote upon the Tumut site, unless all the other sites are rejected. If it were proposed to omit the word "Tumut" in the first instance, those who were in favour of that site would have an opportunity to give direct expression to their preference. In the event of a blank being created we could test the feeling of the Committee in exactly the same manner with regard to each site in turn until one secured a majority of votes.

The CHAIRMAN.—The honorable senator is really challenging my ruling. There is already an amendment before the Chair to which the honorable senator must confine his remarks.

Senator STANFORTH SMITH.—I can only say that no vote can be taken with regard to the Tumut site.

Senator MCGREGOR (South Australia).—I entirely agree with your suggestion, Mr. Chairman, as to the course to be followed. If the Committee do not agree to the amendment proposed by Senator Pulsford, some other honorable senator will be at liberty to propose another site. If we decide to insert the name of any other site we can then omit Tumut. If, however, each of the other sites fails to secure a majority of votes, Tumut will remain in the Bill. When I spoke on the motion for the

second reading of the Bill I indicated my ideas in reference to the extent of the Federal territory. I wish to intimate that it does not matter to me what site is selected by the Committee, but, in discussing this Bill, it is absolutely necessary that we should determine the area of the Federal territory. If Tumut be chosen, I am quite prepared to allow the other provisions of the measure to pass, with the exception of that relating to the area of the territory which is to be acquired. If Bombala be selected, I shall be content to adopt a similar course. But I wish to alter the boundaries of the territory as prescribed in this Bill so that it shall include an area extending from the 35th parallel of latitude south adjoining the Murrumbidgee, and extending to the River Murray and the Victorian border running eastward. In the case of Lyndhurst, it does not matter whether we secure a territory of one square mile or 100 square miles, because the advantages to be derived by the Commonwealth from such a selection are *nil*, whereas the benefits to be reaped by New South Wales are paramount. I think that the representatives of any other State in the Commonwealth ought to regard this question from that stand-point, remembering that they should not studdy the interests of those who wish to have the Federal Capital located within sight of the masts of the ships in Port Jackson.

Senator Lt.-Col. NEILD (New South Wales).—I wish to speak upon this question with very great brevity, because I recognise that the Senate has arrived at a decision which relieves certain of its members of considerable difficulty. Had the Senate decided to take an exhaustive ballot upon these sites, some of us would have been placed in the invidious position of having to record eight votes against sites, each of which constitutes a centre of population in our respective electorates. Whilst I am at all times willing to face the music in support of what I believe to be right, I do not desire needlessly to come to loggerheads with those whom I represent.

Senator MCGREGOR.—The only place that the honorable senator has to fear is Waverley Cemetery.

Senator Lt.-Col. NEILD.—I should never be afraid of the Waverley Cemetery, even if it were desecrated by the remains of the honorable senator who has interrupted me.

The CHAIRMAN.—Order.

Senator Lt.-Col. NEILD.—I make that remark in a Pickwickian sense, and if the feelings of my honorable friend are hurt by it, I shall withdraw it. Of course, I do not expect that the amendment which has been submitted by Senator Pulsford will be carried. Nevertheless, I would point out that the Lyndhurst site is almost the least populous of all the sites.

Senator MCGREGOR.—Therefore the honorable senator has the least need to be afraid of it.

The CHAIRMAN.—I ask honorable senators to refrain from interruption.

Senator Lt.-Col. NEILD.—Surely I am not raising anybody's "dander" this evening! With perhaps one exception, there is not a site suggested which possesses so small a population as does Lyndhurst.

Senator MCGREGOR.—There are not many votes there.

Senator Lt.-Col. NEILD.—I intend to stop speaking every time I am interrupted. Surely I am not offending anybody by offering these few remarks. It is little short of disgraceful that I am not allowed to speak without interruption. I repeat that no other locality can give me less support than Lyndhurst, and in advocating the claims of that particular site I must, therefore, be speaking without the smallest shadow of suspicion that I wish to gain any political advantage. But I advocate its selection upon two or three grounds. First of all there is no other site which to my mind offers greater advantages of centrality than does Lyndhurst. Its climate is admirable. As regards accessibility it would be possible to commence building operations there to-morrow morning, because the railway runs through the proposed site of the city streets. Consequently we have in the Lyndhurst site centrality for the present and the future. We have also the conditions of an admirable climate and of accessibility from the south. By the completion of two lines of railway which are in course of construction, Lyndhurst will become more central for South Australia and Western Australia, and in the near future for Queensland also, than any one of the other sites except that of Armidale, for which I entertain a great regard, but the selection of which I do not advocate, because I recognise that it would be futile to do so. For similar reasons I do not propose to speak about any of the other sites. I will further add that Lyndhurst possesses an admirable water supply. I

make that statement upon the authority of one of the chief officers in the Water Conservation Department of New South Wales. How the Federal Capital Sites Commission managed to tot up the extraordinary sum which they estimate would be required to provide an adequate water supply for Lyndhurst is so utterly beyond the limits of human comprehension, that I must put it down to one of those accidents which sometimes happen, even to Royal Commissions. The water supply of that particular site is second to none. Moreover, the private lands there could be purchased more cheaply than could the lands at any of the other sites.

Senator DAWSON.—How does the honorable senator arrive at that conclusion? He cannot have read the Commission's report.

Senator Lt.-Col. NEILD.—I am not responsible for all the vagaries of the report of the Federal Capital Sites Commission. In view of the fact that two Royal Commissions are diametrically opposed to one another upon a good many points, I do not think it is advisable that any honorable senator should endeavour to achieve perfection as regards his information. I merely speak from knowledge which I obtained personally on the ground.

Senator DAWSON.—To what two Royal Commissions does the honorable senator refer?

Senator Lt.-Col. NEILD.—I refer to the report which was presented by Mr. Oliver—

Senator DAWSON.—Was he appointed a Royal Commission?

Senator Lt.-Col. NEILD.—If he was not appointed by a "Victoria, by the grace of God," he was, at any rate, appointed under the great seal of New South Wales. I really do not recollect whether he was appointed in the terms of a Royal Commission or of a State Commission.

Senator DAWSON.—In any case, the honorable senator disputes his verdict.

Senator Lt.-Col. NEILD.—No; but when Mr. Oliver differs so transparently from the findings of the Federal Capital Sites Commission, it is scarcely reasonable to suppose that I can explain their differences here. I should be only beating the air. What would be the value of an *ex parte* opinion given in that way? Nevertheless, Engineer Manning, of the Water Conservation Department of New South Wales—an officer who was engaged upon the Lyndhurst site for months taking the levels—assured me in conversation the other day that a single embankment would

suffice to conserve enough water there to construct a winding lake through and beyond the limits of the city site upwards of thirty miles in length. If Mr. Manning is wrong I cannot pretend to put him right; but I have no reason to suppose that he is wrong.

Senator DAWSON.—Mr. Stanley, of the Federal Capital Sites Commission, disputes the accuracy of that statement.

Senator Lt.-Col. NEILD.—I have given my reasons for supporting the Lyndhurst site as briefly as I possibly could. I should have been able to state them in a much shorter time if an attempt had not been made to make me the central figure of a Christy Minstrel troupe by asking me all sorts of conundrums. I shall vote for the amendment of Senator Pulsford.

Senator Lt.-Col. GOULD (New South Wales).—I intend to support the amendment. Last night, in speaking upon the second reading of the Bill, I advanced several reasons which weighed very strongly with me in coming to the conclusion that Lyndhurst was about the most favorably situated site of the whole of those which were examined by the Federal Capital Sites Commission. I also pointed out that in the other Chamber a very large vote was cast in favour of Lyndhurst. Although I know that very much exception has been taken to that vote upon the ground that it was largely given by the representatives of New South Wales, I do not think that is a reason of which one need be ashamed. I take it that the representatives of the parent State are better acquainted with the position and value of the different sites than are the representatives of other States in this Parliament. When, therefore, we find a consensus of opinion in New South Wales in favour of one particular site it indicates very clearly that it must be possessed of very great merit. I do not intend to detain the Committee by reading any of the quotations which I put before the Senate yesterday with regard to the suitability of Lyndhurst, but there are one or two other matters to which I desire to refer. The report of the Commissioners points out in unmistakable terms the suitability of that site for the purposes of a great city. It shows that if the capital were erected there it would have all the advantages of centrality and picturesqueness, and that the site is desirable from every other point of view.

Senator DAWSON.—According to the Commissioners it is not nearly as good a site as Tumut.

Senator Lt.-Col. GOULD.—My reading of the report is that the Commissioners consider that Lyndhurst has the advantage. As some question has been raised in regard to the water supply of that site, I would point out that according to the report—

A dam 70 feet high constructed across the Coombing rivulet where the elevation is 2,824 feet above sea level—

or 600 feet higher than the point at which it is proposed to erect the capital—

and where there is a very suitable place for a storage reservoir, would impound about 2,200,000,000 gallons of water.

This is only one of five different sources of water supply to which the Commissioners refer. It is nine miles distant from the site. The cost which would be incurred in establishing the necessary works would be £159,400; while the cost of resuming the alienated portion of the catchment area would be £111,500, making a total of £270,900.

Senator DAWSON.—The report shows that two schemes would be necessary in order to supply a population of 50,000.

Senator Lt.-Col. GOULD.—The report states that the Coombing rivulet scheme would be sufficient for a population of 40,000, and that when the population of the capital exceeded that total, it would be necessary to resort to a second scheme. Many years will elapse however before the population of the capital is anything like 40,000. So much for the question of water supply. I should like now to point out to honorable senators that when the appointment of the Royal Commission was being discussed in another place, the present Minister for Trade and Customs, said—

I have always recognised that the neighbourhood of Orange and the sites proposed at Bathurst and Lyndhurst are really part and parcel of the same area, and would have to be included in the Federal territory if any site near the Canobolas were selected, otherwise the territory which is available at the latter place would be insufficient.

At this stage Mr. G. B. Edwards interjected—

Has the Minister any reason to believe that the New South Wales Government will give the Commonwealth a larger area of Crown lands than that which is provided for in the Constitution?

This debate took place over twelve months ago, and the reply made by the Minister to the interjection was—"No." That answer

may have some bearing on an argument which may be raised at a later stage. The Minister continued—

There is no doubt that Orange, Bathurst, and Lyndhurst occupy an advantageous situation in relation to all the Australian capitals, and if a proposal which I submitted in 1885 had been adopted, and the railway had been extended from Cobar to Broken Hill, and a connexion had been made between Wellington or Dubbo and Werris Creek, there would have been, practically, a direct route to those sites from both Adelaide and Brisbane, and it would have been impossible to overlook them. I understand that the Government of New South Wales is about to construct both of the lines to which I have referred, which will thus furnish us with a direct line to Brisbane. Honorable members will remember that when they undertook the last parliamentary visit of inspection, they left here by the express and reached Orange in time for breakfast. The distance between the two places is much shorter than is the distance from Melbourne to Sydney. . . . In addition to that, when the line was carried through to Adelaide, and later on to Perth, Orange will occupy a most unique position.

I think that this quotation from a speech which was delivered some twelve months or more ago shows clearly that the Minister for Trade and Customs, whose ministerial life has been spent for the most part in New South Wales, thinks, from his knowledge of the State, that Orange would be a most suitable site for the capital, and would meet all the requirements of the present time. As has also been pointed out, the population of Australia is gradually centring more around that site than around any other; and in any case the railways mentioned by the Minister, if constructed, will give the residents of the various States an opportunity to reach Lyndhurst without touching at either of the capital cities of Victoria or New South Wales. I trust that honorable senators, when called upon to vote, will bear in mind the several advantages that appertain to Lyndhurst.

Senator CLEMONS.—They will not.

Senator Lt.-Col. GOULD.—It may be that they will not do so at the present time—

Senator BARRETT.—We have not lost sight of them.

Senator Lt.-Col. GOULD.—I am glad to have that statement from the honorable senator. It is possible, and indeed probable, that there will not be a majority of votes cast in favour of Lyndhurst, but if an honorable senator really considers a certain site to be the most suitable for the capital it is just as well that he should state his

reasons for that belief. It may be that the names of two or three other sites will be submitted to the Committee, and that one or other of them will be inserted in the Bill.

Question—That the word "Lyndhurst" proposed to be inserted be inserted—put. The Committee divided.

Ayes	...	...	6
Noes	...	...	21
			—
Majority	...	...	15

#### AYES.

Gould, A. J.	Pulsford, E.
Higgs, W. G.	
Mackellar, C. K.	<i>Teller.</i>
Neild, J. C.	Millen, E. D.

#### NOES.

Baker, Sir R. C.	McGregor, G.
Barrett, J. G.	O'Keefe, D. J.
Best, R. W.	Pearce, G. F.
Charleston, D. M.	Reid, R.
Clemons, J. S.	Saunders, H. J.
Dawson, A.	Smith, M. S. C.
De Largie, H.	Stewart, J. C.
Dobson, H.	Styles, J.
Drake, J. G.	Zeal, Sir W. A.
Fraser, S.	<i>Teller.</i>
Macfarlane, J.	Keating, J. H.

Question so resolved in the negative.

Amendment negatived.

Amendment by (Senator FRASER) proposed—

That after the word "near," line 2, the word "Albury" be inserted.

Senator MCGREGOR (South Australia).

—I think that it is right that we should fairly discuss the merits of every site.

Senator PLAYFORD.—We did so to some extent during the second reading debate.

Senator MCGREGOR.—With all due respect to the honorable senator I contend that we did not. Albury from the standpoint of situation has very great claims to consideration, and there are other advantages associated with the Table Top site. I visited that site only a few days ago, and those who have inspected it will bear me out in saying that it possesses certain advantages which are not to be found at any of the other sites.

Senator FRASER. — It is the best of all.

Senator MCGREGOR.—That is not the question. While I admit that, in many respects, it would be an eligible site, I must point out that there is another site which



has even greater claims to consideration. The drawback to Albury as a site for the capital is the difficulty in regard to water supply, and there is a further obstacle in relation to the generating of electric power, which does not apply to Bombala. The Snowy River, in a very short distance, descends in an easterly direction to the sea from the extreme altitude of nearly 9,000 feet; while the Murray traverses a distance of nearly 2,000 miles from the same altitude before it reaches the sea. There must, therefore be a great difference in the power of the two streams to generate electricity.

Senator DAWSON.—It would be necessary to pump water to supply Bombala.

Senator MCGREGOR.—The honorable senator is endeavouring to limit the extent of the area to a few hundred acres.

Senator DAWSON.—According to the Commissioner's report, the Snowy River is 500 feet below the site.

Senator MCGREGOR.—The honorable senator is referring to the mouth of the river, while I am speaking of the altitude of the stream at its origin. It is true that the mouth of the river is 500 feet below the site, but at its source it is some thousands of feet above it. The Snowy River has its origin in Mount Kosciuszko, and with a volume of water descending at that rapid rate we have the possibility of generating power, not only for electric traction, but also for electric lighting and other purposes. In that site there are possibilities that do not exist in connexion with any site which may be chosen in the district of Albury. Although for the purpose of a city Albury might furnish the best possible locality, it labours under the disadvantages which I have indicated, and consequently I cannot vote for its selection.

Question—That the word "Albury" proposed to be inserted be inserted—put. The Committee divided.

Ayes	...	...	...	6
Noes	...	...	...	23
				—
Majority	...	...	...	17

AYES.

Best, R. W.	Zeal, Sir W. A.
Fraser, S.	
Reid, R.	Teller.
Styles, J.	Barrett, J. G.

12 E

NOES.

Baker, Sir R. C.	Millen, E. D.
Charleston, D. M.	Neild, J. C.
Clemons, J. S.	O'Keefe, D. J.
Dawson, A.	Pearce, G. F.
De Largie, H.	Playford, T.
Dobson, H.	Pulsford, E.
Drake, J. G.	Saunders, H. J.
Gould, A. J.	Smith, M. S. C.
Higgs, W. G.	Stewart, J. C.
Macfarlane, J.	Walker, J. T.
Mackellar, C. K.	Teller.
McGregor, G.	Keating, J. H.

Question so resolved in the negative.  
Amendment negatived.

Senator CLEMONS (Tasmania).—As I am firmly persuaded that every honorable senator has made up his mind, and that there is no possibility of altering a vote by talking, not even the vote of Senator Dobson, I move—

That, after the word "near," line 2, the word "Bombala" be inserted.

Question put. The Committee divided.

Ayes	...	...	19
Noes	...	...	10
			—
Majority	...	...	9

AYES.

Baker, Sir R. C.	O'Keefe, D. J.
Barrett, J. G.	Pearce, G. F.
Best, R. W.	Playford, T.
Charleston, D. M.	Reid, R.
De Largie, H.	Smith, M. S. C.
Dobson, H.	Stewart, J. C.
Fraser, S.	Styles, J.
Keating, J. H.	Zeal, Sir W. A.
Macfarlane, J.	Teller.
McGregor G.	Clemons, J. S.

NOES.

Dawson, A.	Pulsford, E.
Drake, J. G.	Saunders, H. J.
Gould, A. J.	Walker, J. T.
Higgs, W. G.	Teller.
Mackellar, C. K.	Millen, E. D.
Neild, J. C.	

PAIR.

Symon, Sir J. H.	Glasse, T.
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Question so resolved in the affirmative.  
Amendment agreed to.

Amendment (by Senator PLAYFORD) agreed to—

That the word "Tumut," line 3, be left out.

Senator MILLEN (New South Wales).—I desire the omission of all the words after "Bombala," but, as other amendments have been indicated, perhaps it will be more convenient if in the first instance I move—

That the word "and," line 3, be left out.

I do not propose to elaborate the arguments on which my opposition to that portion of the clause is based, as they were stated rather fully in my second-reading speech.

Senator MCGREGOR (South Australia).—I desire to move the omission of all the words after "Bombala," for the purpose of inserting the following words—

and shall include an area extending from the 35th parallel of latitude south adjoining the Murrumbidgee and extending to the River Murray and the Victorian border, running eastward.

Senator CLEMONS.—I desire to know, sir, whether, if the amendment of Senator Millen is carried, it will be competent for an honorable senator to move the insertion of other words. Our proceedings will be simplified if you will rule that it can be done.

Senator DOBSON.—I desire to emphasize the point which has been raised by Senator Clemons, because I have an amendment to move, which I think is absolutely necessary to give effect to the determination of the Committee. I take it, sir, that many honorable senators voted for Bombala on the ground, first, that in its vicinity there is a port which we might be able to acquire, and that the capital ought to have a port; and, secondly, that there is a large area of no particular value at the present moment which might be included in the Federal territory, and acquired without much trouble or opposition on the part of the mother State. The words which I desire to insert after "Bombala," unless the Attorney-General has a better amendment to move, are—

Provided that the area of land to be granted to or acquired by the Commonwealth shall comprise the port of Twofold Bay and the whole of the lands surrounding such port to a depth of five miles, and a strip of land of the width of ten miles, extending from the seat of government to Twofold Bay.

It seems to me that an amendment of that kind is absolutely necessary in order to give effect to the determination of the Committee. I take it that we have no particular survey of this land, and no one can tell me, whether the territory between Bombala and the port of Twofold Bay embraces an area of 1,000, 2,000, or 3,000 square miles. I am firmly of opinion that we have no right to acquire such a large area against the will of New South Wales. I therefore desire to safeguard our Act by putting in a provision that it may be declared void by proclamation, if within a certain time we do not

acquire that area, and do not arrange on satisfactory terms for access to the seat of government by railway extensions from Bairnsdale, in Victoria, and from Cooma, in New South Wales.

Senator Lt.-Col. NEILD.—We should put a rope round Tasmania, and pull it along-side.

Senator DOBSON.—That is rather a stupid and insipid interjection.

The CHAIRMAN.—I regret to say that interjections are far too frequent, and I ask honorable senators to allow the speaker to proceed.

Senator DOBSON.—I have intimated that unless the Government have a cut-and-dried amendment to submit, I desire that provision to be inserted.

Senator Sir WILLIAM ZEAL.—Why not allow the Government to take charge of the Bill?

Senator DOBSON.—Will my honorable friend allow me to speak? It seems to me that honorable senators wish to settle the question of the capital site without hearing any arguments. The air seems to be charged with electricity, excitement, and impertinence.

Senator PLAYFORD.—If we are to strike out a word which is to indicate the intention of the Committee to strike out the remainder of the clause, honorable senators who support the amendment, will discover that no other words will be put in. The result will be that we shall lose the provision with regard to the area being a thousand square miles. Those honorable senators who have carefully read the report of Mr. Commissioner Oliver, will see that he recommends to the Government of New South Wales that an area of something like 1,000 square miles should be ceded. We certainly do not want to lose the 1,000 square miles provision. Therefore, I ask the Chairman to put the question that after the word "Bombala," Senator McGregor's amendment be inserted. Undoubtedly that amendment will be defeated. Then Senator Dobson can move his amendment with respect to Twofold Bay, and that will be defeated. Thus we shall retain the 1,000 square miles provision. If the course which I recommend is not taken, alterations will be made in the clause which I am satisfied that the majority of honorable senators do not desire to make.

The CHAIRMAN.—It is my duty, as far as I can, to protect the amendments

about to be proposed by honorable senators. Up to the present two amendments have been mentioned; the first by Senator Millen to strike out the word "and," and the second that indicated by Senator McGregor, which, as far as I can see, would come in after the word "extend." If there are any other amendments to be moved, prior to the word "extend," I shall have to protect the rights of those senators who desire to move them. If there are no others, I shall take Senator Millen's amendment first.

Senator MCGREGOR.—I have indicated the nature of my amendment. I have given my reasons for it, and do not intend to enter into a further argument as to why we should include the area I suggest. I wish to hear arguments as to why we should not include so large an area.

Senator Lt.-Col. NEILD.—In view of the fact that it is well known, though it has not been intimated officially, that there is no possible hope of Bombala being accepted by another view, I think I shall be falling in with the view of those who wish to establish a "Bellamyite" colony, if I propose to insert after the word "Commonwealth" the words—

The whole of New South Wales, with the exception of the land contained within the 100 miles limit set forth in the Constitution Act.

The CHAIRMAN.—It appears to me that the amendment which I ought to put first, is that of Senator Millen, who desires to strike out the word "and," with the ultimate intention of striking out the balance of the clause. The second amendment which I shall put will be that of Senator McGregor; and the third will be that of Senator Neild.

Senator PEARCE.—If Senator Millen's amendment is put in the manner indicated, we shall have a combination of parties voting to achieve an object which none of them wish to effect. Senator Millen's object is to strike out the word "and," in order to indicate that those who vote for that amendment wish to strike out the remainder of the clause. We shall have those who agree with Senator McGregor combining with Senator Millen, and those who believe in having 1,000 square miles, also combining with him, to create a blank. In order to give the Committee an intelligent method of expressing its opinion, Senator McGregor's amendment should come immediately after the word

"Bombala." Then Senator Millen's amendment can afterwards be considered on its merits, or we can take Senator Dobson's amendment if he intends to propose one. Speaking for myself, I desire to strike out the words relating to the Murray and the Murrumbidgee, but to retain the 1,000 square miles provision. How can I express that opinion by striking out the word "and"?

Senator MILLEN.—Some strange confusion has arisen as to what would be the effect of my amendment. I would willingly withdraw it if there were any justification for so doing; but there is none, as I shall show. It has been suggested by the Vice-President of the Executive Council that there will be some strange and unholy combination to support my amendment. But the opposite will be the case. I propose to strike out the word "and" with a view of striking out the remainder of the clause. The combinations will take place to defeat me, because both Senator Dobson and Senator McGregor will require the word "and" in order to make sense of the amendments which they intend to propose. Therefore, they will vote against me. For these reasons, without any desire to be discourteous, I decline to withdraw it.

Senator STANFORTH SMITH.—I desire to indicate that I intend to propose in due course that all the words after the word "miles" up to and including the word "sea" be omitted.

The CHAIRMAN.—Senator Playford has already given notice of an amendment to that effect. I hope that the Committee fully realize the position of matters. The amendment now before the Chair is—

That the word "and" be left out.

Senator Lt.-Col. GOULD (New South Wales).—I am afraid that by the time we finish discussing this question we shall find ourselves in a very awkward fix. We shall find that we have reduced this Bill to an absolute farce. Honorable senators cannot realize too clearly the importance of the views that have been expressed by more than one honorable senator as to the true construction of the 125th section of the Constitution. It has been pointed out very clearly by Senator Symon and others that we have no power to dictate to the Government of New South Wales with regard to taking an extensive area such as 100 square miles. If that be the case how can

we go to the Government of New South Wales with a request for a greater area?

Senator PLAYFORD.—The honorable and learned senator is discussing Senator McGregor's amendment.

Senator Lt.-Col. GOULD.—I am discussing the question of the 1,000 square miles. We know perfectly well that there is to be a territory only for the purpose of establishing the capital city of the Commonwealth, and the Constitution says that there shall be no territory granted or acquired by the Commonwealth of an area less than 100 square miles, all the Crown land within that territory to be given free by the Government of New South Wales. Honorable senators ought to realize that it is proposed to approach the Government of New South Wales with a demand that there shall be granted 1,000 square miles, or, failing that, the Commonwealth will not have the territory at Bombala. It has been stated by the Government of New South Wales over and over again that they are prepared to cede the necessary area of 100 square miles prescribed by law; and why should we put ourselves in the position of asking more than we are entitled to under the Constitution? It has been pointed out that if we want a cession of territory we have to go to New South Wales for it. Do honorable senators not know that the rights of the States are protected by the Constitution against the inroads of the Commonwealth—that no new State can be formed out of a State except by the consent of that State? It is utterly absurd to attempt to dictate to New South Wales in this matter. Within the last few days it has been stated on both sides in the Parliament of New South Wales that that State is not prepared to give more than 100 square miles.

Senator Sir WILLIAM ZEAL.—The proposal for 1,000 square miles is not made by the Senate, but by the House of Representatives.

Senator Lt.-Col. GOULD.—If the House of Representatives makes an improper, undesirable, or impossible proposal, we are not bound to accept it; our duty is to ask for that to which we are entitled by law. It would appear as though honorable senators desire to take a position of antagonism to the State Parliament of New South Wales in relation to the Federal Capital.

Senator MCGREGOR.—We want only 20,000 square miles.

Senator Lt.-Col. GOULD.—The honorable senator desires another State to act as a buffer between New South Wales and Victoria; but even if he lives to the age of Methuselah his desire will not be realized. No power on earth except the authority of an Imperial Act can compel New South Wales to part with any area.

Senator MCGREGOR.—Do not get cross.

Senator Lt.-Col. GOULD.—I am not cross; I only desire to save the honorable senator from making himself absurd. I refer honorable senators again to section 111 of the Constitution, which protects the States from any attempts of this character. Section 111 provides that the Parliament of the State may surrender any part of the State to the Commonwealth. Section 123 provides—

The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State.

Senator Sir WILLIAM ZEAL.—The language of the clause before us is not mandatory. The word used is "should" and not "shall."

Senator Lt.-Col. GOULD.—An Act of Parliament is supposed to direct something or other. Section 124 provides how a State may be formed, and that can only be done with the consent of the Parliaments of the States affected. It is not until we come to section 125 that we find really what our powers are in regard to establishing a capital site. I defy any honorable senator to find any other provision within the Constitution enabling us to obtain land for the purposes of a Federal territory. Some honorable senators have laid stress on the word "acquire," but that word does not help them in the slightest.

Senator Lt.-Col. NEILD.—I ask that there shall be order, because I cannot hear a word the honorable senator says.

Senator PLAYFORD.—Honorable senators do not want to hear.

Senator Lt.-Col. GOULD.—I ask whether the Vice-President of the Executive Council is in order in making an insulting remark?

The CHAIRMAN.—The Vice-President of the Executive Council has made no remark that I can ask him to withdraw.

Senator Lt.-Col. GOULD.—I accept your decision, Mr. Chairman, but I can tell the Vice-President of the Executive Council

that nobody wants to hear him, and that if he chooses to speak impertinently he must expect impertinence in return.

Senator FRASER. — That is a proper retort.

The CHAIRMAN. — Will honorable senators endeavour to compose themselves?

Senator Lt.-Col. GOULD. — It is possible that the Vice-President of the Executive Council did not mean to be insulting.

Senator PLAYFORD. — I did not mean anything of the kind, only I was not surprised at honorable senators not listening.

Senator Lt.-Col. GOULD. — Honorable senators are only beating the wind when they attempt to lay down lines which clearly cannot be followed out. If there had been a simple resolution to the effect that it was desirable for the Government to obtain 1,000 square miles, nobody could have objected; and, as a matter of order and right, it would only be for the Government of New South Wales to state whether they could or could not agree to the request. I ask honorable senators to realize that we are entitled only to the area prescribed in the Constitution, and that it is much better to confine our attention to that area. If we desire that there should be further negotiations, the proper course is to invite the Government by resolutions to conduct those negotiations; but to place the stipulation in an Act of Parliament means that we shall accept the Bombala site, contingent only on New South Wales granting additional areas of land. We are really going to the New South Wales Government with a "stand and deliver" demand. If the New South Wales Government say that they are prepared to give 100 square miles and no more, can it be believed that the majority of honorable senators, holding the views they do in regard to the particular site, would be prepared to accept that area? Honorable senators are urging that we should acquire not only the tableland, but also the port sixty miles away. I do not deal with Senator McGregor's amendment, because that is really not before us now; though if my objection to the 1,000 square miles is so strong, it may be realized how much stronger my opposition would be to the proposal to take over what is really a great State. I do not believe that Senator McGregor will get half-a-dozen members to support his amendment. In dealing with matters of this kind it is well to look facts

fairly and squarely in the face, and, particularly in view of the present state of feeling in the Parliament of New South Wales, not to ask for more than that to which we are entitled.

Senator HIGGS (Queensland). — I have not taken part in this debate hitherto, because I really question the utility of our occupying time over this matter. The majority of honorable senators have decided on a certain site, and their vote means that the question of the selection of the Federal territory is to be hung up indefinitely.

Senator MCGREGOR. — No.

Senator HIGGS. — We shall see. I am as much entitled to take up the rôle of prophet as is Senator Gould, and in my opinion this question will not be settled this session, owing to the fact that the six Victorians have arrayed themselves on the side of Bombala.

Senator Sir WILLIAM ZEAL. — What does the honorable senator wish us to do? Surely, we have a right to vote?

Senator HIGGS. — I should like the honorable senator to be a little magnanimous. He and his colleagues have had three years' experience of the Federal Parliament, and, judging from the local newspapers, they do not think we are very desirable citizens, and are willing that we should go away to the State of New South Wales. Senator Millen has submitted a proposal which, if carried, will indefinitely postpone the establishment of a Federal Capital. I am not prepared to vote for the establishment of a seat of government unless the territory is to be made self-supporting. I refuse to place a burden on the taxpayers of the backblocks of Queensland, for example, in the shape of a contribution towards meeting the cost of the expensive buildings which will be necessary within the Federal territory.

Senator Sir WILLIAM ZEAL. — Then why did the honorable senator vote for the establishment of a Federal High Court?

Senator HIGGS. — Any one who has followed the present discussion must have understood that it was recognised on all hands that there should be an area of at least 1,000 square miles. Mr. Oliver himself recommended that an area of that size should be acquired.

Senator PLAYFORD. — At the very least.

Senator HIGGS. — Mr. Oliver's recommendation was that the increased value given to the land by the establishment of

the capital should go towards the cost of building the capital.

Senator MILLEN.—The honorable senator did not adopt Mr. Oliver's recommendation as to the site.

Senator HIGGS.—I took one of the sites recommended by Mr. Oliver.

Senator FRASER.—Can Mr. Oliver overrule the Premier and the leader of the Opposition in New South Wales?

Senator HIGGS.—I do not want to say anything harsh; but I am inclined to say that the Premier in New South Wales in this connexion is a mere "fly on the wheel." The Federal Parliament has the Constitution, and so long as we abide by that Constitution we are superior to the Government of New South Wales or any State Parliament. Clause 125 enables us to acquire an area of not less than 100 square miles—that is the minimum. I recommend Senator Gould to read sub-section 39 of section 51.

Senator Lt.-Col. GOULD.—That does not apply.

Senator HIGGS. — Section 125 gives authority to this Parliament to select a capital site, and sub-section 39 of section 51 provides that the Parliament shall have powers to make laws relating to—

Matters incidental to the execution of any power vested by this Constitution in the Parliament, or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any Department or officer of the Commonwealth.

We may make laws regarding any power vested in us by the Constitution, and we are given power to acquire territory, within which shall be the seat of government.

Senator FRASER.—Let us take all the territory at once.

Senator HIGGS.—That is an extreme view. The honorable senator is like all the extremists of the Kyabram party. He is now taking an extreme view, as he does on every question.

Senator FRASER.—I am sometimes with the honorable senator.

Senator HIGGS.—Those are the very exceptional occasions when extremes meet and the honorable senator enjoys a few lucid intervals. Senator Pearce, in speaking upon the second reading of the Bill, mentioned the fact that some years ago the site of the city of Melbourne was bought for a few thousand pounds. To-day, without regard to this or any other of the buildings in the city,

it has improved in value until it is worth £15,000,000. We cannot expect that the site of the seat of government of the Commonwealth will attain a value of several millions for many years to come; but we can expect that there will be a value given to the land which we select as the seat of government that will go to some one. If we act wisely we shall see that that value shall accrue to the Commonwealth, and in that way we may be able to save the general taxpayer from bearing a burden. If on the other hand we adopt the view expressed by Senator Millen and some other honorable senators, the collectively earned increment will go to private speculators in land, to land jobbers, and land boomsters, like the Honorable Thomas Bent and other people. With the knowledge which we have of the disasters which follow land booms, and the knowledge we possess respecting the immense wealth secured by people like Sir Daniel Cooper in New South Wales, by acquiring land at a low price and then leasing it, it is our duty to see that we keep the collectively earned increment of Commonwealth lands for the people of the Commonwealth. If I thought that the acquisition of the Federal territory was going to result in a burden being imposed on the taxpayers of the Commonwealth to meet the expenditure necessary for the establishment of the Federal Capital, I should refuse to go out of Melbourne, notwithstanding the fact that the refusal would be a breach of the compact made with New South Wales to select the capital in that State. When Senator Millen and other honorable senators from New South Wales tell us that not a single representative from New South Wales will be returned to the next Federal Parliament: who will not be pledged against the proposition that 1,000 square miles should be acquired by the Commonwealth as Federal territory. I tell those honorable senators that I do not believe they know public opinion in New South Wales. I have no doubt that the decision arrived at by the Committee this evening will have the effect of hanging up the settlement of this question until next session. But I believe that we shall then find that every representative from New South Wales returned to the House of Representatives or to the Senate will be in favour, not only of giving us 1,000 square miles—

Senator MCGREGOR.—But 20,000 square miles.

Senator HIGGS.—I will not say that. I think there is a limit. They will be in favour of giving us an area of 1,000 square miles, and they will fall in with the view that we shall keep that area as Crown lands of the Commonwealth, lease it to those who may desire to use it, and use the money acquired in that way to pay interest upon the large sums which it will be necessary to expend in building the Federal city.

Senator Lt.-Col. GOULD (New South Wales).—I do not propose to reply generally to the remarks made by Senator Higgs as to the desirability of acquiring an area of 1,000 square miles; but the honorable senator has pointed out that in his judgment sub-section 39 of section 51 will enable the Federal Parliament to deal with the acquisition of such an area in the way he has indicated should the necessity arise. I point out to the honorable senator that sub-section 39 of section 51 provides that the Parliament shall have power to make laws, amongst other things, for—

Matters incidental to the execution of any power vested by this Constitution in the Parliament.

There is no power vested by this Constitution in the Parliament to resume lands at any one of the sites for the Federal Capital. Section 125 of the Constitution enables this Parliament to determine where the seat of government of the Commonwealth shall be—

within territory which shall have been granted to or acquired by the Commonwealth.

Until we have acquired the territory, whether by way of cession or grant or any other means, sub-section 39 of section 51 cannot come into operation, because under section 125 we are given power only to fix the seat of government within territory we have acquired. Sub-section 39 of section 51 will undoubtedly help us in dealing with any matters incidental thereto; but it clearly will not enable the Federal Government to acquire or resume any part of the State for the purpose of securing a Federal territory.

Senator Higgs.—How is it that we came to pass the Property for Public Purposes Acquisition Act?

Senator Lt.-Col. GOULD.—Simply because we have the power to acquire property for any purposes in connexion with the matters referred to in section 51. For instance, we can acquire property for a

Custom-house, post-office, for defence purposes, or for a quarantine station. We can acquire such property by virtue of the Constitution, and by legislation under it; but sub-section 39, which Senator Higgs relies upon, does not enable us to acquire land for a Federal territory in order to fix the seat of government there.

Senator PULSFORD.—I desire to ask your ruling, Mr. Chairman, as to whether you can put to the Committee the amendment proposed to be moved by Senator McGregor?

The CHAIRMAN.—I can only deal with it when it is brought up.

Senator PULSFORD.—I desire to draw attention to the fact that Senator McGregor includes in his amendment land within the 100-miles limit. The whole of Jervis Bay is within the 100-miles limit.

Senator DOBSON (Tasmania).—I thought that Ministers, knowing full well, as I suppose they did, that Bombala would be selected by a large majority of the Committee of the Senate, would have been ready with some provision which would have enabled us to give effect to the determination of the Committee, which, I presume, will be the determination of the Senate. I know well that one cannot draft an important amendment at the table during a debate; but I should like to inform honorable senators that I intend to propose a second amendment, and I would ask them to listen to the two amendments stated together. Honorable senators will see that while they will not clear away the difficulties, they indicate a way in which they can be got rid of. I believe most firmly that Senator Downer was perfectly right when he said that the Constitution does not authorize us to take 1,000 square miles of territory. Honorable senators must recollect that the Constitution is a contract. It is not in this case a question of fixing the site. Wherever we fix the site, New South Wales has contracted to grant the whole of the Crown land within the Federal area free of cost. I am satisfied, however, that any High Court will put a reasonable limit upon the words not less than 100 square miles. I cannot conceive for a moment that it will be admitted that we can multiply the area stated in the Constitution by ten, and multiply in the same way the area of Crown lands which the mother State must give to the Commonwealth free of charge. I, therefore, desire to indicate that when my turn

comes I shall move the two following amendments. After the word "should," line 5, I propose to add the following words :—

Comprise an area of not less than 100 square miles, and also the port of Twofold Bay and the whole of the land surrounding such port to a depth of five miles, and a strip of land of the width of ten miles extending from the seat of government to the port of Twofold Bay.

My reason for the amendment, in a word, is that I am told that it would require 2,000 square miles to take in the seat of government at Bombala with a strip of land fourteen miles wide down to the port. I am informed by a man who knows more of Federal law and other law than I do, because he is a leading and experienced barrister, that if we do fix the seat of government this session it can be unfixed again. I see no reason why it should not. If honorable senators fix the seat of government of the Commonwealth in a moribund Parliament, and the electors, by a substantial voice, speak in a contrary direction, I believe the Federal Parliament will be in a position to repeal the Act after an election. I wish to proceed upon business lines. I have no desire to give a whip hand over us to those with whom we may have to deal in order to acquire Federal territory, a port, or anything else, and I therefore propose to add these words as a second amendment—

Provided that if within two years from the passing of this Act the Governor-General shall, by proclamation, declare that the Governor-General in Council has not been able, on terms which they deem satisfactory, to acquire and have granted to the Commonwealth the area of land, the port of Twofold Bay, and the strips of land before mentioned; and to arrange for the extension of the railway from Bairnsdale in Gippsland to the Victorian border in the direction of the seat of government, and of the railway from Cooma, in the State of New South Wales, to the seat of government, this Act shall thenceforth be repealed.

Senator Lt.-Col. NEILD (New South Wales).—I have been sitting very quietly, although like other honorable senators, I should like to make half-a-dozen speeches, more or less.

Senator DOBSON.—The honorable senator has talked more than any one else.

Senator Lt.-Col. NEILD.—I have not played the fool in indicating—

The CHAIRMAN.—Order! The honorable senator will take his seat. There have been far too many personalities and too much heat introduced into this debate. I ask the honorable senator to confine himself

to debating the question before the Chair in an orderly way.

Senator Lt.-Col. NEILD.—Then I hope that you, sir, will protect me from impertinent interjections.

Senator Sir WILLIAM ZEAL.—The honorable senator ought to be made to withdraw: he is a grossly insulting fellow.

Senator Lt.-Col. NEILD.—What is to be done with that person over there?

Senator Sir WILLIAM ZEAL.—The honorable senator called Senator Dobson a fool.

The CHAIRMAN.—Order.

Senator DOBSON.—I rise to a point of order. I object to Senator Neild, who, I believe, called me a fool as plainly as he could speak just now, imputing impertinence and insulting conduct to other honorable senators. The honorable senator has made more insulting remarks than all the other honorable senators present put together.

The CHAIRMAN.—If Senator Dobson complains that Senator Neild has used any unparliamentary language—

Senator DOBSON.—I shall make no complaint, but the honorable senator is saying that he is sinned against, when it is he who is the sinner. I do not want any apology.

Senator HIGGS.—We must make allowance for the honorable senator.

The CHAIRMAN.—I must ask honorable senators to pay deference to the wishes of the chair.

Senator Lt.-Col. NEILD.—I indicated my desire to follow the illustrious example set me by some other honorable senators in making a few speeches; but, although I have been paying close attention to business, I am at present wholly at a loss to know what is the question before the Committee, because there have been at least half-a-dozen amendments indicated.

Senator DOBSON.—Then there are more fools than one in the Chamber.

Senator Lt.-Col. NEILD.—I draw your attention, Mr. Chairman, to the fact that Senator "Amendment" Dobson has called some one in this Chamber a fool. I choose, as a point of order, to take that observation to myself, and I desire its withdrawal. I consider it offensive, and I require its withdrawal.

Senator DOBSON.—I withdraw it at once.

Senator Lt.-Col. NEILD.—I wish the honorable and learned senator would withdraw himself instead.



The CHAIRMAN.—If honorable senators think that I am going to allow this constant interruption of the debate to continue they are mistaken.

Senator Lt.-Col. NEILD.—Are those observations addressed to me? I have not said a word. I hope your remarks were not addressed to me, because if they were—

The CHAIRMAN.—Will the honorable senator proceed?

Senator Lt.-Col. NEILD.—Pardon me, sir—

The CHAIRMAN.—I ask the honorable senator to proceed.

Senator Lt.-Col. NEILD.—No. Under the circumstances I decline to proceed. Such a condition of affairs is scandalous.

The CHAIRMAN.—Will the honorable senator be silent?

Senator Lt.-Col. NEILD.—I do not think I have a right to be silent.

Senator PLAYFORD.—I am told that I am paired with Senator Glassey. I do not know whether that is correct or not, but under the circumstances I do not propose to vote.

Question—That the word “and” proposed to be left out be left out—put. The Committee divided.

Ayes	...	...	9
Noes	...	...	18
Majority			9

AYES.

Dawson, A.	Neild, J. C.
Fraser, S.	Pulsford, E.
Gould, A. J.	Walker, J. T.
Mackellar, C. K.	<i>Teller.</i>
Millen, E. D.	Clemons, J. S.

NOES.

Baker, Sir R. C.	O’Keefe, D. J.
Barrett, J. G.	Pearce, G. F.
Best, R. W.	Reid, R.
Charleston, D. M.	Saunders, H. J.
De Largie, H.	Stewart, J. C.
Dobson, H.	Styles, J.
Drake, J. G.	Zeal, Sir W. A.
Higgs, W. G.	<i>Teller.</i>
Macfarlane, J.	Keating, J. H.
McGregor, G.	

Amendment negatived.

Question so resolved in the negative.

Amendment (by Senator MCGREGOR) proposed—

That after the word “and,” line 3, the following words be inserted:—“Shall include an area extending from the 35th parallel of latitude south adjoining the Murrumbidgee, and extending to the River Murray and the Victorian border, running eastward.”

Senator PULSFORD.—I would ask your ruling, Mr. Chairman, as to whether it is competent for Senator McGregor to move an amendment, which proposes to include within the Federal territory a portion of the area embraced within the 100 miles limit from Sydney?

The CHAIRMAN.—So far as I can see, the amendment itself is not out of order. If it contemplates something which is contrary to the terms of the Constitution it will be *ultra vires*.

Senator MILLEN (New South Wales).—I would ask senators before coming to a decision with regard to this amendment to look at the map and gain some idea of the large area which is proposed to be included.

Senator PLAYFORD.—The honorable member need not concern himself. We all know how the voting will go.

Senator MILLEN.—I am in some doubt upon that question after the way in which some of the votes have resulted. I did not think that the majority of the Committee would sanction the proposal that the Commonwealth should acquire an area of not less than 1,000 square miles. The thirty-fifth parallel of latitude enters the coast of New South Wales to the north of Jervis Bay, and the extensive territory contemplated by the amendment would embrace one-third of the coast line of New South Wales. I think that as a representative of the State which is threatened, I have a right to protest against what I regard as the biggest legislative steal ever proposed in a civilized community.

Senator MCGREGOR.—We could not take territory without the consent of New South Wales.

Senator MILLEN.—That is very fortunate for New South Wales, because the honorable senator would do so if he could. There is no virtue in abstaining from theft when a policeman is on hand. It is proposed to take fully a third of the coast line of New South Wales, and to embrace within the Federal territory a very large proportion of the best lands in the State.

Senator MCGREGOR.—But the New South Wales Government never did anything for that part of the country.

Senator MILLEN.—That has nothing to do with the honorable senator, because it is entirely a State matter. I would sooner lose the capital fifty thousand times over than consent to such a proposal.

Amendment negatived.

Senator DOBSON (Tasmania).—I move—

That after the word "should," line 5, the following words be inserted:—"comprise an area of not less than 100 square miles, and also the port of Twofold Bay, the whole of the land surrounding such port to a depth of five miles, and a strip of land of the width of ten miles, extending from the seat of government to Twofold Bay."

I presume that honorable senators who have selected Bombala desire to acquire a port, and to have the territory in the immediate neighbourhood of such port to themselves. I am informed by a gentleman who knows something about the matter that a territory of 1,000 square miles would not be sufficient if we desired to include a site for the capital at Bombala, the port of Twofold Bay, and a strip of territory connecting the two. It certainly would not enable us to acquire the area extending in another direction necessary for the purposes of water supply. I long ago stated that I should not move an amendment if the Government were prepared to submit a proper proposal to us, but I contend that an area of 1,000 square miles would not be sufficient. Then, again, we could only acquire such an enormous area by negotiation and compromise. We should have no right to demand it. I judge from the debate which took place in another place, and from the remarks of honorable senators, that they would like to have the port of Twofold Bay entirely under the control of the Commonwealth, and not to leave one portion of that harbor in the hands of the State. It would not be desirable to have a dual harbor control, and therefore I think that some amendment of the kind submitted is necessary. I suggest that this discussion might be allowed to proceed a little further, and that it should then be adjourned in order to afford the Government an opportunity to present a proposal.

Senator PLAYFORD.—Oh no, that would be outrageous.

Senator DOBSON.—I really do not understand my honorable friend's objection to a little delay, which would give us further time for consideration.

Amendment negatived.

Amendment (by Senator PLAYFORD) proposed—

That the following words be left out:—"and shall extend to the River Murray and the River Murrumbidgee. Provided that the site shall be within a distance of twenty-five miles from Tumut, and at an altitude of not less than 1,500 feet above the sea."

Senator CLEMONS (Tasmania).—I desire to ask the Vice-President of the Executive Council if he intends to retain the word "should" in the clause. It merely expresses a wish, and is altogether out of place in a Bill.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I intend to retain the word "should," because there is some doubt as to whether the Commonwealth could acquire the land compulsorily. That is the reason why the word "should" was substituted for "shall." There is a doubt in my mind—which is not a legal mind—as to whether we can acquire any territory whatever without the consent of New South Wales, and, therefore, I think it is desirable to retain the word "should."

Senator CLEMONS (Tasmania).—I am more than satisfied with the explanation of the Vice-President of the Executive Council, and I shall do my best to retain the word "should."

Senator PEARCE (Western Australia).—I should like to say to the representatives of New South Wales that there are two ways of resuming this land. Under the Constitution we may possess the power of resumption, but if any difficulties are placed in the way of our acquiring the necessary territory we may find it convenient to remit in Melbourne.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 3—

Land acquired by the Commonwealth for the purposes of the seat of government, or the surrounding territory shall not be assessed at a value exceeding the value thereof on the first day of January one thousand nine hundred and three, but in other respects shall be subject to the provisions of section nineteen of the Property for Public Purposes Acquisition Act, 1901.

Senator HIGGS (Queensland).—I move—

That the word "three," line 5, be left out and a view to insert in lieu thereof the word "one."

Senator Sir WILLIAM ZEAL.—What is the use of that?

Senator HIGGS.—I do not intend to try to satisfy Senator Zeal's thirst for knowledge. Other honorable senators however will probably wish to be informed of the reasons underlying my proposal. My view is that the land in the districts of Bombala, Tumut, and Orange—the three places which were recommended by Mr. Oliver—have considerably increased in value since that gentleman

presented his report. That additional value has resulted from a belief that one of these sites will be the future seat of government of the Commonwealth. Not a single act on the part of any resident of that area is responsible for the enhanced value of which I speak. I claim that that increased value properly belongs to the people of the Commonwealth, and that they should receive the benefit of it. The House of Representatives has decided that the value of the land which may be acquired shall be taken to be its value upon the 1st January, 1903.

Senator MILLEN.—A very fair proposal, too.

Senator HIGGS.—That is the honorable senator's view. He is a good parochial sort who looks after the interests of New South Wales. All the adults of that State are his constituents. Every man who owns land there possesses a vote, and every woman also. It is therefore only natural that he should endeavour to see—

Senator MILLEN.—Most of the land-owners in New South Wales vote for those of the same fiscal faith as the honorable senator.

Senator HIGGS.—That interjection reminds me of the fact that Senator Millen and others of his fiscal faith have frequently told us that their sole desire is to lighten the burdens of the taxpayer.

The CHAIRMAN.—The honorable senator is taking notice of a disorderly interjection.

Senator HIGGS.—My object in endeavouring to substitute the word "one" for "three" is to relieve the burden which will otherwise be imposed upon the taxpayer. Senator Millen objects to that. Therefore when he talks about lightening the burden of taxation upon the miner, and when Senator Neild speaks of reducing the burden which is imposed upon the person who uses the mangle, I consider that their professions are somewhat hypocritical. This is a practical proposal to relieve the taxpayer. I visited Tumut quite recently, and I found that since the Federal Capital Sites Commission presented their report the land there has increased in value to the extent of some pounds per acre.

Senator MILLEN.—There have been no sales there, so what is the use of talking nonsense?

Senator PLAYFORD. — I think that I have a complete answer to the honorable senator.

Senator HIGGS.—If the Vice-President's answer resembles some of his explanations it will not be very satisfactory. I repeat that since it was suggested that Tumut, Orange, and Bombala were places at which the seat of government of the Commonwealth should be established, the land there has increased in value. Who is responsible for that increased value? Certainly not the people who own the land. If any added value has accrued to that land by reason of the fact that it is proposed to establish the Federal Capital at one of these sites, that value I submit is the property of the people of the Commonwealth. Therefore I claim that we shall inflict no injustice whatever by making the provisions of this clause retrospective.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—Senator Higgs has alluded to the fact that in various localities which have been offered by the New South Wales Government as eligible sites for the Federal Capital land values have increased. He attributes that increase to the knowledge that one of these sites will probably be chosen as the future seat of government of the Commonwealth. But I would point out to him that since these sites were offered to the Commonwealth land values in districts which have a reliable rainfall have increased all over Australia. In South Australia for example the value of agricultural land within Goyder's line of rainfall has increased by more than £1 per acre. That is not due to the fact that the future Federal Capital is likely to be located in that territory. The same influences have operated in New South Wales. Land values there have increased because the price of produce, such as wheat, hay, and meat, has increased. As far as the Government have been able to ascertain there has been no increased value given to the lands surrounding Bombala, Tumut, and Orange by reason of the likelihood that one of those sites would be chosen for the Federal Capital. The value of lands of a similar character hundreds and thousands of miles distant has increased in an equal degree. Surely Senator Higgs does not wish us to rob the owners of these lands of the

benefits to which they are justly entitled. The Government must oppose the amendment.

Senator DOBSON (Tasmania).—Senator Higgs desires the Commonwealth to obtain the benefit of any increased value which may be given to the lands surrounding the site which is selected by reason of the Federal Capital being located there. Section 19 of the Property for Public Purposes Acquisition Act provides for that.

Senator MCGREGOR.—It has nothing whatever to do with it.

Senator DOBSON.—Section 19 of the Act provides—

In estimating the compensation to be paid, regard shall in every case be had, by the valuers or adjusters, not only to the value of the land taken, but also to the damage (if any) caused—

- (a) by the severing of the land taken from other lands of the claimant; or
- (b) by the exercise of any statutory powers by the Minister otherwise injuriously affecting such other land;

and they shall assess the same according to what they find to have been the value of the land, estate, or interest of the claimant on the first day of January last preceding the date of acquisition, but without reference to any alteration in such value arising from the proposal to carry out the public purpose for which the land is taken.

I take it that what Senator Higgs has said is perfectly right, and that we ought to provide in this Bill what I thought we were going to provide, because I distinctly recollect that the ex-President of the Executive Council declared that a special Act would be introduced in reference to the capital site. Why not declare that no added value shall be given to the land which may be resumed by reason of the purpose for which it is selected?

Senator MILLEN (New South Wales).—I should like to inform the Committee of something which has transpired in New South Wales, and which absolutely confirms the statement of the Vice-President of the Executive Council. The Land Tax Commissioners there, in the exercise of the powers which are conferred upon them by the Land Tax Act, have recently been appraising the values upon which that tax is levied. Their invariable experience has been that, as the result of the drought, the values of land situated within the better rainfall districts have shown an upward tendency, not merely in particular localities,

but throughout the whole of the State. On the other hand, land values in the more droughty districts have exhibited a falling tendency. Even if it could be shown that an increase has occurred in the value of certain of the Bombala lands, it would be beyond the ingenuity of man to determine how much of that increase is due to the improved condition of affairs generally, and how much to the probability that the locality in question will be chosen as the Federal Capital site. I would further ask if the laws which we pass are to deal with one individual in one way and with another in another? The Property for Public Purposes Acquisition Act declares that where we resume land under that Act we must acquire it at its value upon the 1st January previously. Why should not the same principle apply here? Above all things it is necessary in resuming these lands to provide that if an error is made it shall not be in the nature of a distinct injustice to the individuals who are chiefly affected by our action.

Question—That the word “three” proposed to be left out be left out—put. The Committee divided

Ayes ...	...	...	10
Noes ...	...	...	19
—			
Majority ...	...	...	9

#### AYES.

Barrett, J. G.	Pearce, G. F.
Dawson, A.	Smith, M. S. C.
De Largie, H.	Stewart, J. C.
Higgs, W. G.	
McGregor, G.	<i>Teller.</i>
O’Keefe, D. J.	Keating, J. H.

#### NOES.

Baker, Sir R. C.	Neild, J. C.
Best, R. W.	Playford, T.
Charleston, D. M.	Pulsford, E.
Clemons, J. S.	Reid, R.
Dobson, H.	Saunders, H. J.
Drake, J. G.	Styles, J.
Fraser, S.	Walker, J. T.
Gould, A. J.	Zeal, Sir W. A.
Macfarlane, J.	<i>Teller.</i>
Mackellar, C. K.	Millen, E. D.

Question so resolved in the negative.

Amendment negatived.

Senator DOBSON (Tasmania).—I have no desire that this Bill shall be sent to another place in a form which will enable holes to be picked in it. I am of opinion

that the owners of property whose land is acquired by us should be liberally treated. I think that they ought to be allowed to add 10 per cent. to the value of their land as compensation for compulsory sale; but that they should not receive one penny in respect of a rise in value due to any report or hope or suspicion of the selection of a site in the neighbourhood of their property. I, therefore, hold that certain words in section 19 of the Property for Public Purposes Acquisition Act should be added to the clause.

Senator Lt.-Col. GOULD.—That section already applies.

Senator DOBSON.—I do not think so.

Senator PLAYFORD.—The matter is certainly provided for.

Senator DOBSON.—I wish to see a proviso added to the clause that, in assessing the value of the land, the valuers shall not take into account any rise in value due to the selection of the site of the capital. I move—

That the following words be added:—"except that the valuers or the justice, in estimating the value of the land, shall not take into consideration any enhancement in the value of the interest of the claimant in such land."

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—There is no occasion for this amendment, as the object which the honorable and learned senator has in view is already covered by the words in the clause—

but in other respects shall be subject to the provisions of section 19 of the Property for Public Purposes Acquisition Act 1901.

Senator MILLEN (New South Wales).—It is evident, as the Vice-President of the Executive Council has pointed out, that Senator Dobson has failed to notice that section 19 of the Property for Public Purposes Acquisition Act affirms in definite language exactly what he desires now to affirm. Paragraph *b* of section 19 provides that the assessors—

shall assess the same—

that is, the land—

according to what they find to have been the value of the land, estate, or interest of the claimant on the first day of January last preceding the date of acquisition, but—

and here are the words to which I invite the attention of Senator Dobson—

without reference to any alteration in such value arising from the proposal to carry out the public purpose for which the land is taken.

Unless Senator Dobson contends that the acquirement of land as part of a Federal territory would not be for "public purpose," the object which he has in view is sufficiently provided for.

Senator DOBSON (Tasmania).—I have pleasure in withdrawing my amendment. When I stated that the answer to Senator Higgs' proposal was to be found in the Act itself, I was contradicted, and was thus put off the track.

Amendment, by leave, withdrawn.

Clause agreed to.

Senator HIGGS (Queensland).—I move—

That the following new clause be inserted:—"4. Crown land granted to, and land other than Crown land acquired by, the Commonwealth within the Federal territory shall not be alienated."

I take this provision from a Bill of which I gave notice some time ago, and which is now in print.

Senator Lt.-Col. GOULD.—I rise to a point of order. I would ask you to say, Mr. Chairman, whether the amendment is within the scope of the Bill. This is a measure simply to determine the seat of government of the Commonwealth, and I contend that it would not be within the scope of the Bill to provide how the land acquired for this purpose shall be dealt with. That is a matter which must be provided for in another measure.

Senator HIGGS.—On the point of order, I wish to say that if there is anything in the honorable and learned senator's contention, then half the provisions in this Bill are beyond the order of leave. The Bill is for an Act "to determine the seat of Government of the Commonwealth," and the moment we pass a clause providing that the seat of Government of the Commonwealth shall be at or near Tumut, or any other place, we carry out the intentions of the order of leave.

Senator Lt.-Col. GOULD.—We may go further than that.

Senator HIGGS.—Inasmuch as the Bill contains provisions, not only as to the seat of government of the Commonwealth, and as to the area of the land to be acquired, but provisions relating to the acquisition of land within the Federal territory, I think I am on sound ground in contending that we are entitled to insert in it a clause declaring

that the land which we acquire shall not be alienated. If my amendment be out of order, I would ask Senator Gould to say how a clause relating to the assessment of the value of the land comprising the Federal territory—which is something quite apart from the question of the seat of government—is within the order of leave.

Senator Lt.-Col. GOULD.—In reply to the honorable senator, I would point out, first of all, that this Bill has been sent up from another place, and that, even if some of its provisions were beyond the order of leave, it is questionable how far the Senate, as the Chamber in which the measure was not originated, would be justified in rejecting them. The question of area relates to the question of the seat of government. I admit that if the measure originated in this Chamber there would be grave doubt as to how far we should be justified in inserting in it the provisions contained in clause 3; but, as this is simply a Bill to determine the site of the seat of government, it cannot be extended so as to provide against the principle of alienation. The question of alienation of land has nothing to do with the determination of the seat of government.

The CHAIRMAN.—It is always very difficult to determine exactly the borderline or limitation as to the subject-matter of a Bill. Standing order 194 provides that—

Any amendment may be made to any part of the Bill, provided the same be relevant to the subject-matter of the Bill, and be otherwise in conformity with the rules and orders of the Senate.

The object of the Bill is solely to determine the seat of government of the Commonwealth, the Constitution Act providing of course that the seat of government shall be within the Federal territory. It is quite true that reference is made in the Bill to territory, but the honorable senator is seeking to introduce something which would deal with the internal management of that territory. It appears to me that the amendment which he now proposes is not within the scope of the Bill. He might as well seek to introduce something referring to the liquor traffic as to the internal management of the land within that territory; and, consequently, I think that the amendment is out of order.

Senator HIGGS (Queensland).—This is a fitting opportunity for me to express the

hope that the Senate favours the non-alienation of Federal territory. I accept your decision, Mr. Chairman. I am satisfied now, on reconsideration, that you are right. If you had not ruled the amendment out of order, I should have withdrawn it, because several honorable senators indicated to me that, whilst they were in favour of such a proposition, they thought that it could more properly be dealt with in another measure.

Preamble.

Senator DOBSON (Tasmania).—I have been told by an authority, whose opinion I do not care to dispute, that this area of 1,000 square miles will not be sufficient. I wish the Bill to be passed in a form which will do credit to the Senate, and not to be told after it has left our hands that the area will not be sufficient.

The CHAIRMAN.—The honorable and learned member cannot discuss the clauses of the Bill on the question that the preamble be agreed to.

Senator DOBSON.—I desire to submit my amendment as a new clause.

The CHAIRMAN.—It cannot be done because we are now dealing with the preamble.

Senator DOBSON.—I would ask you, sir, to allow me to move my amendment to the effect that unless the Governor-General in Council can secure the land and everything else satisfactorily, within a period of two years or any other time which may be preferred, the Bill shall be null and void.

The CHAIRMAN.—I have passed on to the preamble, and it is too late now for the honorable and learned senator to move the insertion of a new clause.

Senator CLEMONS.—May I remind you, sir, that nothing has transpired between your ruling Senator Higgs' amendment out of order and the rising of Senator Dobson.

The CHAIRMAN.—Yes. On two occasions I put the question that the preamble as printed be the preamble of the Bill.

Preamble agreed to.

Title agreed to.

Motion (by Senator PLAYFORD) proposed—

That the Bill be reported with amendments.

Senator DOBSON (Tasmania).—I presume that I am in order in calling the attention of Senator Playford to the fact that his own colleague has told me that an area of 1,500 square miles, if not more, will be wanted. With that information in our possession, why should we allow the Bill to leave the Committee in this shape? We have selected the Bombala site, and suggested an area which would not give us the very port for which we have been asking. We shall have to go up in one direction to obtain the necessary area in order to procure a water supply and electric power. We shall have to get all the lands surrounding the capital site, and then take a broad strip to Twofold Bay and the lands surrounding that port.

The CHAIRMAN.—Is the honorable and learned senator going to move for the reconsideration of the Bill?

Senator DOBSON.—Yes, unless the Vice-President of the Executive Council or the Attorney-General can give me a satisfactory explanation.

Senator MILLEN.—Does not the honorable and learned senator see that there is no limit as to the area which can be taken?

Senator CLEMONS.—The words “not less than” are in the clause.

The CHAIRMAN.—Will the honorable and learned senator give me his motion?

Senator DOBSON.—I am asked not to proceed with the motion. I ask my honorable friend, Senator Playford, to consider what he is doing.

Senator PLAYFORD.—I shall.

Senator DOBSON.—It is not proposed to pass the Bill through all its stages to-day?

Senator PLAYFORD.—No.

Senator DOBSON.—Will the honorable and learned senator get a surveyor to tell us how much land will be obtainable at Bombala?

Senator PLAYFORD.—I do not think I can.

Senator DOBSON.—A surveyor would be able to give an idea as to the area. Will the honorable senator get that done before the third reading of the Bill is moved?

Senator PLAYFORD.—As the Senate is to meet at half-past 10 o'clock to-morrow, I shall not have time to consult a surveyor.

Senator DOBSON.—Will the honorable senator try to have it done?

Senator PLAYFORD.—No.

Question resolved in the affirmative.

Bill reported with amendments.

## DEFENCE BILL

Bill returned from the House of Representatives with the following message:—

Mr. President,

The House of Representatives returns to the Senate the Bill intituled “A Bill for an Act to provide for the Naval and Military Defence and Protection of the Commonwealth and of the several States,” and acquaints the Senate that the House of Representatives has agreed to the amendments made by the Senate, with the exception of amendments Nos. 12, 15, 22, 23, 61, and 62.

The House of Representatives has agreed to amendment No. 15 with an amendment, but has not agreed to amendment No. 23, but has made amendments in the clause proposed to be omitted, as indicated by the annexed Schedule, and has disagreed to amendments Nos. 12, 22, 61, and 62 for the reasons assigned herewith.”

The House of Representatives desires the concurrence of the Senate to the amendments to amendments, and desires its reconsideration of the Bill in respect to the amendments disagreed to.

F. W. HOLDER,  
Speaker.

House of Representatives,  
Melbourne, 14th October, 1903.

## PUBLIC SERVICE ACT AMENDMENT BILL.

Bill received from the House of Representatives, and (on motion by Senator DRAKE) read a first time.

## ADJOURNMENT.

### ATTENDANCE OF SENATORS.

Motion (by Senator PLAYFORD) proposed—

That the Senate do now adjourn.

Senator O'KEEFE (Tasmania).—I desire to ask the Vice-President of the Executive Council if he will arrange for a record of the attendances of honorable senators during the session to be printed prior to the prorogation?

The PRESIDENT.—That is a matter for the officers of the Senate to attend to.

Question resolved in the affirmative.

Senate adjourned at 10.24 p.m.

## House of Representatives.

Thursday, 15 October, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### PAPERS.

MINISTERS laid upon the table the following papers—

Copy of the correspondence between the Treasurer of Victoria and the Treasurer of the Commonwealth with regard to the Victorian loan of £5,000,000.

Alteration of regulations respecting the issue of small arm ammunition.

Regulations respecting appointments to first commissions in the corps of Australian Engineers (permanent sections).

Alteration of regulations regarding the financial administration of public moneys received or disbursed in connexion with Defence Corps.

Regulations for the appointment of officers to the general and instructional staffs of Australian Light Horse and Australian Infantry.

The CLERK laid upon the table—

Return showing cost of military inspectional tour and military staff rides.

### LIBRARY COMMITTEE'S REPORT.

Sir LANGDON BONYTHON (on behalf of Mr. SPEAKER, as Chairman) laid upon the table the following report:—

The Library Committee has the honour to report as follows:—

1. The committee has realized that the duties intrusted to it by the Houses of the Federal Parliament are of the utmost importance, as it has looked forward to the probability of the establishment of a Federal Public Library, of which the Parliamentary Library will be only one department. It is also impressed with the importance of securing and preserving all works and documents connected with the discovery,

settlement, and early history of the various States of the Commonwealth, and their attainment of responsible government, as well as their aspirations after Federation, including also all records relating to the establishment of the Commonwealth itself.

2. There are now 3,939 volumes in the Library. These comprise statutes of Great Britain, of the various States of the Commonwealth, and of other countries, as well as parliamentary papers, law reports, constitutional manuals, and works of reference. A very generous donation of 2,433 volumes has been made to the Library by the Government of the United States. This includes Congressional documents, statutes, and the *Congressional Record*, and in addition there are several thousand pamphlets dealing with a wide variety of subjects of governmental concern. These have been classified and are being catalogued.

3. The committee is devoting special attention to Australasian literature. Already 445 volumes, some of them very rare, have been purchased, special efforts being made to secure all such works as are likely to be increasingly difficult to obtain as time goes on.

4. The committee is endeavouring to form a complete a collection as possible of all official and other literature, and documents, including originals, relating to Federation, both before 1891, and since that date, and especially of the pamphlets, broad-sheets, and polemical matter published in all the States from all points of view, during the campaigns which preceded the referendum on the acceptance of the Constitution. The Governments of some of the States have presented sets of parliamentary papers on the subject, and the committee will probably secure a complete series of these for the whole of the Commonwealth.

5. A very fine collection of cuttings from the illustrated papers at the time of the proclamation of the Constitution, and the opening of the first Parliament, has been presented by Mr. A. Gilchrist, of Murtos, Victoria. Mr. Glynn, M.P., Mr. R. R. Garran, C.M.G., Mr. J. K. Reid, Clerk of the House of Assembly, Hobart, Dr. Machattie, of Bathurst, New South Wales, and others, have made valuable donations of Federal literature. Some important papers have been purchased, and negotiations are in progress for the acquisition of others.

6. A system has been temporarily adopted by which current literature of all kinds is provided for honorable members, but not retained in the Library unless of permanent value.

7. All current official publications of the States of the Commonwealth, including *Hanuari* and statutes, and also of other countries whose issues are likely to be useful, are obtained, and, as far as possible, by exchange instead of by purchase. The committee desires to acknowledge the courtesy so far extended to it in this matter by certain States.

8. Newspapers from all parts of the Commonwealth are filed in the Library, and two leading journals from each State are bound. There are now seventy-eight bound volumes of newspapers in the



Library, dating from July, 1901. The files will be completed, as far as possible, back to the date of the inauguration of the Commonwealth, in January, 1901.

9. As the Parliament has the use of the Victorian Parliamentary Library, it is not the policy of the committee to buy largely books already available for members, unless copies are specially required, or there is reason to believe that any particular book may become difficult to obtain in a few years. But care is being taken, as time passes, to provide that, by the time the Parliament leaves Melbourne for the permanent capital, it shall possess a suitable and sufficient library for its own use, and the basis also for a collection of archives, and for a library worthy of the Commonwealth.

Ordered to be printed.

### OVERTIME FOR LETTER-CARRIERS AND SORTERS.

Mr. WATSON.—I desire to know from the Minister representing the Postmaster-General when overtime is to be paid, according to the regulations, to the letter sorters and carriers in the Sydney post-office?

Mr. DEAKIN.—I shall endeavour to inform the honorable member within the next hour or so.

### RENTALS OF OFFICIAL QUARTERS.

Mr. WATSON.—I wish to ask the Minister for Home Affairs whether any decision has been arrived at as to when public servants occupying premises belonging to the Government are to derive the benefit of the provision in the Public Service Act that the rental of such premises shall not exceed ten per cent of the salary of the officers occupying them?

Sir JOHN FORREST.—I understand that the Public Service Commissioner has the matter under consideration, and that he will make a recommendation to the Government almost immediately.

### ELECTORAL ADMINISTRATION.

Mr. GLYNN.—I wish to ask the Minister for Home Affairs whether instructions have been issued that at the elections for the Senate the votes are to be all placed in one box and counted only by the Divisional Returning Officers?

Sir JOHN FORREST.—The count will be made by the Divisional Returning Officers

and Assistant Returning Officers in all cases. Speaking from memory, I think that the Act provides for that.

Mr. GLYNN.—The instructions seem to be at variance with the Act.

Sir JOHN FORREST.—I do not think so; but if they are they will have no effect. I asked to be supplied with certain information this morning, but I have not yet obtained it. The Act provides that the votes shall be counted by the Returning Officers and the Assistant Returning Officers, and if there is anything in the regulations which points in any other direction, I will see that they are altered.

Mr. TUDOR.—Has the Minister for Home Affairs yet considered the matter to which I directed his attention yesterday, regarding the appointment of assistant Returning Officers at polling places in large centres of population?

Sir JOHN FORREST.—Yes; provision will be made wherever it is necessary. I am informed that in cases where the constituencies are circumscribed, no difficulty will be experienced in counting the votes, because the work can be distributed. At the same time I am of opinion that, speaking generally, it will be more convenient to have the counts made at the places where the votes are collected, and that course will be followed.

### FEDERAL CAPITAL SITE.

Mr. SYDNEY SMITH.—I desire to ask the Prime Minister when the Government expect to be able to deal finally with the question of the Federal Capital site?

Mr. DEAKIN.—From what I learn as to the prospects in another place, the Seat of Government Bill is not likely to reach us before late to-morrow, if then. Consequently I do not anticipate that we shall be able to deal with the question before Tuesday. I hope that honorable members will take this as an intimation that, if possible, the Bill referred to will be the first business to be dealt with on that day.

### HONOURS FOR MEMBERS OF PARLIAMENT.

Mr. O'MALLEY.—In view of the fact that several members of the first Federal

Parliament intend to retire, does the Prime Minister intend to take any action in the direction of conferring honours upon them?

MR. DEAKIN.—I understand that the honorable member desires to know whether it would be possible to make any appropriate recognition of the services rendered by members of the first Federal Parliament who do not intend to submit themselves for re-election, or who do not succeed in the forthcoming contest. Although the question has been presented to me rather suddenly, my own feeling is that some recognition is merited. I think that the public will realize that the members of the first Parliament occupied an unique position, and that, irrespective of any claims they may have in other respects, a recognition of that fact would be appropriate. I will give the matter such consideration as I can.

MR. G. B. EDWARDS.—All the honourable members need is to be found upon the statute-book.

#### PACIFIC CABLE COMPANY.

MR. KNOX.—I desire to know from the Prime Minister what progress has been made with the Pacific Cable Agreement, and whether any more business-like steps are being taken by the Pacific Cable Board to increase their business?

MR. DEAKIN.—I have no specific information upon the subject, but it may not be inadvisable to mention that Earl Jersey, who is kindly acting—during the absence of Mr. Henry Copeland, the Agent-General for New South Wales—as a member of the Pacific Cable Board, on behalf of the Commonwealth, cabled to me two days ago that he would be able to make a definite statement very shortly.

#### FEDERAL FINANCES: SOUTH AUSTRALIA.

SIR LANGDON BONYTHON asked the Treasurer, upon notice—

Whether he has seen the comments recently made and reported on the Federal finances relating to the State of South Australia, and will he inform the House thereon?

SIR GEORGE TURNER.—I am not at present aware of the way in which the Treasurer of South Australia has obtained the figures which he has used, but they do not

at all agree with the figures of the Commonwealth Treasury, which show the actual cash received and paid during the three months. I might mention shortly that the Treasurer of South Australia puts the Customs receipts at about £10,000 less than last quarter, whilst, as a matter of fact, the actual decrease is only between £5,000 and £6,000. In this instance the South Australian Treasurer has omitted to add the Inter-State adjustments, and is really comparing figures which are not on the same basis. With regard to the Post and Telegraph Department, the South Australian Treasurer shows a falling off of £5,000, whilst our actual receipts show an increase of £2,500. He shows the total falling off for the quarter as £14,000, whilst the actual falling off in receipts has amounted to only about £3,000.

MR. GLYNN.—He has not made any allowance for the Pacific Cable either.

SIR GEORGE TURNER.—So far as the receipts from the Post and Telegraph Department are concerned, one would expect a falling off, not so much in consequence of any action taken by the Federal Parliament as of action taken by the States themselves with regard to the Eastern Extension Company's agreement, which means a loss of revenue to the States, and with regard to the Pacific Cable, which means a considerable loss of revenue to South Australia. As a matter of fact, a peculiarity of this quarter is that the receipts show an increase. With regard to expenditure, also, I cannot follow the figures of the South Australian Treasurer. He shows a considerable increase of expenditure, amounting to some £30,000. I have directed that expenditure in the various States should be proceeded with as early as possible, instead of being kept back to the end of the year and the last quarter. Heavy expenditure will naturally be shown for the last quarter, unless we proceed with our expenditure early in the year. In repairs and maintenance the expenditure was £1,500; new works and buildings, £7,500; mail subsidy, which is ordinarily paid later in the year, £3,400; mails, paid earlier than usual, £11,000; military payments, made earlier than usual, £3,000; increases in salary, arising mostly in consequence of our having to carry out the Public Service Act, and the greater portion of which would have been incurred in any circumstances in

the States, amount to £4,000. This gives a total expenditure of £30,400. The details are as follow :—

COMPARISON OF RECEIPTS AND EXPENDITURE CREDITED AND DEBITED RESPECTIVELY TO  
THE STATE OF SOUTH AUSTRALIA.

RECEIPTS.

	1. As per Treasury Records.		2. Reported to have been given by Treasurer of South Australia.	
	Quarter ended 30.9.1902.	Quarter ended 30.9.1903.	Quarter ended 30.9.1902.	Quarter ended 30.9.1903.
	£	£	£	£
Customs and Excise—				
South Australia Proper ... ..	172,396	166,791	172,396	162,938
Northern Territory ... ..	6,266	7,489	..	..
Post Office—				
South Australia Proper ... ..	58,882	61,343	58,882	54,902
Northern Territory ... ..	559	491	..	..
Defence—				
South Australia Proper ... ..	560	105	510	198
Miscellaneous—				
South Australia Proper ... ..	..	31	..	..
Northern Territory ... ..	..	3	..	..
Suspense Account ... ..	2	..	..	..
New Revenue, proportion of ... ..	282	40	..	..
	238,947	236,293	..	..

EXPENDITURE.

	1. As per Treasury Records.		2. Reported to have been given by Treasurer of South Australia.	
	Quarter ended 30.9.1902.	Quarter ended 30.9.1903.	Quarter ended 30.9.1902.	Quarter ended 30.9.1903.
Customs—				
South Australia proper ... ..	5,921	5,864	5,491	7,089
Northern Territory ... ..				
Defence—				
South Australia proper ... ..	4,633	10,166	4,633	6,610
Post Office—				
South Australia proper ... ..	39,399	66,168	37,386	61,028
Northern Territory ... ..				
Suspense Account—				
Northern Territory ... ..	1,074	..	..	..
Total "Transferred" Expenditure	51,027	82,198	..	..

## PUBLIC SERVICE AMENDMENT BILL.

**Mr. DEAKIN** (Ballarat—Minister for External Affairs).—With the consent of the House, I move—

That the Standing Orders be suspended so as to enable a Bill for an Act to amend the Public Service Act to be introduced and passed through all its stages without delay.

The Bill contains but one clause, amending paragraph (c) of section 80 of the Public Service Act, to enable us to extend the time during which those who have passed the examination under the Act may have an opportunity to enter the public service. Under the Act as it stands at present, after the passing of the examination, they may be called upon for duty at any time during nine months, and it is thought advisable that the period should be extended to two years. The period of nine months subsequent to the first examination is now almost exhausted, and under the circumstances in which the public service of the Commonwealth is conducted, by the filling up of all possible vacancies in one Department from another, it is found that, as a matter of fact, in two of the States not a single one of the successful candidates at the examination has yet been called upon. I have consulted the Public Service Commissioner, and find that, in his opinion, two years would probably be a better period to provide for. The present condition of affairs is partly due to the exceptional circumstances attaching to the commencement of the Commonwealth, and the proposed amending Bill is intended simply to prevent those who have passed the examination from being struck off the list of eligibles before they have had any opportunity to secure the reward to which they are entitled. The proposal is eminently fair. It has been commended by many honorable members already, and on the last occasion by the honorable member for Wide Bay. I trust that at this stage of the session the House will allow this extremely simple and non-controversial measure to pass through all its stages without delay. The principle clause of the proposed Amending Bill reads—

Paragraph c of section 80 of the *Commonwealth Public Service Act 1902* is hereby amended, and shall be taken to have been amended from the commencement of that Act by substituting for the words "nine months" the words "two years."

Paragraph c of section 80 is to this effect:

The Governor-General may make regulations—  
(c) For examinations for fixing the fees payable for entrance examinations and for registering in the order of merit the names of all persons who have passed the entrance examinations, and those candidates who have been qualified at any such examinations may be appointed to fill subsequent vacancies arising within nine months thereof.

If the Bill is agreed to, that provision will read "within two years thereof."

**Mr. WATSON.**—Is it the intention to make the period of two years a permanent provision?

**Mr. DEAKIN.**—Yes.

Question resolved in the affirmative.

Bill presented and read a first time.

Motion (by **Mr. DEAKIN**) proposed—

That the Bill be now read a second time.

**Mr. FISHER** (Wide Bay).—I think it is fair that some reason should be given for the introduction of this measure. I am very glad that the Government have introduced it. I have a list showing the state of affairs that exists in New South Wales and in the other States. In New South Wales, amongst the males who have passed the examination for telephone attendants, out of forty-eight only seven have been appointed, and the time is now nearly up.

**Mr. THOMSON.**—A great many may be over age.

**Mr. DEAKIN.**—Then they cannot be appointed.

**Mr. FISHER.**—Amongst the female successful candidates, only fifteen have been appointed out of forty who passed. In Victoria, only three have been appointed out of twenty-seven males who passed, and only four out of eighty females who passed. In Queensland, eleven males passed, and none have been appointed; twenty females passed, and only one has been appointed. In Western Australia, twelve males passed, and none have been appointed. In Tasmania none have been appointed out of five who successfully passed the examination. Honorable members will see that it is quite unjust that the Act should be allowed to remain as it is, and I venture to think they will be unanimous in granting the concession proposed by this Bill.

**Mr. WATSON** (Bland).—I quite agree that there is a necessity for extending the time; but I doubt whether it is wise that, as a permanent provision of the law, we

should permit of an extension from nine months to two years. It appears to me that two years is too long a period to elapse after each examination during which successful examinees may be appointed.

Mr. MAUGER.—It will not be long in passing.

Mr. WATSON.—I think there should be an examination every year. I can understand two years being a reasonable period at the inception of the Commonwealth Public Service, but I do not think it should be made permanent. I think that perhaps eighteen months would be a fair period to allow.

Mr. DEAKIN.—That was my intention ; but I have been informed that two years would be a better period, and will do no injustice to any one. If the successful candidates are exhausted sooner we can have another examination.

Mr. WATSON.—I point out that for some of the grades the examination age is limited to between fourteen and sixteen years.

Mr. THOMSON.—The age for appointment is fixed in some cases at sixteen years.

Mr. WATSON.—A lad or a girl may be just under fourteen years of age, and may be over the age before the next examination comes round, if a period of two years is to be allowed to elapse between the examinations.

Mr. DEAKIN.—This will not prevent examinations being held.

Mr. WATSON.—If the list were not exhausted I take it that no examination would be held.

Mr. DEAKIN.—When the list is approaching exhaustion the examination is held. It takes some time to give notice of the examination to conduct it, to go through the papers, to place the successful candidates in order, and so on. The Department will take care to keep up a steady supply.

Mr. WATSON.—I think that it would be wise to substitute eighteen months for two years.

Question resolved in the affirmative.

Bill read a second time.

*In Committee :*

Clause 1 agreed to.

Clause 2—

Paragraph (c) of section eighty of the *Commonwealth Public Service Act 1902* is hereby amended, and shall be taken to have been amended from the commencement of that Act, by substituting for the words "nine months" the words "two years."

Mr. WATSON (Bland).—In order to test the feeling of the Committee upon this matter, I move—

That the words "two years" be omitted with a view to insert in lieu thereof the words "eighteen months."

Under the Public Service Act the strong feature underlying admission to the Public Service of the Commonwealth is that it shall be by competitive examination, and not merely by examination. It is not sufficient that a lad may be qualified to pass a certain examination—he must be able to obtain a greater percentage of marks than other candidates. If every candidate who secures a mere "pass" can remain upon the list of those who are eligible for appointment for a period of two years, the provision may operate to the detriment of smarter young men or women who may qualify twelve or eighteen months later. If we unduly extend this period, we shall incur the risk of destroying in a large measure the competitive aspect of admission to the service. To my mind, eighteen months is a reasonable term to prescribe. If the list of successful candidates is not exhausted within that time, those who have not secured appointments may very well be asked to again submit themselves for examination if they are not over age, and if they are to give place to others.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—This is a matter for the consideration of the Committee. Honorable members have heard the list which was read by the honorable member for Wide Bay. It shows that in some States, although nearly nine months have elapsed since the first examination was held, not a single successful candidate has been appointed to the Commonwealth Public Service. It is exceedingly doubtful whether that list will be nearly exhausted in another nine months. It was these circumstances which prompted an amendment of the Act in the direction of extending to two years the term during which successful candidates at the first examination should be eligible for appointment. As, however, this provision is intended to be of a permanent character, I do not feel inclined to resist the alteration proposed.

Mr. GLYNN.—Would it not be better to appoint them according to the number of marks which they obtain?

Mr. DEAKIN.—That is the course which is at present followed.

Amendment agreed to.

Clause, as amended, agreed to.

Bill reported with an amendment, and passed through all its remaining stages.

## STANDING ORDERS.

*In Committee :*

### Standing Order 1—

In all cases not provided for hereinafter, or by Sessional or other Orders, resort shall be had to the practice of the Commons House of the Imperial Parliament of Great Britain and Ireland in force on the 1st day of January, 1901, which shall be followed as far as they can be applied to the proceedings of the House of Representatives.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I suggest for the convenience of honorable members that upon the first Order any general remarks which they may desire to offer should be permitted, and that we should then proceed to consider each rule in its turn. The first chapter contains a proposal of some importance. It is that in cases which are not provided for in these rules, resort shall be had to the practice of the House of Commons upon the 1st day of January, 1901, which practice shall be followed as far as it can be applied to the proceedings of this House. As honorable members are aware, a provision of that kind is customary in most, if not all, of our States Legislatures. It is possible that emergencies may arise which are not fully provided for by these Standing Orders. In such circumstances, we must either remain without a chart or refer to some other source of authority. For the past half century or more it has been the practice in all the Legislatures of the British Empire to turn to the House of Commons for guidance in such cases. The 1st January, 1901, has been chosen as the date upon which the Commonwealth was inaugurated, and upon which honorable members, therefore, may fairly be assumed to have been familiar with the purport and character of the practice under which the business of the House of Commons was transacted. There are, indeed, few, if any, occasions upon which advantage is likely to be taken of this Order. So far as the Standing Orders Committee are able to see, they have provided in these rules for all contingencies which can arise. Nevertheless, in the modest spirit of not believing that they have sounded every possible depth or marked every possible quicksand, this provision has been introduced to enable light to be acquired upon the unforeseen difficulties

which may occur, and to avoid having to interrupt the procedure of the House by an endeavour to establish some precedent of our own. I am aware that there is something to be said both in favour of and in opposition to this proposal. There are those who contend that the House should not be bound except by express words and particular provisions. There is something to be said in support of that view; but it appears to the Standing Orders Committee, which is a very responsible body, and includes members of all political parties, that it would be wise to provide in advance against circumstances which, after all may happen, and in which it may be found that, full and careful as these provisions are, something has been left unprovided for.

Mr. GLYNN.—Does "practice" mean something analogous to common law?

Mr. DEAKIN.—Yes. In this way, so far as the experience of the mother of Parliaments can afford it, we have all the guidance which we can need.

Mr. THOMSON (North Sydney).—I am quite sure that the Committee are very desirous of giving Mr. Speaker permanent Standing Orders; but I would point out that it was the duty of the Government to submit these Orders at a much earlier period of the session.

Mr. DEAKIN.—What should we have sacrificed?

Mr. THOMSON.—I am satisfied that the Prime Minister did not attempt to ask the Committee to deal with the Standing Orders at an earlier date, because he felt that they would be so closely examined and criticised that other important business would have to be sacrificed. It is for that reason that I consider that, in the absence of notice, the Standing Orders cannot now be dealt with in a couple of days.

Mr. DEAKIN.—These are not the Standing Orders first put forward. They have since been twice revised.

Mr. THOMSON.—I am aware of that. They left the hands of the Committee only on the 7th inst., and now, without any notice, we are asked to deal with them. They are exceedingly important, and should receive the fullest consideration of every honorable member. Not only have we had no notice of the intention of the Government to ask us to deal with them; but the indications have been that we should not be called upon to do so during the present

session. The late Prime Minister indicated that he did not anticipate that an opportunity for their consideration would occur before the prorogation, although I believe he stated that if time permitted they might be dealt with. The Prime Minister, when alluding on Thursday week last to the business with which Parliament would be asked to deal before the close of the session, said—

The Senate will have the whole of next week to dispose of the various Appropriation Bills before them—the principal Appropriation Bill, that relating to works and buildings, and the two minor Bills relating to arrears. Those measures will occupy the time of the Senate during next week. If this House is fortunate enough to make its selection of the site—as I hope will be the case; if necessary sitting late and long for that purpose—

We sat late and long and made a selection—

then, in the week following, the members of another place will have an opportunity of agreeing or disagreeing with us; whilst we on our part shall take up the Defence Bill, and the minor measures that are still before Parliament.

Those minor measures comprised the Patents Bill, the Extradition Bill, and several other Bills, and we have dealt with them.

That business will occupy us while the Senate is considering the question of the site. If the Senate agrees with what we have done, practically the work of the session is over, and we shall be apart. If the Senate does not agree—though I cordially hope they will—we shall take steps to endeavour to arrive at some harmonious agreement.

Mr. DEAKIN.—In answer to the honorable member for Wide Bay, I mentioned that if an opportunity offered we should deal with the Standing Orders.

Mr. THOMSON.—I do not object to the fulfilment of that promise, but I contend that notice should have been given.

Mr. DEAKIN.—I did not regard the Standing Orders as being tantamount to a Government measure, and that is why I did not mention them on the occasion to which the honorable member refers.

Mr. THOMSON.—If the Prime Minister had given a week's notice of his intention to ask the Committee to deal with the Standing Orders, he would have been quite justified in asking us now to consider them. I have no desire to obstruct the passing of permanent Standing Orders; on the contrary I am willing that the Prime Minister should now give notice, and call upon us to deal with them next week. My contention is that we should have ample opportunity to

examine the proposed Orders. If we have not we shall have no chance of passing them this session, and the time occupied in their consideration will have been wasted. If notice were given we should be able to carefully study the Orders in private; to compare them with those of the Imperial and States Parliaments, and thus to avoid many difficulties and objections which would otherwise impede the progress of our work in Committee. The time occupied by the Standing Orders Committee in drawing up these Orders is an indication of the attention which they require. The Committee entered upon its work early in the history of the Parliament, and concluded it only on the 7th inst.

Mr. DEAKIN.—The Standing Orders have been under consideration since the 18th July, 1901.

Mr. THOMSON.—Quite so. It would be far better for us to hold to our temporary Standing Orders than to adopt these Standing Orders with the idea that they may be amended at some other time. On the other hand if they are to be permanently adopted—and any Standing Orders to which we agree should become permanent—they must receive the fullest examination. I for one find myself utterly unable to deal with them now as they should be dealt with. It is the proper function of an Opposition, and, indeed of every honorable member, to see that any Standing Order which might take away our privileges or give honorable members undue licence, is carefully considered. If the consideration of this matter were postponed for a week, we should have ample opportunity to thoroughly examine the proposed Orders. In order that they may receive the consideration they deserve, I am perfectly willing to attend here for another week. I hope that the Prime Minister does not think of forcing the Standing Orders through the Committee without due notice. If the attempt be made so many questions will be raised that it will be impossible to deal with them in a couple of days. I think the Prime Minister should adopt my suggestion, give a week's notice of his intention to call upon honorable members to consider the Orders, and invite the House to sit for another week in order that they may be dealt with effectively.

Mr. FISHER (Wide Bay).—I have no doubt that, although the honorable member for North Sydney requires further time for

their consideration, he is particularly desirous that the Standing Orders should be passed without delay. I would remind him that they have been before honorable members for many months.

Mr. THOMSON.—They did not leave the hands of the Standing Orders Committee until the 7th inst.

Mr. FISHER.—The alterations made in the original draft are exceedingly few.

Mr. SYDNEY SMITH.—Can the honorable member explain the alterations that have been made?

Mr. FISHER.—I would respectfully submit a suggestion to the honorable member for North Sydney, and the honorable member for Macquarie, who, I am sure, are anxious that this matter should be disposed of. This, instead of being the worst occasion for the consideration of new Standing Orders, is the best, because we are within a few weeks of appealing to our constituents, who will either re-appoint or disappoint us, and neither the members of the Opposition nor the supporters of the Government know with certainty what their position in the Chamber will be next Parliament. Therefore, we have now an opportunity to discuss the matter free from even unconscious bias, and I submit that the disability of not having had a week's notice of the intention to consider the new Standing Orders is more than counterbalanced by that advantage. No doubt there are members of the Opposition who are competent to point out very fully the evils or dangers attaching to the passing of any proposed rule or Standing Order, and we cannot do better than utilize the two days at our disposal in dealing with the matter.

Mr. McDONALD.—Most of the members of the Opposition wish to leave for their homes to-night.

Mr. FISHER.—In that case, they can hardly object to allowing those who stay here to deal with the matter. Any Standing Order likely to create a stumbling block can be postponed.

Mr. THOMSON.—Then a good many will have to be postponed.

Mr. SYDNEY SMITH (Macquarie).—If the honorable member for Wide Bay had given the attention to the proposed new Standing Orders which might have been expected from his speech, he would be able to tell the Committee in what respect they differ from the Standing Orders now in force. He expects us to pass, without

consideration, Standing Rules and Orders of which some are quite contrary to those under which we have been working for the last two-and-a-half years, and without which the people of the Commonwealth might have been called upon to pay extra taxation to the extent of £1,000,000 or more.

Mr. McDONALD.—Is the honorable member satisfied with the present Standing Orders?

Mr. SYDNEY SMITH.—I have never complained of them, though I believe that we should have efficient Standing Orders. The late Prime Minister stated distinctly that he would not ask the House to consider the proposed Standing Orders this session unless there was a general expression of opinion in favour of passing them without much debate. As the honorable member for North Sydney has pointed out, the action of the Government in postponing their consideration lest they should delay other business indicates the importance which they attach to them.

Mr. FULLER.—There is not a quorum present now.

Mr. SYDNEY SMITH.—We all know what the result would be if I were to call attention to the state of the House. We have been informed that similar Standing Orders were presented to the Senate, and that a standing order similar to that now under discussion was practically struck out by the members of that body. The honorable member for Wide Bay assents to the proposition that we should have Standing Orders of our own, and yet he wishes us to accept a rule under which the Standing Orders of the House of Commons shall apply to our proceedings in cases not specially provided for.

Mr. FISHER.—Does the honorable member object to that?

Mr. SYDNEY SMITH.—If we are going to consider Standing Rules and Orders for the conduct of our proceedings, let us deal with the matter fully. I was told last evening that no important change would be made by the adoption of these Standing Orders; that except for arrangement and a few unimportant amendments, they were practically the same as the Standing Orders now in force. I find, however, that standing order 84 takes from honorable members the privilege of showing reasons why a debate should or should not be adjourned, and why the Chairman should or



should not leave the Chair, a privilege which we have enjoyed for the last two-and-a-half years. Although in the House of Commons they have very stringent rules for the regulation of their procedure, in order to save public time, their Standing Order is that—

When a motion is made for the adjournment of a debate or of the House during any debate, or that the Chairman of Committees do report progress or do leave the Chair, the debate thereupon shall be confined to the matter of such motion.

It is now proposed to go beyond that, because the new Standing Order provides that motions for the first reading of a Bill, motions "that this debate be now adjourned," motions in Committee "that the Chairman report progress and ask leave to sit again," or "that the Chairman leave the chair," shall not be open to debate. I have not had an opportunity to thoroughly study the new Standing Order, but I took the trouble to compare some of the new Orders with the old ones, and I then discovered that several of those now proposed would require very serious consideration.

Mr. KINGSTON.—I wish that the new Standing Order, which would prevent discussion upon the question, "That the Chairman leave the chair," had been in force long before.

Mr. SYDNEY SMITH.—No doubt that would have suited the purposes of the right honorable and learned gentleman; but the people of the Commonwealth do not share his view. They recognise that, with the assistance of the present Standing Orders, which permit discussion upon such a motion as that referred to, we were able to perform good service for them. We exercised our rights in order to prevent the imposition of taxation upon them without proper consideration. After midnight on one occasion the Government wished us to consent to taxation proposals involving £1,000,000 per annum, and we felt it our duty to protest. The fact that we were right on that occasion was amply demonstrated at a later stage, because the discussion of the Government proposals occupied over a fortnight, and the impositions upon the people were lessened to the extent of some hundreds of thousands of pounds. If it had not been for the rule now in force it would have been impossible for honorable members to make an effective protest against the course proposed by the Government. Honorable members may differ from us, but

they must admit that we took no unfair advantage of the Standing Orders. We felt very strongly, and we had to adopt extreme measures; but no one can in fairness say that we abused our privileges. I am not moved by any personal considerations in this matter, because I do not expect to be always in Opposition. I believe that after the next general election the members of the Government will be transferred to this side of the Chamber. Eight or nine years ago, the Standing Orders Committee of the New South Wales Assembly proposed some very stringent rules which were supported by the Government of the day, and passed during the absence of a number of members of the Opposition. Within fourteen days, however, the Government were defeated. In that respect I believe that history will to some extent repeat itself. We desire to be fair to the Ministry even to the very last day of this Parliament, and to secure them against unjust treatment when they find themselves in Opposition. In view of the promises made by the late Prime Minister, and the other indications that were given that the Government had no intention to proceed with the Standing Orders this session, I think their consideration might be very well postponed until the next Parliament. The rules of the House of Commons afford opportunities for free discussion upon all the motions which under the new Standing Orders would have to be passed without debate. I think that the reasons which I have put forward for a postponement are well worthy of consideration. We should have had no objection to consider the Standing Orders if they had been brought forward some weeks ago. Though we might object to some of these proposals, we should not object to their consideration even at this stage of the session if honorable members had been given notice that the Government intended to proceed with this business. It could not then have been said that it was rushed through during the absence of honorable members who had expressed a desire to discuss it. I am aware that the Prime Minister desires that the Standing Orders should be dealt with during the present Parliament, but he will admit that honorable members are not to blame for the fact that this is the first opportunity presented to us for their consideration. We should not be asked to consider them in the absence of so many honorable members.

Mr. CAMERON.—That is their fault.

Mr. SYDNEY SMITH.—That may be, but the honorable member would not himself consider it fair if, after giving him a promise that they would not proceed with a measure in which he was interested, the Government pushed it through in his absence. I hope that the Government will not proceed with the consideration of the Standing Orders to-day. I have shown that a very important alteration, contrary to the practice of the House of Commons, is proposed in one of them.

Mr. WILKS (Dalley).—It is not permitted to every honorable member of this House to adopt a "yes-no" policy. Three or four weeks back I remember strongly supporting the honorable member for Dalley in his lamentations upon the absence of Standing Orders, and I cannot now with any degree of consistency object to consider them when they are submitted by the Government. Honorable members who usually sit with me on this side are anxious to return to Sydney, but I am willing to sacrifice myself by remaining in Melbourne to assist in the discussion of this business. At the same time, I remind the Prime Minister that the Senate occupied no less than seven weeks in dealing with somewhat similar Standing Orders; and I ask how the honorable and learned gentleman can possibly hope that there will be time for a full discussion of these Orders in the remaining hours of the present session. The Standing Orders Committee, which included some eminent constitutional lawyers, were occupied for nineteen sittings in completing the draft Orders, and they were engaged from the month of June, 1901, to 7th October, 1903, a period covering two years, in the work. It cannot, therefore, be expected that we shall make very much progress to-day. If the Prime Minister were disposed to allow Standing Orders of vital importance to be postponed, I could understand his proceeding with the discussion of the remainder.

Mr. DEAKIN.—I am willing to postpone the critical Standing Orders if we can get on with the others.

Mr. WILKS.—Then it will remain for honorable members to point out which are the critical Standing Orders. For instance, Standing Order No. 84 gives very strong closure powers, and it must be admitted that in the exercise of the closure honorable

members require to be safeguarded and protected. A call of the House might with advantage be resorted to in connexion with these critical Standing Orders. If the Standing Orders are not the political Nirvana of honorable members, they are to a great extent the guiding star of our deliberations. The honorable member for Macquarie informs me that the first Standing Order is a most critical one. I am not to be led astray on that account, because the honorable member, in this matter, is a Greek bringing gifts, and we are advised to beware of the Greeks when they do this. As the Prime Minister is prepared to postpone the critical Standing Orders, we might pass those which are not critical; but I remind honorable members that the Senate, which contains only thirty-six members, took seven weeks to discuss the Standing Orders adopted for that Chamber. That will give honorable members some idea of the length of time which the discussion of our Standing Orders will occupy. I admit the excellent work done by the Standing Orders Committee. Honorable members representing all shades of political thought were represented on that Committee, and that is a warrant to us that the proposed Orders have been carefully considered and criticised. I am extremely pleased that so much heed has been paid by the Prime Minister to the grievance which I ventilated upon a previous occasion in reference to the Standing Orders. I compliment the honorable gentleman upon having submitted these Orders, and I can assure him of my support in securing their adoption. Nevertheless it must be recognised that honorable members are not in a proper frame of mind to seriously consider the whole of them upon such exceedingly short notice. I see no reason why we should not adopt the practice of the House of Commons when contingencies arise which are not provided for in our own Standing Orders. That practice has been followed in our States Parliaments, and has also been adopted by other legislative bodies throughout the Empire. These Orders will require the most careful scrutiny; but if the Prime Minister is determined to proceed with their discussion upon the present occasion I shall do my best to assist him.

Mr. G. B. EDWARDS (South Sydney).—Only this afternoon the Prime Minister was asked whether he would consider the desirableness of awarding some recognition

of the position of members of the first Commonwealth Parliament. I do not think that we could erect a better monument to our honour than would be provided by leaving to our successors a good sound set of Standing Orders. On the other hand I should be sorry to allow my name to go down to posterity as one who had taken part in hurriedly authorizing the permanent use of these Orders. There is nothing more important with which we can deal, and I hold that a proper set of Standing Orders should have been submitted to this House some time ago. Personally I have done what I could to bring about that result. At the request of Mr. Speaker, I took a copy of these Orders home at the close of last session and during the recess I examined them very carefully. I prepared a number of amendments which suggested themselves to my mind, some of which have since been adopted. But I find that a set of Orders entirely different in many respects from those previously submitted has now been substituted. Some of them are of such great importance that we should scarcely be called upon to consider them during the last hours of an expiring Parliament. Although I devoted myself entirely to a perusal of these Orders this morning, I was unable to read the whole of them. The work of comparing them and of referring to similar Orders which have been adopted by other Parliaments, necessarily involved much labour and occupied considerable time. It is, therefore, manifestly unfair to ask honorable members to deal with them this afternoon, although I am not averse to devoting two or three days to the consideration of them before we disperse. Seeing that they were laid upon the table of the House only late last evening, it is absurd to expect us to discuss them this afternoon. Many amendments require to be made in them. Indeed, they seem to be full of minor blemishes. The very grammar of some of them is disgraceful, and the same remark is applicable to the diction which is employed. It is obvious that they cannot have been revised by any person possessed of a legal training. Take as an example the series of Orders which relate to motions and amendments. Throughout the whole of these the terms "question" and "motion" are used alternately, whereas it is apparent that any proposal submitted is a "motion" so long as it is being dealt with by the House, and becomes

a "question" only when it is put from the Chair. That is an instance of the slipshod character of these Orders. Rule 84 relates to the closure. I do not for a moment suggest that some sort of check should not be imposed upon the abuse of free discussion. All legislative bodies have been forced to the conclusion that some such provision is necessary. But the proposals which are contained in Standing Order 84 are very drastic, and appear to me to be altogether unwarranted. It seems to me that at least a couple of days would be occupied in the discussion of a Standing Order of that character, and I see no possibility of the Committee being able to deal with the whole series this week. At the same time, the matter is so important that I, for one, am willing to attend here next week, and to assist in securing the final adoption of permanent Standing Orders for the government of future Parliaments. It is somewhat to our credit that in the absence of any permanent Standing Orders Mr. Speaker has been able to keep the proceedings of the House within the bounds of decorum. In view of the fact that we have been working in such circumstances, I think that we may compliment ourselves on the way in which we have obeyed the Chair. It is highly desirable that we should adopt Standing Orders which will command the respect of the House, and I trust that the Government will not press the Committee to proceed with this important work this afternoon. They should set apart next week or the succeeding week for the discussion of this business. I am prepared to devote a whole week to its consideration; but I certainly am not prepared now to deal with it.

Mr. THOMSON (North Sydney).—I am not quite satisfied as to the scope of this Standing Order. A legal member of the House whom I have consulted considers that it might extend so far as to cover the closure rule which is in force in the House of Commons, while another lay member holds the same view. I am not prepared to say that it would, and I think that the Prime Minister should give us a clear statement on the point. We might be quite willing to adopt certain practices of the House of Commons, but wholly unwilling to accept others.

Mr. WATSON.—Why should we not rely on Mr. Speaker to deal with any matter not provided for by our own Standing Orders?

Mr. THOMSON.—That is another question which this Order involves. We have to decide whether Mr. Speaker should create precedents for this House; or whether he should of his own free will follow the precedents of the House of Commons in cases in which he believes they apply. This Standing Order expressly provides that in cases not provided for he shall follow the practice of the House of Commons; but there is a great difference between making an expressed declaration in writing to that effect, and simply enabling Mr. Speaker to follow the House of Commons precedents where he thinks it desirable to do so. What does the use of the word "practice" involve? Is the whole practice of the House of Commons under its Standing Orders, and in accordance with its precedents, to be adopted; or are we simply to adopt the precedents of the House of Commons? The two honorable members to whom I have referred seem to think that this expression will cover the closure rule.

Mr. SYDNEY SMITH.—Another place struck out that provision in its draft Standing Orders.

Mr. THOMSON.—If we are to adopt the closure rule, we should not do so in the dark. I am not discussing the point whether it is desirable or undesirable to adopt that rule; but I contend that we should not in the dark adopt any practice of the House of Commons. Honorable members have not had sufficient opportunity to inquire into the practice of the House of Commons to enable them to understand what this term will cover, and I should like the Prime Minister to give us some information on the point. He should tell us how far this Order will extend, and give us good reasons for it.

Mr. WINTER COOKE (Wannon).—I think that some honorable member of the Standing Orders Committee should explain the reason why it is proposed to depart from the temporary Standing Order which provides that—

In all cases not provided for hereinafter, or by sessional or other orders, resort shall be had to the rules, forms, and practice of the Commons. . . .

The Order now before us omits the words, "rules, forms, and," and I think it should be explained why it is proposed to make this alteration. As to the point mentioned by the honorable member for North Sydney,

I would remind the honorable member that it is proposed to practically follow the temporary Standing Orders, in which we have the words—

Rules, forms, and practice . . . . in force at the time of the adoption of these Orders.

The Committee, however, has substituted for the words "at the time of the adoption of these orders" the specific date, "1st January, 1901." I quite understand that no really serious alteration is involved in that change; but I do not know exactly what the use of the word "practice" implies.

Mr. CAMERON.—It will cover everything.

Mr. WINTER COOKE.—It might do so. It seems to me that when a Committee is appointed to draw up Standing Orders for our guidance, and departs from the temporary Standing Orders under which the business of the House has been conducted, it is incumbent upon some honorable member of that Committee to give reasons for the proposed change. At present we are quite in the dark, and we have not had time to study the Standing Orders put before us. In these circumstances, therefore, it is more than ever necessary that we should receive the assistance of members of the Standing Orders Committee.

Mr. DEAKIN.—I feel that we are at present binding ropes of sand. In view of the complaints from all parts of the Committee there appears very little prospect of making any considerable progress, and if honorable members opposite, who have expressed a desire to have a further opportunity to acquaint themselves with these Standing Orders, will agree to lend us their assistance in making any reasonable effort to pass them which the necessities of next week's sittings will permit, I shall be prepared to agree to an adjournment. Strong representations have been made privately to me by honorable members who are anxious to support the passing of the Standing Orders that they require time for further consideration in order to satisfy themselves as to certain of the principal Orders. I have communicated with Mr. Speaker, who considers that he would not be debarred from taking part in a discussion upon rules of procedure, which must necessarily affect the whole House. Consequently, if honorable members will familiarize themselves with those parts of the Standing Orders which seem to them to call for explanation, Mr. Speaker will be prepared on the next occasion to assist us,

by giving the results of the deliberations of the Standing Orders Committee. That remark will apply to the Standing Order now before us, and on the understanding which I have named I shall not endeavour to detain honorable members any longer. There appears to be no possibility of our soon obtaining the measure we have been hoping to receive from another place.  
Progress reported.

### SPECIAL ADJOURNMENT.

*Resolved* (on motion by Mr. DEAKIN)—

That the House, at its rising, adjourn until Tuesday next.

### ADJOURNMENT.

ATTENDANCE OF MEMBERS: ELECTORAL ADMINISTRATION: PUBLIC SERVICE REGULATIONS.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. WILKINSON (Moreton).—I wish to ask the Prime Minister if he will have a return prepared and laid on the table, showing the number of days of meeting of this Parliament and the attendance of honorable members.

Mr. DEAKIN.—Certainly.

Mr. WATSON (Bland).—I desire to suggest to the Minister for Home Affairs the propriety of having a circular prepared for the guidance of the electors. It need not be a lengthy or a costly publication, but on the contrary should be short and concise, and, following the example of Mr. Punch, should set forth a number of "Don'ts," because the procedure to be followed under the Commonwealth Act differs in many respects from that provided for by the Acts of the States. For instance, we have made it a penal offence for a person to spend money on behalf of a candidate without his written authority. That provision should be made known to prevent persons from inadvertently offending against the law.

Mr. THOMSON.—If that provision is strictly enforced, it may happen that no candidate will be properly elected.

Mr. WATSON.—If leaflets such as I suggest are circulated free of cost, or are made available at a small charge, they will be of advantage to the community generally. I wish also to ask the Prime Minister if he will give time for the consideration of the Senate's message in regard to the Public

Service Regulations. That business is set down on the notice-paper, and, in courtesy to the Senate, we should give consideration to it before we adjourn.

Mr. FISHER (Wide Bay).—I have a request to make of the Minister for Home Affairs. There is every indication that there will be serious trouble in connexion with the holding of the Commonwealth elections unless prompt steps are taken to prevent confusion. I would therefore suggest that the Minister should instruct the Secretary of his Department, Colonel Miller, to visit every State in the Commonwealth and give as much information as he can as to the working of the Act to as many returning officers as can be gathered together in the principal cities.

Mr. WATSON.—Mr. Lewis has already visited the various capitals.

Mr. FISHER.—The only man from whom I have any hope of getting satisfaction within the short time available is Colonel Miller. What I suggest could be done within a week or ten days.

Sir JOHN FORREST.—It would take Colonel Miller three weeks to go to Western Australia and back.

Mr. FISHER.—If Colonel Miller is unable to visit Western Australia, the people of that State will have the advantage of the presence of the right honorable gentleman himself. I think that Colonel Miller's services should be given to the other States at least.

Mr. CAMERON (Tasmania).—Will the Prime Minister state definitely whether he means to go on with the Standing Orders next week, with your valuable assistance, Mr. Speaker, until they are completed? I feel considerably aggrieved at being brought to Melbourne from Tasmania again and again, and then, after two sittings of the House, being compelled to idle away the remaining five days of the week. I came over at great inconvenience to attend this week, and I find that we are going to adjourn after practically only two sittings. Will the Prime Minister make us a definite promise that he will, next week, proceed with the consideration of the Standing Orders until they are disposed of? If so, I shall be here to take part in the deliberations.

Mr. HUME COOK (Bourke).—I wish to say a word or two in support of the suggestions which have been made in regard to the

coming elections. I have been speaking to some of the officers of the Electoral Branch in regard to the matter, and I find that there is a disposition to be somewhat niggardly in providing for polling booths. It must be remembered that during the forthcoming elections there will be twice as many voters in Victoria at least as there have been on previous occasions, of whom more than half will be women. A mile may not be very far for a man to walk to record his vote, but it is a long distance for a woman to go, and women can hardly be expected to ride fifteen or twenty miles, as men have been accustomed to do in country districts. If the elections are to give a true reflex of the opinions of the people of Australia, we must afford every facility for the recording of votes by both men and women. I hope therefore that the Government will not, in order to save a few pounds, put any obstacle in the way of obtaining the fullest voting possible. I understand that there is also a disposition to be a little too economical in regard to the appointment of assistant returning officers. If all the votes cast in a division are to be brought to one booth to be counted, the announcement of the result of the election will in many cases be delayed for a week after the polling day. To obtain expedition, more assistant returning officers must be appointed, and the Government should not stand in the way of a speedy announcement of results. With regard to the day upon which the elections should be held, the popular view seems to be that Saturday should be chosen. I have no objection to Saturday, but I wish to point out that if the elections are held on that day, the poll clerks and others engaged in the scrutiny will have to stop work at midnight, and begin again on Monday morning, so that that may cause the postponement of announcements of some of the results until at least Tuesday. If these two or three points are taken into consideration by the Government, they will greatly facilitate the administration of the Act.

Mr. SYDNEY SMITH (Macquarie).—With regard to the suggestion of the honorable member for Bland, I would point out that some days ago I spoke of the advisability of preparing a short statement for the information of electors. I feel sure that it will be a good thing to adopt such a course. The provisions of our Electoral Act are so stringent that full information should

be supplied to the public regarding them, so that they may be advised of the exact nature of the offences which they might otherwise be liable to commit. I hope that the Minister will see that the matter is attended to as early as possible. I hope, too, that timely notice will be given of the dates of nomination and polling. The Act contains certain provisions regarding State members, and we do not wish anything to be done which may cause them to feel a grievance against us. We do not wish them to be able to say that they had not sufficient time in which to send in their resignations.

Mr. KIRWAN (Kalgoorlie).—I wish to make a suggestion in regard not so much to the day as the date of the elections. I suggest that the elections should not be held upon a date too close to Christmas, because a considerable displacement of population takes place during the holiday season. Many thousands of people then leave the district which I represent, and spend their holidays in the coastal districts; and, if the elections are too long deferred, they will be disfranchised, or will be put to the inconvenience of voting by post. It has been suggested that the elections should be held on 17th December, but that would be too late.

Mr. POYNTON (South Australia).—Referring to the day upon which the elections should take place, I may point out that the practice in South Australia for many years has been to hold the elections on Saturday, and that the results have been satisfactory. A large number of working men are free on Saturday afternoon, whereas if the polling takes place upon an ordinary day they have to obtain permission from their employers before they can go away to record their votes.

Mr. R. EDWARDS (Oxley).—I understand that it is intended to appoint postal officials as returning officers in the various States. I have nothing to say against that proposal, except that the officers may not have the necessary experience to enable them satisfactorily to conduct the elections. I suggest that men of practical experience should be appointed, or otherwise, great dissatisfaction may be caused.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—In reply to the honorable member for Moreton I may state that there is such a record as that he referred to, and that Mr. Speaker will be prepared to

lay it upon the table. The various suggestions which have been made with regard to electoral administration have been noted by my honorable colleague, the Minister for Home Affairs, on whose behalf I promise careful consideration. Many of the points mentioned have already been more or less dealt with, or are under consideration by the officers of the Electoral Department. Information is being supplied to the press from time to time, and probably a summary of instructions or warnings may be circulated throughout the Commonwealth. As the honorable member for Bland has stated, the "Don'ts" are very important. The most important of all is—"Don't vote for any except a Ministerial candidate."

Question resolved in the affirmative.

House adjourned at 4.13 p.m.

## Senate.

*Friday, 16 October, 1903.*

The PRESIDENT took the chair at 10.30 a.m., and read prayers.

### TRANSCONTINENTAL RAILWAY.

Senator STANIFORTH SMITH asked the Vice-President of the Executive Council, *upon notice*—

1. Is the Government aware that the Premier of South Australia has stated that he will refuse to sanction the construction of the Transcontinental Railway until fuller information is obtainable?

2. Do the Government intend to have a survey made, and thus afford the Commonwealth and South Australia full information as to the cost of the line?

3. Do the Government intend to make the action of South Australia a reason for refusing to do anything?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. The matter is now under consideration.

3. No.

Senator STANIFORTH SMITH.—Very unsatisfactory.

### SEAT OF GOVERNMENT BILL.

Motion (by Senator PLAYFORD) proposed—

That the report be now adopted.

Senator Lt.-Col. NEILD (New South Wales).—In consequence of the urgency of business, I omitted to mention last night certain matters in connexion with this Bill. At this stage I desire to draw attention to them. I am glad, sir, to have the opportunity of saying what I have to say under your able and impartial chairmanship. We have been dealing with a measure which has been largely supported by the report of a Royal Commission. I desire to again draw attention to the fact of the unprecedented suppression of the minutes of its proceedings. We have certain results recorded in its report, but we have been denied all knowledge of the divisions which produced those results, and, therefore, denied all knowledge of the value of the report as representing the opinions of those whose names are attached to it. On more than one occasion I was promised—I admit, not definitely—by the late Vice-President of the Executive Council that, if it were possible, the minutes of proceedings should be forthcoming; but previously it was stated that those minutes—the official records of a Royal Commission—were the personal property of the Chairman, and *Hansard* will bear out my statement. Subsequently, the Ministry gave way to some extent, and I was promised that if possible these minutes should be obtained and laid upon the table, but, when I asked for a fulfilment of the promise later on, all knowledge of any such promise was denied, and, observing the uselessness of attempting to extract the information, I am now drawing attention to its absence. It is positively without precedent that a Royal Commission's report, involving meeting after meeting, discussion after discussion, and division after division, should be distributed and made use of as a method for passing a Bill without either House of the Parliament, or the public who are so intimately concerned, possessing the slightest knowledge as to whether the decisions or opinions expressed in the document were arrived at unanimously or by bare majorities. If I remember aright the Royal Commission consisted of four gentlemen. We have no means of knowing whether the report embodies the opinions of all the Commissioners, or the opinions represented by the Chairman's casting vote. We do not know how many Commissioners were present when the decisions were arrived at. We are left in the blindest ignorance as to the value of a report

presented under such circumstances. And, while I impute nothing to the discredit of any member of the Royal Commission, it must be patent to any one who considers the question that the report may be after all only the report of the Chairman, achieved by his casting vote, because we know from the daily press that some Commissioners were not infrequently absent from illness or duty, and that sometimes one of them would go to make a re-inspection of a site. We know from the daily press, assuming that it was accurate, that the Commissioners were not always together in the later stages of their proceedings. I wish to know, even at this late hour, why it is that this important information is denied to us. What would be thought of the decisions of a Parliament which had no records, but which presented certain documents and signed resolutions, and the public were not permitted to know by what process those resolutions were achieved? I have also to draw attention to that which I think constitutes a grave element of scandal. At the end of last May it came to my knowledge from a very high authoritative source, as well as from sources of less consequence and importance, that the report which had been drawn up—if not by direct recommendation, at least by implication in its various parts—so strongly placed Lyndhurst in the front position that the matter was as good as settled so far as the Commissioners were concerned. I made that fact public, and I have not disclosed to this day the source of my information, except to the editor of the newspaper who published my article, and who was quite satisfied to publish it on the strength of the authority I named to him. What happened? On the day after the appearance of that article it was announced by the Minister, through the representatives of the press in both Melbourne and Sydney, and also in Parliament, that the report was ready, and was to come out immediately. Day after day there was an announcement that it was to appear the next day, or the day following. But what took place? The Royal Commission obtained the services of a new secretary, and the report did not make its appearance for three weeks. The Parliament had heard from the mouth of the Minister that the report was ready, and would make its appearance, first of all, on the following Thursday, next on the following Monday, and then on the following Tuesday; but it did not appear for three weeks. In the

*Senator Lt.-Col. Neild.*

meanwhile, the old secretary was got rid of, a new secretary was obtained, and a delay of three weeks or more took place; and then the report came out in the peculiar form that the two sites which were situated within the electorate of a certain Minister received first and second nominations. I do not say that there is any connexion between this extraordinary state of affair and the refusal to produce the public records of the Commission. I deny that these records are the property of the Chairman. I know that 100 years ago it was the practice of Ministers of the Crown in Great Britain, when they retired from office, to carry with them such records as they pleased. That is the reason why so many of the records of Great Britain are in an unsatisfactory condition, and why many important public documents are found among private papers instead of in the public archives. To contend, however, in these days of enlightenment, of shorthand writers and typists, that the records of a public commission, prepared in the public time, and written on stationery supplied at public expense, by persons receiving payment from the Commonwealth, are the personal property of the Chairman, is most peculiar. I do not desire to use strong language, but I say that no suggestion is more calculated to raise suspicion in men's minds. Some of the other matters which transpired in connexion with the report of the Commission afford further reason for wonderment. I will take the case of the Dalgety site. When the motion relating to the appointment of a Commission of Experts was being discussed in this Chamber, I moved that Dalgety should be included among the sites to be reported upon by the Commissioners. Upon a division being taken, however, I failed in my object by five votes. At a later stage, on the same day, the then Vice-President of the Executive Council assured the Senate that the Commission would visit Dalgety and investigate the claims of that site. What happened? The Commission went to Bombala, and I ascertained from representations made to me by letter and telegram that they refused to go on to Dalgety. I communicated with the then Prime Minister—the Minister having charge of this particular work being in Western Australia—and I received a reply to the effect that the Commission would go to Dalgety. I met the Prime Minister shortly afterwards, and



I said—"Of course their visit will include the taking of evidence?" I admit that the reply which I received was somewhat sphinx-like. It was—"I shall do nothing to prevent them from taking evidence." When the Commission reached Dalgety, however, they took no evidence. What was the use of the promise made in this Chamber, and repeated in the telegram of the Prime Minister, if it was intended that the Commission should only ride round in a coach, without asking any questions or taking any evidence? Why was the visit made, unless as a pretence? There are other peculiar circumstances connected with the report upon the Dalgety site. Some one with more interest or more influence than myself succeeded, after the report of the Commission had been completed and presented to Parliament, in securing a special expedition to Dalgety on the part of the Commission. For what reason was this done? I do not know, and I have never heard a reason given. The report upon the Dalgety site was accompanied by a map which reflects no credit upon those responsible for its compilation. Right through the proposed site at Dalgety runs the finest stream for the purposes of water supply in Australia—the Snowy River. If honorable senators will look at the map submitted by the Commission—this extraordinary secret tribunal, which fears to make its discussions and differences public; and that there were differences of the most serious character amongst the Commissioners I positively affirm—they will find that the map in question contains no drawing of the Snowy River itself. Little subsidiary creeks or water-courses, which are probably dry for nine months in the year, are carefully drawn; but the Snowy River is omitted from the plan. For the purposes of a city supply, water could be conducted from the Snowy River by means of a flume, which a few diggers could construct—a flume as simple as that to be found at the Cataract at Launceston, and yet we find no indication of this splendid stream which would afford a never-failing supply. It is considered good form always to be pleasant, and it is always nice to meet with nice people, but some one must have courage enough to direct attention to the absence of truth, as well as to fawn over the truth when it occasionally appears. I am now directing attention to what seems to me to be the absence of a form of truth

from the proceedings of the Commission. At the risk of appearing not only ungracious but disagreeable, I feel it my duty to offer these criticisms. It is always pleasant to receive an honest compliment, or to pay a compliment where it is honestly due. On the other hand, it is always unpleasant to have to direct attention to matters of a disagreeable character. I never have been, and I hope I never shall be, forgetful of my public duty to the extent of failing to refer to matters of an undesirable or improper character to which I think attention should be drawn. With regard to the Bill in its present form, I also desire to say a few words. As to the large area which it is sought to acquire, and which the Vice-President of the Executive Council so nobly championed, I should like to point out that 1,000 square miles cannot possibly be required for building sites. The area must be utilized for some other purposes, probably for farming. It is generally understood that the leasing system will be adopted by the Commonwealth in connexion with the territory under its control. I admit that that is not laid down in the Bill; but it has been so prominently referred to in the debates in both Houses that it would be mere affectation to ignore the fact that it is not intended to alienate any land within the Federal territory. If the Commonwealth had an area of 1,000 square miles the question would arise, "Where are you going to find tenants to occupy 1,000 square miles of farming leaseholds, whilst on every side of this Bellamyite settlement people can obtain freeholds under the land laws of New South Wales by paying a deposit of only 2s. per acre?" No one knows better than the Vice-President of the Executive Council that one of the most prominent characteristics of Britishers is the desire to own land. A Britisher will own a piece of land, even though his title be strangled by a mortgage, rather than take land on lease without a mortgage. Therefore, I contend that if we adopt the leasing system in connexion with the Federal territory, the larger the area the less likely shall we be to secure its useful occupation for farming purposes. I put this forward as a reason why it is undesirable to claim so large an area as 1,000 square miles. As to the legal question, regarding the proper interpretation of the Constitution, I do not intend to occupy the attention of the Senate. When we had no High Court, discussions

upon that point might have been justifiable. Now, however, that that tribunal has been constituted, discussions upon such a subject, in an assembly consisting chiefly of laymen, would be mere beating of the air. I shall not trespass upon such delicate ground. What I have said has been said with a feeling of the obligation we are under. I hope that whatever be the fate of this Bill—and it seems to me to be more than doubtful; to be, indeed, a foregone conclusion that we are solemnly enacting some thing which is never to have the force of law—I hope at least that those who are charged by the people of Australia with the maintenance of the obligations of the Constitution will not place too much responsibility upon the individual electors of the Commonwealth, and have too little regard for the solemn obligations imposed upon those who are elected.

Senator Lt.-Col. GOULD (New South Wales).—I do not propose to discuss the whole of the matters that have been referred to by Senator Neild, but I should like to say that the speech delivered by him with regard to the absence of the minutes of the Royal Commission is important. He states that he has information upon which he can rely that it was intended to recommend another portion of the State of New South Wales as a site for the Federal Capital. It would be well for the Government to make some effort to ascertain how far that statement is correct. The Government would be perfectly justified, even if the Commission have the right to retain the minutes of their proceedings, in obtaining copies of them, in order that they, for their own information and satisfaction, and incidentally for the satisfaction of Parliament, may ascertain exactly how the decisions of the Commission were arrived at.

Senator Lt.-Col. NEILD.—Has the honorable and learned senator, during his long experience as a Minister, ever known of the retention of the minutes of a Commission?

Senator Lt.-Col. GOULD.—It is most unusual for the minutes of a Royal Commission to be retained or held by its members as their own private property. A Commission is appointed by the Government to do a specific work. Certain men from different States were chosen in this case. It is quite right that members of the Parliament should know exactly the views entertained by the men representing their individual States. I quite agree with Senator Neild that the

minutes should not be regarded as the private property of the Commissioners, but as the property of the Government. As State property they are documents to which we should have access. The Government should obtain possession of them. I do not look upon the Capital site question as having been definitely settled, and if that view be correct, it would be well for the Government to make up their mind to have the matter thoroughly inquired into and investigated for their own satisfaction and for the satisfaction of the members of this Parliament. I recognise, as every honorable senator must do, that there is a very large majority in favour of the Bill as it stands, and that it would be utterly futile and useless to object to the adoption of the report and the third reading. Those of us who are opposed to some of its provisions have entered our protest as strongly as we could. But we must recognise that there must be finality in dealing with Bills, although some of them may come before us again. I should like before resuming my seat to remind the Senate of one or two facts that I think should be borne in mind in connexion with the settlement of the site. I take the opportunity of mentioning them now instead of saying anything when the motion for the third reading of the Bill is submitted. The Bombala site has been approved of by a large majority of honorable senators. The area to be taken and the legality of taking it have been discussed. Therefore, I put those matters on one side just now, simply saying that I recognise, as do honorable senators generally, that if the State of New South Wales is a willing party to any proposal that may emanate from this Parliament to take 1,000 square miles of territory, there is nothing more to be said. Because the State of New South Wales has the right to say—"We will give you 1,000 square miles," or whatever area may be determined upon, so long as it is done in a constitutional manner. There is a possibility of taking 1,000 square miles, but it cannot be done without the consent of New South Wales. With respect to the Bombala site, even the reports which have been placed before us show that its selection would make very serious demands upon the revenue—not only of the Commonwealth but of the States of Victoria and New South Wales. Bombala is situated at a considerable distance from a railway. The nearest railway station is Cooma, which is sixty miles

from Bombala, and the cost of constructing a railway from Cooma to Bombala has been estimated at £337,000.

Senator CLEMONS.—Would not that be profitable expenditure for New South Wales?

Senator Lt.-Col. GOULD.—The building of such a line might be a good investment for New South Wales. If so, the railway would be made. But the expenditure would have to be incurred immediately. Furthermore, the site of the Capital would probably be some little distance from the town of Bombala. But I do not take that into consideration now, because the additional cost thereby involved would be small, and such as might be involved by the selection of any other site. The point is that immediate expenditure would be necessary. It has been urged all through, when we were discussing the sites, that we should consider the convenience of members in reference to means of access to and from the Capital. It is estimated that to build a line from Bombala to Bairnsdale would cost £1,181,500. I do not know the length of it.

Senator STYLES.—That line would open up a great stretch of country.

Senator STANFORTH SMITH.—Victoria would construct that line at its own expense.

Senator Lt.-Col. GOULD.—If the State of Victoria considered that such a line would pay, no doubt it would be constructed.

Senator O'KEEFE.—Probably Victoria would construct that line even if the Capital were not located at Bombala.

Senator Lt.-Col. GOULD.—We must wait for the construction of these railways for it to be convenient for Parliament to meet at Bombala. But some honorable senators are still more ambitious. They wish to see Eden a Commonwealth port, and to connect it with Bombala. To do that would mean the expenditure—I believe I am mentioning a very low estimate—of upwards of £500,000 for fifty-five or sixty miles of railway. The line would run through hills and mountains—a most difficult route. I am not an engineer, and cannot say whether the actual expenditure would probably be more than that estimate, but I know that it would not be much less than £500,000. Then, to make Twofold Bay an up-to-date port, we should have to provide wharfage accommodation

and other conveniences. It has been estimated that another £1,200,000 would be required in that direction.

Senator CLEMONS.—That is rubbish.

Senator Lt.-Col. GOULD.—I am quoting from an estimate that has been given by Mr. Darley, who was, and is, as eminent an engineer as Australia ever had the privilege of having within her territory.

Senator CLEMONS.—Large boats go to Twofold Bay now.

Senator Lt.-Col. GOULD.—I know that; but, if we are to have a seaport for the Capital, it will have to be an up-to-date port, thoroughly equipped with all modern conveniences for the reception of shipping at all times. If only a quarter of the expenditure which I have mentioned would have to be incurred, the Bombala site would involve an expenditure which is not involved in connexion with any other site that has been brought under the consideration of the Senate. There is a strong feeling in the minds of the members of this Parliament that no expenditure of an extravagant character should be entered upon. Both in New South Wales and Victoria circumstances are such that it is absolutely necessary for the States Parliaments, whatever they may wish to do, to be very careful with regard to the expenditure of public money and going before the British public for the raising of loans for the construction of railways and other public works. I do not say that money for the purposes of the Federal Capital could not be borrowed, but under existing circumstances we could not profitably borrow any very large sum of money to construct any works in Australia to-day. When we have regard to that fact, and remember that the professed object of many members of this Parliament is that the Federal Capital shall not be a myth, but a reality. I say that to select a site upon which a city will not be built until many years hence is to keep the promise made to New South Wales in word, but to break it in deed. There is no object in selecting the Capital site unless we contemplate within a reasonable period proceeding with the erection of suitable buildings. There is no charm in saying that a particular area is to be the seat of government some fifty years hence. If the site is not to be in use until twenty or fifty years hence it will be better to wait until that time before making the selection.

Senator MCGREGOR.—Even then we should have to wait for some years before the necessary works could be completed.

Senator Lt.-Col. GOULD.—If we select a place that will not necessitate a large amount of expenditure to make it available, we shall have a better opportunity of getting into the Federal Capital at an early date.

Senator CLEMONS.—We do not want to select a place which we can go into tomorrow; the Capital will remain for all eternity.

Senator Lt.-Col. GOULD.—I want to have a place that we can go into soon.

Senator O'KEEFE.—Cannot we be comfortable here for a year or two longer?

Senator Lt.-Col. GOULD.—I recognise that we shall have to remain in Melbourne for more than a year or two.

Senator DAWSON.—We may remain here, but we shall never be comfortable; even now we are looked upon as interlopers.

Senator Lt.-Col. GOULD.—The sooner we make a start with the construction of the Capital the sooner the Federal Parliament will be able to be in its own home and be independent. At the present moment, this Parliament must recognise the fact that it is really dependent on the generosity of the people of Victoria.

Senator CLEMONS.—The accommodation is freely offered, and we should accept it in that spirit.

Senator Lt.-Col. GOULD.—I am not complaining of what Victoria has done.

Senator O'KEEFE.—Who are the Victorians who make complaints?

Senator Lt.-Col. GOULD.—I have never said that they make complaints, and I do not say so now.

Senator O'KEEFE.—The honorable and learned senator's remarks imply that he thinks so.

Senator Lt.-Col. GOULD.—No, they do not, and if the honorable senator imagines that I think so I can assure him that I do not; because I recognise that we have been treated with great generosity with regard to our occupancy of these parliamentary buildings. But that is not a reason why we should remain in this position longer than is necessary. It is far better that the Federal Parliament should have its own home, and be independent. Our Parliament House should be erected by ourselves, and paid for

by ourselves. No one State should be expected to contribute to the expense of Federation in an undue proportion. All the States are equally interested, and all of them ought to be called upon to contribute in equal degree. In making these remarks I wish to emphasize that it appears to me to be quite clear that the amount of expenditure which will be involved in the site selected—that is assuming that the difficulties with the New South Wales Government will be got over—means putting off the establishment of the Capital for many years. I trust that whatever our selection may be it will be one which will enable us forthwith to lay out our Capital, and begin the erection of suitable buildings in which the Parliament may be housed. I have no sympathy with those who declare that the accommodation of Parliament at the future seat of government will involve an expenditure of £2,000,000 or £3,000,000. We do not want a palatial pile of buildings such as those in which we assemble at the present time. There is no necessity to spend £500,000 or £600,000 in the erection of the Houses of Parliament. I venture to think that a building which would be adequate for our purposes could be erected for £100,000. An additional £100,000 ought to supply all the necessary accommodation for the officials who are connected with the management of the Commonwealth business. I urge honorable senators, many of whom will appear before the electors within the next few weeks, to endeavour to disabuse the public mind of the idea that we intend to incur an extravagant expenditure of £2,000,000 or £3,000,000. No such desire is entertained by any honorable senator.

Senator DAWSON.—Except Senator Styles.

Senator STYLES.—I was quoting from a parliamentary paper which was prepared by a New South Wales official.

Senator Lt.-Col. GOULD.—The report to which the honorable senator refers was prepared three or four years ago, when we imagined that Federation would give us a city of palaces.

Senator STYLES.—The estimate has never been revised.

Senator Lt.-Col. GOULD.—According to the representations of Sir Edmund Barton, the late Premier, in another place an expenditure of £500,000 will provide all that is necessary.

Senator DOBSON (Tasmania).—Last night I endeavoured unsuccessfully to obtain from the Vice-President of the Executive Council some idea as to whether the acquisition of a territory of 1,000 square miles would really carry out the intention of the Senate. I was informed that at least 1,500 square miles were required. Since looking at the map and inquiring into the question, it appears to me that an area of 1,000 square miles would give us about ten miles square in the vicinity of Bombala and a strip of country fifteen miles wide extending down to Twofold Bay. If we obtain that, we shall have an oblong strip of country—a sort of no man's land—between the Federal Capital and the State of Victoria. Whether New South Wales will grant us 1,000 square miles is a question for subsequent negotiation. I think that the position which I took up on a previous occasion has been amply justified by every hour's discussion. We are attempting to settle this matter before we are ready, whilst a number of matters have still to be considered and the most delicate negotiations have yet to be conducted. This is a question in which the electors may desire to have some voice, and as it will probably be shelved during the present session, I trust that every candidate will be asked by the electors to express his views upon it. As far as I can understand, we have to consider three interests—first, those of the citizens of the Commonwealth generally; secondly, those of the mother State, in which the capital is to be established; and thirdly, those of Victoria, which has a right to the temporary seat of government until the permanent seat has been determined. Our first consideration should be the general body of the people. In view of the enormous check which our progress has sustained by reason of the drought, of the falling off in our exports, of the exodus of our population, of the decrease in our birth rate, and of the diminished value of our stocks, I hold that the selection of a Federal Capital should not be "rushed." Of course, I know my New South Wales friends will say that that statement means that the electors will be asked to repudiate the obligation to give New South Wales the permanent seat of government. I do not suggest anything of the kind. I think that the people of the States will be loyal to the Constitution. But, because the seat of government must

be in New South Wales, it does not follow that it should be established there at the earliest possible moment, and that the citizens of the Commonwealth ought not to be allowed to consider the enormous check which our progress has sustained. Although I voted for Bombala, I believe that the acquisition of that site will prove most expensive. Of course a line of railway from Cooma to Bombala might very easily be constructed for an expenditure of £300,000, and that would afford very reasonable access to the new Capital for representatives of New South Wales; but what about the representatives of Victoria, South Australia, Western Australia, and Tasmania? They would be compelled to spend hours and hours in travelling, unless the Victorian railway were extended from Bairnsdale to the Capital. All these questions are questions for delicate negotiation. They require the very gravest consideration. Our financial position must be the foundation of the whole scheme. Last night Senator Millen quoted words of mine in which I declared that Melbourne might very well remain the temporary seat of government for ten or fifteen years. Seeing how disastrously our financial position has been affected during the past few years, I have no hesitation in affirming that it would be a good thing if, for fifteen or twenty years, we did not incur any very great expenditure upon a Federal Capital. I believe that it will take eight or ten years to restore us to the financial position which we occupied three years ago. Our losses of both sheep and cattle must have an injurious effect upon our finances for some years. When we have recovered our position it will be time enough to seriously think about spending much money upon the Federal Capital project. Before concluding, I desire to say a word or two in reference to the rights of Victoria. Has that State no rights in this matter? I was really astonished to hear senators from New South Wales argue that because the Commonwealth Parliament occupies the Victorian Parliamentary buildings rent free, we should bustle out of Melbourne as fast as possible. Certainly this State has treated us very generously, but we are under no obligation to it. Its people are aware that Melbourne must be the temporary seat of government, and accordingly they have placed these buildings at our disposal.

But we must remember that as a result of the consideration which has been extended to us, they have been obliged to spend £50,000 or £60,000 in fitting up another building to accommodate their State Parliament. Therefore, they undoubtedly have moral rights in this matter. When they consented to the mother State being granted the permanent seat of government, one of those rights was that the temporary seat of government should not be removed from Melbourne until some good reason could be shown for it. Yet, from the moment that the Commonwealth was inaugurated, the representatives of New South Wales seemed to think it our imperative duty to at once select the Federal Capital. I should have thought it our duty to pass the necessary machinery measures for the government of the Commonwealth. I shall not divide the Senate upon this matter, because I accept the decision which was arrived at by the Committee last night. At the same time I protest against what has been done, and having regard to the interests of the citizens of Australia generally and their financial position in particular, if I am again returned to the Senate, I shall do my best to see that a proper site for the Federal Capital is selected.

Senator LT.-COL. NEILD.—Since I spoke it has come to my knowledge that some honorable senators assume that I derived certain information to which I referred from the late secretary to the Capital Sites Commission. I wish to say that that gentleman gave me no information whatever. It is only bare justice that I should clear him of any imputation of that character.

Senator DE LARGIE (Western Australia).—So far I have refrained from discussing this Bill, because I was extremely anxious that we should arrive at a vote upon the question. I cannot fail to remark, however, that the tone of this morning's debate constitutes a very great improvement upon that which characterized the proceedings of last night. I am glad to see that our New South Wales friends are disposed to view our decision in a somewhat different light from that in which they previously saw it. I am satisfied that as time goes on they will come to agree that in the selection of Bombala a wise choice was made. I believe that the great majority of the people of Australia are this morning very well satisfied with the choice made by the Senate.

Senator LT.-COL. GOULD.—The people of Victoria are.

Senator DE LARGIE.—I do not think that Victoria has more to gain from the choice than has any other State.

Senator DAWSON.—Victoria supports Bombala in order that there may be no Capital.

Senator DE LARGIE.—I do not think so. Had Senator Dawson been in the position of Victorian senators, he would have liked to see the Federal seat of government retained in Melbourne as long as possible; and in my opinion there has been too much hurling of charges at the representatives of the State in which the Federal Parliament meets. Bombala is a truly Australian site, and its choice will reflect credit on us in the future. If we can only secure a sufficient area to make the territory self supporting, our work of yesterday will be approved by generations to come.

Senator DAWSON.—Let us go to the sand hills of Western Australia.

Senator DE LARGIE.—The sand hills of Western Australia are totally unknown to Senator Dawson, who speaks in ignorance of that State, just as he speaks in ignorance of Bombala. The honorable senator has never been in Western Australia, and he has not taken the trouble to visit Bombala which he now condemns. The honorable senator has seen Tumut, and has become so intoxicated with the charms of that place that he can see advantages nowhere else. I have nothing to gain personally by voting for Bombala, to which as a site for the Federal Capital there is not even a "good second." Honorable senators have travelled over the Bombala territory, and have had an opportunity of judging of its merits; and those who support the selection of Bombala are taking a proper step.

Senator DAWSON.—Senators went over the territory at horse speed.

Senator DE LARGIE.—They spent two days at Bombala, and travelling over a great extent of territory, had splendid opportunities for observation. This part of Australia has never had justice done to it by either New South Wales or Victoria. Between the railway terminus at Cooma, in New South Wales, and the railway terminus at Bairnsdale, in Victoria, there is a large tract of country entirely undeveloped; and, so far as I can judge, unless the Federal territory be fixed there, that country will, owing to the jealousy of the two States,

remain undeveloped for a long time to come. It is rich land, to which neither one State nor the other has any more right than had the blackfellows who formerly roamed over it, if no more be done towards its development than has been done up to the present time. If it be made Federal territory it may reasonably be expected that a large area of fertile country will be brought under cultivation to the benefit of the whole of Australia. I congratulate the Senate on the choice of the Bombala site.

Senator DAWSON (Queensland).—I realize that honorable senators are in favour of Bombala, to the exclusion of every other site, and it is bad business "flogging a dead horse." But, seeing that the unusual course has been followed by honorable senators of making observations on the motion for the adoption of the report, I may as well occupy a moment or two in presenting my views. With sorrow and sadness I am forced to the conclusion that a great act of repudiation is about to be perpetrated by honorable senators—the repudiation of a solemn moral obligation to New South Wales.

Senator O'KEEFE.—The Senate has chosen the territory.

Senator DAWSON.—I shall have something to say later on about the choice of territory.

Senator O'KEEFE.—I do not see where the repudiation comes in.

Senator DAWSON.—If the honorable senator will possess his soul in patience—or as much of a soul as he has—he will hear my reasons for arriving at my conclusion. I regard what the Senate has done, and is at present determined to maintain, as an act of repudiation. When the bargain was made between the States it was granted as a concession to New South Wales, that the Federal Capital should be within its borders. Obviously that meant that the Federal Capital was to be in a sufficiently central position in New South Wales as to come within the New South Wales sphere of influence rather than within the sphere of Victorian influence.

Senator O'KEEFE.—Not at all.

Senator DAWSON.—It is perfectly obvious, or otherwise where was the concession? It was because of this supposed concession that New South Wales agreed to come into the Federation; and if New South Wales had not agreed to join, there would have been no Federation. Moreover, because of that concession, New South Wales

agreed to grant not less than 100 square miles of her territory for the Federal Capital. On the other hand, Victoria demanded that the Federal territory should not be less than 100 miles from Sydney.

Senator STYLES.—Who says Victoria demanded that?

Senator DAWSON.—Victoria did make that demand as we know from the actual records. Senator Styles ought to look at the Constitution Act, and, if he desires to be further enlightened, let him consult the reports of the debates.

Senator STYLES.—That point was not debated in the Convention.

Senator DAWSON.—Does the honorable senator deny the proposition that the 100-mile limit was a concession to Victoria, or rather to Melbourne?

Senator STYLES.—It was a concession made to the other five States.

Senator DAWSON.—In the name of common sense, what had this 100-mile limit to do with any of the other small States? Both provisions were agreed to by the smaller States in order to satisfy the demands of the larger States. The demand of New South Wales was to have the Capital within her sphere of influence as against Victoria, and the demand of Victoria was that the Capital should not be within 100 miles of Sydney. Victoria got the further concession that, as a matter of temporary convenience, the Federal Parliament should meet in Melbourne.

Senator STYLES.—What concession is there in that?

Senator DAWSON.—It enables the honorable senator to meet better men than he could ever have hoped to meet otherwise; and, good man as he is, he would be a better, if he travelled and associated more with the people of the other States.

The PRESIDENT.—I must ask honorable senators not to interject so freely.

Senator DAWSON.—I was giving reasons why I regard the action of the Senate as repudiation. Victoria, having received the concession that the Federal Parliament must temporarily meet in Melbourne, now wants to repudiate her bargain with New South Wales. There were two classes of senators who voted for the Bombala site. One class consisted of senators who really believe that Bombala is the most suitable place for the Federal Capital, and the other class consisted of Victorian senators, who believe that if Bombala be selected the seat

of government will never be moved from Melbourne.

Senator BEST.—That is hardly a fair observation.

Senator DAWSON.—I am speaking as plainly, and as clearly as I can, in order to present my view of the matter. The Victorian senators have voted in order to repudiate a bargain which they clearly entered into when Federation took place. However, I shall not press that subject any further.

Senator BEST.—It is to be hoped not.

Senator MCGREGOR.—The observations are certainly a great reflection on honorable senators.

Senator DAWSON.—I could possibly say a little more on the matter. Senator De Largie, when I interjected something about the sand hills of Western Australia, was very pert and somewhat impertinent. The honorable senator put my interjection down to my ignorance, which he suggested was also responsible for my objection to Bombala. A further suggestion the honorable senator made was that I was intoxicated with the charms of Tumut, and so I am, because I know Tumut and appreciate it. But to senators and members of the House of Representatives who charge me with having visited only one site, I reply that I do know that one site thoroughly, whereas they do not thoroughly know any site. Senator De Largie states that the visiting senators spent two days at Bombala. Great heavens! The honorable senators, by spending two whole days, claim to know all about the 1,000 square miles or the 10,000 square miles they would prefer, and all about the resources of the territory to be able to contrast it with all the other suggested sites. My experience is that knowledge is acquired by continuous and intelligent observation, though it appears that some people are able to acquire it by intuition in two days. My knowledge of the Tumut district is the result of a visit of two months' duration. During the first week I was unable to move about much, but thenceforward I was continuously travelling day after day; and it was after a month's travel that I began to realize fully the value of the territory and to become enamoured of it. There is not a member of this Parliament who can conscientiously say that on the occasion of the Parliamentary inspection of the sites he saw anything of the country surrounding Tumut. The same remark

will apply to the inspection of all the other sites visited by honorable members on that occasion. When it is asserted that I have seen only one site, I feel constrained to say that I stand in a position superior to that occupied by any other honorable senator. I can say that I have properly inspected at least one site, and that is more than others can claim to have done. Those who took part in the Parliamentary inspection travelled at the rate at which the sparrow flies, and yet they assert that they saw the country. As to the suggestion that I am ignorant of Western Australia, I would remind Senator De Largie that I visited that State long before he went there. I went there as a prospector to assist in opening up the country in a way that makes it possible for those who represent that State to obtain a living, and the charge that I know nothing of the State comes ill from any honorable senator.

Senator STANFORTH SMITH.—Why does the honorable senator denounce Bombala when he admits that he has not been there?

Senator DAWSON.—I favour Tumut as against Bombala, because of the report of experienced and unbiased men drawn from various States, and appointed to make an expert examination of the sites. They had ample time to make a very careful inspection of the suggested sites, and no limit was placed upon their expenditure.

Senator PEARCE.—They were only an hour at Bombala.

Senator DAWSON.—The honorable senator bases that assertion upon the statement of Mr. Oliver, who is evidently biased, and prejudiced against the Commissioners.

Senator PEARCE.—How long were they there?

Senator DAWSON.—I cannot say.

Senator PEARCE.—Have they answered Mr. Oliver's charge?

Senator DAWSON.—I am not prepared to say that they have or that they should take any notice of the charges made by that gentleman.

Senator MILLEN.—The main facts upon which their report on Tumut is founded were supplied by officials who have been there on many occasions.

Senator CLEMONS.—Is the Minister for Trade and Customs an official?

Senator MILLEN.—I do not say that he is.

Senator CLEMONS.—He was surely their tutor?



Senator DAWSON.—It is true that Tumut is the only site that I have visited, but I know the country well, and it is because of my intimate knowledge of its characteristics that I feel so enthusiastic in regard to it. My knowledge of the features of the other sites is derived from the report supplied by the Commissioners, who are unmistakably opposed to the selection of Bombala. Whether they are right or not I am not absolutely prepared to say; but judging from their report on Tumut, which I know to be accurate, I should imagine that their statements in regard to the other sites may be fully relied upon. I have yet to learn from any enthusiastic Bombalaite that any part of their report on that site can be said to be inaccurate.

Senator Lt.-Col. GOULD.—The Commissioners were appointed to furnish us with full information on the subject.

Senator DAWSON.—Quite so.

Senator FRASER.—Had the honorable senator visited Bombala he would have been in ecstasies about it.

Senator MILLEN.—He would never have lived to return to us.

Senator DAWSON.—I do not think that I should. I have been in the neighbourhood of Bombala, although I have not actually visited the place, and I have heard much about it from people who have resided in the district. On the occasion that I visited Cooma I was very pleased to get out of it, and I am not at all anxious to return. I venture, in conclusion, to say that I feel satisfied that in the selection of Bombala the bargain made with New South Wales has been repudiated, for it means that there never will be a Capital city. Whilst we should give some consideration to the understanding arrived at between the two larger States of the Commonwealth, we must not overlook the smaller States. I was one of those who, prior to the Federal referendum in Queensland, took an active part in urging the people of that State to accept the Constitution Bill, and one of the strong points which I made on public platforms during the campaign was that the Federal Capital should be in New South Wales, and not less than 100 miles from Sydney. It was never for a moment contemplated that a site would be selected which is, in name, New South Wales territory, but, in effect, belongs to Victoria. If it were open to us to select a site in any of the States, I should be able to point to a place in Queensland which is

even more desirable than Tumut. If the compact with New South Wales had not to be considered, then, as a Queenslander, I should believe it my duty to vote for Armidale, but I consider it well that we should honorably carry out the obligation imposed upon us.

Senator O'KEEFE (Tasmania).—Some honorable senators appear to be anxious that we should at once go to a division, and, but for certain statements which have just been made by Senator Dawson, I should not stand in the way of the gratification of that desire. The honorable senator took what he admitted to be an unusual course in speaking at length on the motion for the adoption of the report, and, as I have not yet addressed myself to this question, I intend to take this opportunity to say a few words in regard to it. I was anxious that a vote should be taken last night, and refrained from speaking during the second reading debate; but when the honorable senator asserts that the selection of Bombala—a site for which I voted—is tantamount to repudiation of the bargain made with New South Wales, I feel that it devolves upon every honorable senator who is opposed to the policy of repudiation to show that that statement is without foundation. Some honorable senators may have supported the selection of Bombala because of a desire to repudiate the bargain; but my vote was due to no such consideration. I supported that site simply because I believe it to be the most truly national one, and because, after a careful study of the various reports which have been submitted to us, I consider it to be the best. I have not been to Bombala, but I have visited Tumut, Lyndhurst, Orange, Bathurst, and Albury, and, relying on the evidence before us, and comparing the advantages and disadvantages of each particular site, I hold that Bombala is the most suitable place for the establishment of the Capital. I shall not detain the Senate by making a lengthy speech. I merely wish to show distinctly that I utterly repudiate the argument used by Senator Dawson. I hurl back at him the statement that the people of the parent State voted for Federation only because they believed that the Capital would be under the influence of New South Wales, or, in other words, the influence of Sydney. I hold that the majority of the people of New South Wales will be quite satisfied with the choice we have made.

Senator Lt.-Col. NEILD.—No.

Senator O'KEEFE.—They will be satisfied with our selection of a territory within that State.

Senator MILLEN.—The honorable senator must know more about New South Wales than does any honorable senator from that State.

Senator O'KEEFE.—I do not profess to be familiar with the State; but I believe that a great many people in New South Wales do not share the views entertained by residents of Sydney. I do not think that Sydney represents New South Wales, or Melbourne Victoria, and certainly neither New South Wales nor Victoria represents the whole Federation. I hold, therefore, that, apart altogether from any consideration as to the individual interests of Victoria or New South Wales, the representatives of other States in this Parliament have a right to vote for what they believe to be the best site. We have not departed from the Constitution; we have selected a site which is in New South Wales territory, and how can it fairly be said that we have repudiated the bargain made with New South Wales? Senator Dawson asserts that he has seen at least one of the sites, and that those who took part in the parliamentary tour of inspection did not have an opportunity to fairly examine any of them. He is so wrapped up in Tumut that he holds that it must be the best. In reply to the statements made by the honorable senator I think it is well to put before the Senate the opinion held by at least some of the people of New South Wales in regard to the climate of Tumut, which, according to Senator Dawson, is the best in the world.

Senator PEARCE.—The opinion of people who are not Bombalaites.

Senator O'KEEFE.—Quite so. I have here a statement as to the climate of Tumut, which represents the opinion of a number of people residing in New South Wales; and I think it as well to read it for the edification of Senator Dawson. It sets forth that—

The three western sites are situated on an elevated plateau west of the Blue Mountains, with altitudes ranging from 2,200 to 2,880 feet above sea level, thus insuring a temperate climate. The Tumut site is 1,050 feet in a confined valley.

Senator Lt.-Col. NEILD.—Who published that statement?

Senator O'KEEFE.—Evidently the honorable senator is not altogether familiar with public opinion in New South Wales in regard to the various sites.

Senator Lt.-Col. NEILD.—The statement is all rubbish; the site is miles away from the Blue Mountains.

Senator O'KEEFE.—The report continues—

The Albury site is 800 feet on the edge of the great inland plain and exposed to fierce hot winds arising therefrom, which also affect Tumut to some extent. The superiority of the western sites over Albury and Tumut in the matter of altitude is very marked, and, therefore, the advantages of the western sites in the matter of climate are unquestionable. Tumut is also subject to very bleak and cutting blasts during the winter and spring months owing to the proximity of the Snowy Mountains. Data from official sources for many years are available for the three western sites, whereas two returns of temperature from Tumut other than private ones are available, and these only for three years. While the Commissioners' report takes no cognizance of the humidity of the atmosphere at the various sites, it must be apparent that at Tumut, situated in a river valley, shut in by mountains, the humidity must be much greater than on the elevated western plateau—a climate conducive to the occurrence of fogs both in summer and winter.

I do not say that all these statements are true, but I put them forward as representing the opinions of certain people in New South Wales who claim to have an expert knowledge of the qualifications necessary for the Federal Capital site.

Senator MILLEN.—Who published that circular?

Senator O'KEEFE.—It is signed by Thomas A. Machattie, president of the western branch of the Federal Capital League. Does it not show that the rivalry between Tumut, Lyndhurst, Bathurst, and Orange is merely petty jealousy on the part of certain provinces in New South Wales? Does it not show that in New South Wales this great question of the choice of a site for the Federal Capital has been reduced to one of petty jealousy? Does it not show that many of the people of that State are influenced more by feelings of provincialism than by anything else, in their view of the respective merits of Lyndhurst, Orange, Bathurst, and Tumut? When we know these things, and when we have listened to New South Wales representatives for the last couple of days talking of these splendid sites, and contending that a site favoured by other honorable senators is no good, is it not quite within the province of representatives of other States, who favour the selection of Bombala, to let the public know that Tumut is not favoured by every one in New South Wales? The Senate has taken a truly national stand in selecting a

site which, whilst being within New South Wales territory, and thus in accordance with the Constitution, is more suitable for the future Capital of the Commonwealth than any other site which has been before us. I am of opinion that when the Bill, as amended, is sent to another place, honorable members there will consider very carefully what they are doing before they decide to reject Bombala. If they do reject Bombala I do not think that very much harm will have been done. We shall, at least have done this: We shall have reduced an admittedly very large question to small proportions; we shall have brought the sites suggested down to two; and the people of Australia at the Federal elections will have something definite before them to make a choice upon. The electors in every one of the States will, I have no doubt, avail themselves of every possible opportunity of securing detailed information with reference to these two sites. They will question candidates as to their opinions regarding them, and, therefore, it may not prove altogether a bad thing if the selection of Bombala by the Senate should mean that the question will not be decided this session.

Senator Lt.-Col. NEILD.—That is what was sought.

Senator O'KEEFE.—I hope that honorable members in another place will accept Bombala. If they do, well and good; but, if they do not, I say that the probability is that Australia will have reason to thank honorable senators for their action, rather than to blame them. It is because I believe that Bombala is the best site, and because I could not consent to the charge hurled at us by Senator Dawson, that those who have voted for Bombala desire only repudiation, that I have thought it necessary to make these remarks.

Senator DAWSON.—The honorable senator has entirely misinterpreted my remarks. I said that there was repudiation, but that there were two classes of voters.

Senator PEARCE (Western Australia).—Had it not been for the highly-inflammatory address to which we have listened from Senator Dawson, I should have spared the honorable senator's feelings by refraining from giving another New South Wales opinion upon the wonderful site at Tumut. Seeing that the honorable senator has so enthusiastically advocated the claims of Tumut, I have felt compelled to give this

Sydney and New South Wales opinion of that place. This is taken from an influential Sydney newspaper:—

Everything now depends upon the attitude of the Senate, which body has within its power to delay for some very considerable time the selection of the site. Many members of that body favour Bombala. Bombala, however, seems to have been favoured by the House of Representatives chiefly as a means of delaying the whole matter, and it is quite possible that those in the Senate that favour Bombala are animated by just the same motives.

Honorable senators can tell that it must have been a Sydney man who wrote that.

Senator Lt.-Col. NEILD.—Because he is telling the truth?

Senator PEARCE.—I am glad the honorable senator admits that he is telling the truth. Let him listen to the rest of the quotation:—

On the other hand it cannot be denied that Tumut has its natural disadvantages. A district that is visited by cyclones is scarcely an Eden of bliss. On the 18th ultimo Tumut was visited by a most disastrous cyclone, that brought great destruction at Tumut Plains, at Blowering, and Brungie.

Senator O'KEEFE.—I was there the day after, and one could not get through the country for fallen trees.

Senator PEARCE.—The paragraph continues—

It tore up trees by the roots—

Senator MILLEN.—There are no trees at Bombala to tear up.

Senator PEARCE—

unroofed houses, demolished sheds, snapped off telegraph poles, carried sheets of iron through the air as if they were paper, lifted up water and carried it along considerable distances.

I suppose that was the Tumut water supply.

It was described by one of the correspondents of a Sydney daily newspaper as "an awful blast, about a quarter of a mile wide." Fortunately no lives were lost. This matter of Tumut having recently been visited by a most dangerous cyclone will no doubt be carefully considered by senators.

Senator Dawson was extremely fortunate in not meeting one of those cyclones during his two months' sojourn at Tumut. When the honorable senator speaks in such a cocksure manner about Tumut I should like to ask him whether he grew cabbages while he was there to test the soil, whether he investigated the water supply, which since his visit has been displaced by a cyclone, whether he tested the quality of the building stone, and the other

capabilities of the site? Unless the honorable senator was in a position to test the various capabilities of the site I should say that the opinion he offers as the result of a personal visit of two months is of no more value than the opinion I have formed of Bombala after a two days' visit to that site.

Senator PULSFORD (New South Wales).—I desire to make a very few remarks on the question of the alleged bargain. It is stated that New South Wales made a bargain on coming into the Federation, and that she would not have come in if the concession had not been made to her of having the Capital within her territory. That is a misrepresentation of the facts and of the truth. Since Australia has been populated the centre of population has been in New South Wales, and has gradually been trending in a northerly direction. When we entered into Federation there was no doubt at all as to where the Capital ought to be, but there was doubt whether the State of Victoria would be willing to recognise the fact. That was the only matter in question, and before Federation could be brought about a concession had to be made to the people of Victoria of putting around Sydney the 100-miles limit provision in the Constitution. That was the only concession made, and it was made to Victoria and not to New South Wales. The section of the Constitution simply recognises the right of New South Wales as the centre of the population of Australia to have the Capital site within her borders.

Senator O'KEEFE.—Then the selection of Bombala complies with the Constitution.

Senator PULSFORD.—Before Victoria would consent to recognise that right the concession had to be made to the Victorian people of excluding Sydney and the country for 100 miles round that city. As I pointed out the other night, the centre of population at the present time is 200 miles west of Sydney, and is gradually going northward.

Senator FRASER (Victoria).—I desire just to say that the concession was made by Victoria to New South Wales because the people of Victoria knew perfectly well that from a dozen to twenty sites would be found in opposition to each other to secure the Federal Capital, and hence the people of New South Wales would be much more in favour of coming into Federation on that account. By that proposal the advocates of

Federation secured many supporters where, perhaps, they might not have had any.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I wish to say only one word in reply. I can say nothing fresh on the main question. One honorable senator has answered another, and we desire to pass the Bill as soon as possible. If I can get through a certain amount of business to-day, as I hope to do, I shall not ask honorable senators to attend on next Tuesday. The only point upon which I desire to say a word is with respect to the report of the Commissioners being unanimous. I am informed that it was absolutely unanimous.

Senator STANFORTH SMITH.—Did they not have some squabble?

Senator PLAYFORD.—As far as I know they had no squabble, and their report was absolutely unanimous.

Question resolved in the affirmative.

Report adopted.

*Resolved* (on motion by Senator PLAYFORD)—

That the Standing Orders be suspended to enable the Bill to pass through its remaining stages without delay.

Bill read a third time.

## DEFENCE BILL

*In Committee* (Consideration of House of Representatives' Message):

Clause 39—

Every soldier or sailor of the Active Forces (other than the Permanent Forces) may, except in time of war, claim his discharge before the expiration of the period of service for which he engaged on the following conditions:—

(b) He shall, if he is not exempted from such payment for special reasons, pay such sum, not exceeding Two pounds, as may be prescribed.

*Senate's Amendment.*—To leave out paragraph b, and insert the following new paragraph:—“(bb) He shall, if a member of the Militia Forces, pay such sum not exceeding two pounds, and if a member of the Volunteer Forces pay such sum not exceeding one pound, as may be prescribed, but such payments may, for special reasons, be waived by the General Officer Commanding, upon the recommendation of the officer commanding the corps or ship's company from which the member seeks to be discharged.”

*House of Representatives' Message.*—To amend new paragraph by omitting—“General Officer Commanding, upon the recommendation of the officer commanding the corps or ship's company from which the member seeks to be discharged,” and inserting “officers authorized by the regulations to waive them.”

Senator DRAKE (Queensland—Attorney-General).—With the exception of three matters, the House of Representatives has accepted the whole of the seventy amendments which were made by the Senate in this Bill. These matters involve amendments in several clauses, but there are only three points upon which the two Houses are not at present in accord. I shall deal with them one at a time as they come on for consideration, but I ask the attention of the Committee now, that honorable senators may understand what the House of Representatives proposes. The House of Representatives is willing to accept our amendment in clause 39, with this alteration, that this authority for waiving the payment of this sum shall be officers authorized by the regulations to waive them. I move—

That the Committee agrees to the amendment of the House of Representatives.

Senator Lt.-Col. NEILD (New South Wales).—I rise to support the motion. The amendment to which the House of Representatives has disagreed was moved by myself; but the variation which it has suggested in no degree alters its object. It is expressed in slightly different phraseology, and it entirely meets, I think, the obligations of the service.

Motion agreed to.

Clause 55—

When any member of the Defence Force is killed on active service, or on duty, or dies or becomes incapacitated from earning his living from wounds or disease contracted on active service, provision shall be made for his wife and family out of the Consolidated Revenue Fund at the prescribed rates.

*Senate's Amendment.*—To leave out the clause, and insert the following new clause:—

54A. (1) When any member of the Defence Force dies or is killed while on active service, or is killed while in the performance of his duty, or dies from injuries received or disease contracted while on active service, or from injuries received while in the performance of his duty, provision shall be made out of the Consolidated Revenue Fund, at the prescribed rate, for his widow and for his children under sixteen years of age.

(2) When any member of the Defence Force becomes incapacitated from earning his living by reason of injuries received while on active service, or in the performance of his duty, or by reason of disease contracted while on active service, provision shall be made for the payment to him, out of the Consolidated Revenue Fund, of an allowance or gratuity at the prescribed rate.

(3) No payment or allowance shall be made where the death or incapacity of a member of the Defence Force is attributable to his misconduct or wilful neglect.

*House of Representatives' Message.*—To amend the clause by inserting after the word "service," line 4, the words "or on duty," by leaving out the word "wife," line 5, and inserting the word "widow," and by inserting after the words "and family," line 5, the words "or for himself, as the case may be."

Senator DRAKE.—As the clause originally stood, it did not provide for the case of a man incapacitated by an accident while on duty; but only applied to cases of incapacitation on service. Many honorable senators expressed a desire that the clause should be amended in that direction, and after a good deal of discussion, another clause was drafted; but it has not been approved of by the House of Representatives for some reason. It is now proposed to restore the original clause, with certain alterations. I think that it meets the wishes of the Senate in another way, and, therefore, I move—

That the Committee does not insist on the omission of the clause, but agrees to the amendments made by the House of Representatives.

Senator Lt.-Col. NEILD (New South Wales).—This is rather a peculiar incident. It will be recollected that I gave notice of certain amendments to the clause. The first amendment was carried, but when I moved the second amendment the Minister suggested that a new clause had better be prepared. A new clause was prepared, and was by the courtesy and generosity of the Minister, inserted on my motion. The other House has objected to what we did, but, strange to say, it has amended the original clause in identically the same way as I proposed to do. I desire to ascertain the opinion of the Attorney-General on a very important point. It is proposed to substitute the word "widow" for the word "wife"; and to retain the term "family," which is widely indefinite. We had used the phrase "children under sixteen years of age." Will the word "family" include the wife, or will it be necessary to insert the word "widow," leaving the word "wife" to stand? I take it that the Government have differentiated between "widow" and "family," and, therefore, I think we should retain the word "wife."

Senator DRAKE.—There is no provision for the wife when the husband is living. It is only in the case of a man being killed that there is provision for his widow and family.

Senator Lt.-Col. NEILD.—Is it intended by the clause, as it is now submitted, that

the provision for a man shall not be extended to any member of his family?

Senator DRAKE.—The provision for himself will include his family.

Senator Lt.-Col. NEILD.—I support the motion.

Motion agreed to.

Clause 27—

The Governor-General may appoint a Board of Advice to advise on all matters relating to the Defence Force submitted to it by the Minister.

*Senate's Amendment.*—To leave out all the words after the word "a," line 1, and to insert in lieu thereof the following words—"Council of Defence, consisting of—

1. The Minister for Defence.
2. The Officer in Command of Naval Forces.
3. The General Officer Commanding the Commonwealth Forces.
4. One member of the Senate.
5. One member of the House of Representatives.

2. The Council shall receive and review all recommendations of the General Officer Commanding and Naval Commandant in respect to the organization, administration, and financial policy of their respective branches of the Defence Forces, and shall, if thought necessary, obtain expert advice on any questions arising under such recommendations.

3. It shall be the duty of the Council from time to time to make such recommendations to Parliament as it may think desirable for most effectually securing the efficiency of the Defences and Defence Forces of the Commonwealth and to take such steps as may be necessary to secure effective compliance with the directions of Parliament in respect to all such matters.

4. At every meeting of the Council the Minister shall preside, or, in his absence, a chairman to be chosen by those members present."

*House of Representatives' Message.*—To disagree to the amendment.

Senator DRAKE.—I have to ask the Committee to reconsider its determination on this clause. The House of Representatives has declined to accept the amendment of Senator Matheson for the following reasons:—

1. The proposed Council of Defence would interfere with the responsibility of Ministers to Parliament.

There is no doubt that the Minister's responsibility would be interfered with by being compelled to consult on every matter a Council of Defence, with whom, perhaps, he might have considerable differences.

2. It is inexpedient to alter the existing system until more information is obtained as to the action taken upon recent proposals for re-organization of the army in England.

That is a very reasonable objection. The proposal is new, and under discussion in

England, and until we have some light thrown on the subject I think it is advisable to defer action in this direction.

3. The Board of Advice, as proposed in the Bill by the House of Representatives, meets existing circumstances, and will give time for full consideration.

The provision which was struck out, but which we wish to be restored, provides for a Board of Advice to assist the Minister in any matter which may be submitted to it. That, I think, as the other House says, meets existing circumstances, and time for consideration may be taken before we launch out into the larger scheme. I move—

That the Committee does not insist upon its amendment.

Senator DOBSON (Tasmania).—I supported Senator Matheson in his proposal for a Council of Defence. I did not quite like the composition of the body, and it was at my suggestion, I think, that he reduced the number of political members from four to two. What we contend for, and cannot get away from, is Ministerial responsibility. The second reason which has been given by the other House for not agreeing to our amendment is, I think, a very good one. According to the London press, the suggestion of Lord Esher, and many of the other Commissioners, which is most favoured, is the following one:—

Re-organize the War Office Council, and define more clearly its functions as an advisory and executive board, presided over by the Secretary of State, in whom, however, final responsibility to Parliament must be reserved.

If we had a Council of Defence including a member of the Opposition and a supporter of the Ministry in each House, as well as the Minister himself, they would be held to share his responsibility. It would be said at once that the member representing the Opposition would to some extent be responsible and be its mouth-piece. I am, therefore, inclined to think that we ought to have no Council unless the principle of Ministerial responsibility is maintained. I argued that in my opinion it would be maintained. I do not desire to get away from that principle, and, on the whole, I think it is only fair to give the General Officer Commanding a show, so that we may have an opportunity to see the result of his scheme. He has been placed in very disadvantageous circumstances. The military estimates have either been cut to pieces, or he has been told to take them back and remodel them, without being given a hint or

suggestion. I think that when we have had a year's experience of his system we shall be in a better position to decide whether to continue that system or to institute a Council of Defence.

Senator WALKER (New South Wales).

—As one of those who supported Senator Matheson, I am quite willing that this matter should be allowed to stand over, for the very good reason quoted by the Attorney-General, namely—

It is inexpedient to alter the existing system until more information is obtained as to the action taken upon recent proposals for re-organization of the army in England.

I hope that the result will be that we shall have in connexion with army organization a board similar to the Board of Admiralty. In view of the assurance of the Attorney-General, I think that we may with dignity accept the amendment of the other House.

Senator Lt.-Col. NEILD (New South Wales).—The amendment of Senator Matheson was carried late one Friday evening after some of us had left. I had expressed my opposition to his proposal at a previous stage. I concur with the message of the other House in so far as it suggests that it is desirable for the Commonwealth to have a little further information—which will no doubt be shortly available from England—as to the re-organization of the military administration, before we add an entirely new departure and a novel experiment to the many novel departures and many experiments that we are now trying throughout our Defence service. I think that the Board of Advice which was provided for in the original clause will be a sufficiently wide departure to take from old methods for the present. In a case of this kind, involving, as it necessarily does, a very large amount of technical matter, it is very much better for us to hasten slowly than to do something which we might find reason to regret, and which we could not alter except by another Bill, while the Board of Advice which is proposed by the Government could be altered by a regulation involving much less trouble, difficulty, and delay. I have pleasure in supporting the motion.

Senator BARRETT (Victoria).—As one of those who supported the provision for the appointment of a Council of Defence, I have not seen any reason to change my mind, and if a division be called for, I shall certainly vote as on the previous occasion. I have

found it necessary to severely criticise the conduct of the General Officer Commanding, and I have brought facts under the notice of the Senate which tend to show that great disorganization exists in our Defence Forces.

Senator DRAKE.—The honorable senator must allow a little time for the re-organization of a large Department like that.

Senator BARRETT.—It may not have been possible for the General Officer Commanding to do all that has been required of him, but so far as I can gather there has been no real work performed since he has occupied his present position.

Senator DRAKE.—The honorable senator is mistaken. The General Officer Commanding has done a lot of work.

Senator BARRETT.—I have good reason for my statement. I have investigated matters in connexion with the administration of Defence matters, and the information obtained by me and presented to the Senate from time to time has disclosed a very unsatisfactory state of affairs. My statements have not been controverted.

Senator FRASER.—They were only one-sided statements.

Senator BARRETT.—They were based upon facts. The honorable senator on one occasion made an altogether ineffectual attempt to defend the action of the General Officer Commanding. In Victoria a Council of Defence upon lines similar to that now proposed has accomplished good work. I am not prepared to hand over the management of defence affairs to the sweet will of Major-General Hutton, or any one else.

Senator FRASER.—The Minister is responsible to Parliament.

Senator BARRETT.—It has been frequently remarked, and with truth, that the Minister is but a figure-head. The Defence Department has been under the control of three different Ministers during the currency of the present Parliament, and no real responsibility has attached to any one of them. There has been no head to the Department, and, consequently, it has become thoroughly disorganized. It cannot be denied that drastic reforms are necessary. The appointment of a Council of Defence, such as that contemplated, would not interfere with the responsibility of the Minister to Parliament. I previously instanced the case of the Public Service Commissioner in his relation to the public service, and I showed that there would be no reason

to apprehend any interference with the responsibility of the Minister or the control exercised by Parliament over Defence matters. Therefore, I do not consider that the reason advanced by the House of Representatives will hold good. We are told that it is inexpedient to alter the existing system until more information is obtained as to the action taken upon recent proposals for the reorganization of the army in England. I would point out, however, that the principle underlying the reforms contemplated in Great Britain is embodied in the proposal for the establishment of a Council of Defence here.

Senator WALKER.—We have not yet received the report of the Imperial Commission.

Senator BARRETT.—Not the whole of the report; but we know that, in consequence of the disclosures made regarding the conduct of the recent war in South Africa, the English public are determined that reforms shall be instituted upon lines similar to those now proposed by us. A similar change is being made in the United States. Therefore, in view of what is being done in other countries, and in view of the necessity for drastic changes in our own administration, I think that the Senate should persist in its amendment. It is urged by the House of Representatives that the Board of Advice, as proposed in the Bill, would meet existing circumstances, and give time for full consideration. That Board would be appointed under regulations, and, so far as we can gather at present, would not carry out the desires of honorable senators. I see no reason why we should abandon our position, and I shall vote against the motion.

Senator STEWART (Queensland).—I intend to adhere to the vote I gave on the last occasion when the Bill was before the Committee. I then pointed out that Ministerial responsibility was altogether a sham. As Senator Barrett has said, we have had three Ministers of Defence during the currency of this Parliament. To begin with, we had Sir John Forrest, who proclaimed himself a man of peace.

Senator Lt.-Col. NEILD.—We had the late Sir James Dickson to begin with.

Senator STEWART.—Well, that would add to the number of Ministers, making a total of four. I know that the late Sir James Dickson was decidedly a man of peace, and that he knew as much about war as I do,

which is very little. I do not want to increase my knowledge in that particular. Then we had Senator Drake, whose transition from the supervision of the delivery of letters to the control of Defence affairs was exceedingly rapid. That honorable and learned gentleman scarcely had time to settle himself in the Minister's chair in that Department before he was transferred to another. No single Minister has had even the most remote opportunity to make himself acquainted with our alleged system of defence. The result is that the administration has been left in the hands of Major-General Hutton. I protest against that system being continued. Chaos exists in the Department at present. We do not exactly know what the policy of the Government is, or whether it has any policy; but we know that the public wish that our defence forces should consist of citizen soldiers. We know, furthermore, that Major-General Hutton is possessed of the idea that we should have permanent forces, and that he desires to establish a military caste. He wishes to bring Australia under the sway of militarism, similar to that which exists in Europe. The Government have drifted hither and thither without compass, or rudder, or policy, and have been merely hanging on, whilst the Commandant has been strenuously attempting to impose his policy upon the people very much against their will. Under these circumstances, the Senate made a proposal which would tend to bring about an improved state of affairs, but the House of Representatives has seen fit to cast it to the winds. It is urged that Ministerial responsibility would be interfered with. That is a pure, undiluted sham, because there is no such thing as Ministerial responsibility. The mention of it is perfectly farcical. It would be more correct to refer to Ministerial irresponsibility. With regard to the second reason, it may be pointed out that Great Britain, after long experience, and having committed many sad blunders, has come to the conclusion that there is something wrong in the management of its army and navy. I regret very much to say that commercially, and from a military and naval point of view, the defences of Great Britain are absolutely rotten. After wasting thousands of lives and millions of treasure, the public of Great Britain have come to the conclusion that some reform is necessary. It is therefore



proposed to establish a Council of Defence. They have tried the scheme we have in operation and found it wanting. Why should we continue a system which has been discredited in every country which pretends to have a military organization? The greatest military organization in the world is that of Germany. Germany has a Council of Defence, and in almost every other European country whose military organization is of importance the same system is adopted. Yet we, in the greenness of our youth, refuse to take advantage of the experience of the older countries. I shall repeat the vote which I gave previously, and shall oppose the passing of the Bill if this provision is not inserted. Without it the measure is absolutely useless.

Senator O'KEEFE (Tasmania).—I supported the establishment of a Council of Defence for a number of reasons; one of which is that I think that the present system of control, when there happens to be an autocrat in command, leads to acts of unfairness being committed. The occasion affords an opportunity to bring under the notice of the Committee a particular instance where, to my knowledge, an officer has received very unfair treatment at the hands of the General Officer Commanding. I do not say that the same treatment might not have been meted out to him by any other official who had been in the place of Major-General Hutton. But, from what I have gathered, I am satisfied that the present system has a tendency towards the perpetration of injustices. The present General Officer Commanding appears, when he has a "set" on a man to follow it up without sufficient reason, and without giving the man a chance. It will be remembered that Colonel Wallack, of Tasmania, who is an officer of high repute, was in command on board the *Manhattan*, in Sydney, when troops were being despatched to South Africa. He was relieved of his command because some of his men did not appear to be under proper discipline, and returned in liquor after an orgy.

Senator Lt.-Col. NEILD.—It is so common for men who are going on service to get drunk that there is a special provision for it in the King's regulations.

Senator O'KEEFE.—Colonel Wallack was instantaneously relieved of his command by Major-General Hutton, who used strong language on the occasion. He was given no chance to defend himself. I am

assured that, if he had been given a chance, he could have exonerated himself. He was not to blame.

Senator DRAKE.—That is a matter which the Council of Defence would not deal with.

Senator O'KEEFE.—At any rate, the instance gives support to the argument that when we have an autocrat at the head of our forces, it is right that there should be some check upon his action. A Council of Defence might have seen that justice was done to this officer. The injustice to Colonel Wallack was followed up by Major-General Hutton. At the time of the Easter encampment in Tasmania he should naturally have been placed in chief command; but another officer, considerably his junior, was placed over his head. The only thing alleged against him was want of power to maintain discipline. Compare the treatment of Colonel Wallack with that meted out to another officer. Take the case of Colonel Lyster. The report of the Royal Commission on the *Drayton Grange* scandal was in the hands of the Defence Department and of the General Officer Commanding. Colonel Lyster was proved to have been absolutely deficient in the power of discipline. Yet he has been appointed to the command of the South Australian Defence forces. But I believe that the change that has lately been made in the head of the Defence Department will tend to bring about a better condition of affairs. I hope that greater Ministerial control will be exercised. While I am still a great believer in a Council of Defence, yet, seeing that the service is in a state of chaos, owing to the want of a Defence Act, and as we are within a day or two of the end of the session, I am not going to resist the action of the House of Representatives in regard to this provision. If we find that in the future complaints arise similar to those which have been previously made, and there is evidence that the establishment of a Council of Defence will remedy the grievances, we can take action next session to bring such a body into existence. I believe, and hope, that the new Minister will pay great attention to the universal demand of the people of Australia for the encouragement of our citizen soldiery and our rifle clubs. I am certain that he has more sympathy in that direction than Sir John Forrest had. Consequently, whilst willing to accept the alteration which has been made in another place, in order to

allow the Bill to be passed, I reserve to myself the right to support any movement for the establishment of a Council of Defence if what we desire is not done.

Question—That the Committee does not insist upon its amendment—put. The Committee divided.

Ayes	...	...	...	15
Noes	...	...	...	8
				—
Majority	...	...	...	7

#### AYES.

Baker, Sir R. C.	Macfarlane, J.
Charleston, D. M.	Neild, J. C.
Clemons, J. S.	O'Keefe, D. J.
Dawson, A.	Playford, T.
Dobson, H.	Saunders, H. J.
Drake, J. G.	Walker, J. T.
Fraser, S.	<i>Teller.</i>
Gould, A. J.	Keating, J. H.

#### NOES.

Barrett, J. G.	Stewart, J. C.
Best, R. W.	Styles, J.
De Largie, H.	<i>Teller.</i>
Higgs, W. G.	Smith, M. S. C.
Pearce, G. F.	

#### PAIR.

Cameron, C. St. C.	Matheson, A. P.
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Question so resolved in the affirmative.

Motion agreed to.

Amendments in clause 120 not insisted upon.

Resolutions reported ; report adopted.

### APPROPRIATION BILL (1903-4).

*In Committee* (Consideration of House of Representatives' Message):

Second Schedule.

#### PARLIAMENT.

Divisions 1 to 10—£30,207.

*Senate's Requests.*—That the salary of the Clerk of the Papers and Accountant, £380, be increased to £420 ; the salary of the Shorthand Writer and Typist, £188, be increased to £200 ; the salary of the Housekeeper and Doorkeeper, £205, be increased to £235 ; and that the salary of the President's Messenger, £188, be increased to £204.

*House of Representatives' Message.*—Amendments not made.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—Honorable senators will perceive from this message that the House of Representatives has agreed to our request to reduce the number of superintendents of public works at a salary of £600 each, from four to two.

It has, however, disagreed to all the requests which relate to officers of the Senate, whose salaries we desired to restore to the amounts which originally appeared upon the Estimates. Honorable senators will recollect that there are four officers upon the Senate staff who are interested in this matter, namely, the Clerk of Papers and Accountant, the Shorthand Writer and Typist, the housekeeper and doorkeeper, and the President's messenger. The House Committee desired that these officers should receive salaries equal to those which are enjoyed by officers of the House of Representatives who perform similar duties. In the case of two of our officers the request for increases was made by the Joint House Committee. In the case of the others, the recommendation that increases should be paid was made by the House Committee of the Senate only. The objections which have been urged by the other Chamber in opposition to our proposal are that, in the interests of economy, it is not expedient to grant these increases, and that the officers of the Senate do not perform the same quantity of work as do the officers of the House of Representatives. But I would point out that the Clerk of Papers and Accountant upon the Senate staff, who at present receives £380 a year, and whose salary we desire to raise to £420, has to perform the work which is done upon the staff of the House of Representatives by the Clerk of Papers and Accountant, who receives £420, and the Clerk of Records, whose salary is £350. He has also to perform a portion of the work which is done by the Assistant Clerk of Committees and Reading Clerk, whose salary is £300. Thus, one officer upon the Senate staff, at a salary of £380, has to perform the work of two and a half clerks upon the staff of the House of Representatives. Our Shorthand Writer and Typist, who is at present receiving £188 per annum, and whose salary we wish to increase to £200, is equivalent to the assistant reading clerk at £200, and is really called upon to do more work. Upon the House of Representatives' staff there is also a junior clerk who is in the receipt of £80 a year, and whose duty it is to help the assistant reading clerk. We have no such corresponding officer. Then I come to the case of the housekeeper and doorkeeper, who receives £205 per annum. We propose to increase his salary to £235, so as to place him upon an equality with the housekeeper and

doorkeeper of the House of Representatives. He does exactly the same work and is employed precisely similar hours, because, since we have handed over to the members of the inter-State press what was formerly a waiting-room, that portion of the building has to remain lighted as long as the Senate is sitting.

Senator Sir WILLIAM ZEAL.—He is one of the oldest officers in the service.

Senator PLAYFORD.—As I am reminded, he is one of the oldest officers in the service. Then we desire that the salary of the President's messenger shall be increased from £188 to £204, which is the amount received by the Speaker's messenger. Practically the volume of work performed by these officers is the same. There may be some slight difference, owing to the fact that the Senate does not sit quite so long as does the House of Representatives; but for all practical purposes it is the same.

Senator Lt.-Col. NEILD.—Is it possible for the work of the whole Public Service to be mapped out upon lines of exact equality?

Senator PLAYFORD.—No. Then owing to five officers being employed on the staff of the other House, as against two upon the Senate staff, one of the former can be allowed off duty every alternate night. That, however, cannot be done in the case of the Senate officers. The House of Representatives has five officers to do the work which is performed by two officers upon the Senate staff. The Clerk of the Papers, and the Shorthand Writer and Typist, assist in the work of the Joint House Committee, and are under the control of the Usher of the Black Rod, Mr. Upward. A considerable quantity of work has to be done by that committee, and these officers assist Mr. Upward, in the performance of the duties connected therewith. Then, in the case of the House of Representatives a sum of £60 is provided for "adjustment of salaries" of its officers, whereas no such provision appears upon the Estimates in connexion with the Senate. That vote means that the House of Representatives can increase the salaries of any of its officers if it considers it desirable so to do. The same item constantly recurs throughout the Estimates. In the Treasurer's Department, for example, a sum of £250 is provided for these adjustments. The Senate, however, has no means of adjusting the salaries of its officers even though they may be entitled to consideration. The President thought it better that

a lump sum should be provided upon the Estimates, and that that sum should not be exceeded. I think the other Chamber ought to recognise that upon the ground of common fairness the Senate can claim that the salaries of these officers should be raised to the amount indicated. As a member of the House Committee I moved in that direction, and the Treasurer very properly placed the increases upon the Estimates. When, however, these items were challenged in the other House, the Government divided upon them, and, unfortunately, were badly beaten. Later on when the Senate requested the House of Representatives to reinstate the increases proposed, the Treasurer did not call for a division. I asked him his reason for not doing so, and he assured me that it was useless as the great majority of the Committee were opposed to him.

Senator PEARCE.—Were the facts which have been stated by the Vice-President put before the other House?

Senator PLAYFORD.—I think so.

Senator PEARCE.—Not one of them.

Senator PLAYFORD.—I wish that the result had been different, and I am only sorry that I cannot vote with honorable senators in favour of restoring the increases suggested. Under the circumstances, however, I have no alternative but to support my colleagues. I therefore move—

That the requests be not pressed.

Senator Sir RICHARD BAKER (South Australia).—I entirely agree with everything which the Vice-President of the Executive Council has said, except with his concluding remarks. I thought that he intended to move in exactly an opposite direction. It is not necessary for me to state the case on behalf of the officers of the Senate who are chiefly concerned, because that has already been very well done by the Vice-President; but this seems to me to be a matter as between the two Houses rather than one in respect of the claims of particular officers. I venture to think that as a matter of courtesy the House of Representatives ought to allow the Senate to manage its own internal affairs. That is the almost universal practice in all countries where there are two Houses of Legislature. Nobody will for a moment suggest that the Senate is not as powerful or influential relatively to the House of Representatives as the House of Lords is to the

House of Commons. On the contrary, we know from its Constitution that it is far more important, and that it wields far greater powers relatively to the other House than does the House of Lords to the House of Commons. Yet what is the practice which is followed in England? In this connexion I wish to read the following extract from the report of a debate in Committee of Supply of the 17th June, 1870:—

Mr. Goldney wished to know whether there was any scale by which the salaries of the House of Lords were regulated.

Mr. Stanfield, in reply, said that the estimate for the House of Lords was prepared by a Committee of the House of Lords and sent to the Treasury, and it was generally accepted by them without dispute. It was undoubtedly within the competence of the Committee of Supply to modify and even reduce it—

No one denies that. It is within the legal power of the House of Representatives to cut down the estimates of expenditure upon the Senate staff in the same way as it is within our power to reject the Appropriation Bill. Mr. Stanfield went on to say—

but a certain amount of respect was always paid to the estimate, and it had not been their habit to scan it very closely. Mr. Gladstone said it was his duty to support the statement of the Secretary of the Treasury, because the question was one of a peculiar nature. It was not to be supposed that the Treasury would assume that control over the estimate of the House of Lords that it was their duty to exercise over all other estimates. Under the old usage, the House of Lords were accustomed to regulate their own expenditure; but that House, in a spirit that did them great credit, had abandoned that privilege, and had consented that the expenditure should come under an annual vote. Under these circumstances, it would not be becoming for the Treasury to assume that sort of command over that estimate that they very properly exercised over ordinary estimates.

That seems to me to lay down the principle which ought to actuate the two branches of the Legislature in dealing with the estimates of the salaries of officers of either House. I venture to think that if the Senate attempted to cut down the salaries which the House of Representatives wished to pay to its officers, the members of that House would not consent to it. I trust that the Senate will look at this matter as one of some importance, because it seems to me that the position which is taken up by the other Chamber is this—"We are the sole judges of what shall be expended, and we intend to treat the Senate in exactly the same way as we treat any other Department."

*Senator Sir Richard Baker.*

Senator PLAYFORD.—The other House has agreed to one of our suggestions.

Senator Sir RICHARD BAKER.—But the estimates which relate to the salaries of officers of the Senate appear to be regarded by the other Chamber in just the same way as an expenditure for the erection of a post-office. Had it desired to consult the interests of economy, surely it might have exercised its functions to a far larger extent than by cutting down the salaries of officers upon the Senate staff by £98. I do not want to speak strongly, although I feel strongly on the matter. I hope the Senate will vindicate its position.

Senator Lt.-Col. GOULD (New South Wales).—We have to realize that this is a question of the rights of the Senate, and not a question of the rights of the individual officers whose salaries are affected. The President has clearly shown that the amount of the salaries of the officers of the Senate should be left entirely within our discretion, and that there should be no attempt on the part of the other House to interfere with items of that character. It is a pity that with such a message the other House did not give some reasons for refusing to our requests. In the case of an ordinary Bill, when we propose an amendment, and the other House dissents, reasons are given for that dissent; and when requests have been submitted, as in the present case, it would be a simple act of courtesy for the other House to state the grounds for their disagreement. It would conduce more to pleasant feeling between the two Houses if that course were adopted, instead of sending us the brief message—

The House of Representatives has not made the remainder of the amendments requested by the Senate.

It is not treating us with courtesy to send a message to the effect that—"We have had your request before us, and we shall not grant it, because the matter dealt with is no business of yours." I hope that such a state of things will not be allowed to continue, but that the representatives of the Government in the Senate will impress on their colleagues that the Senate are entitled to be treated with ordinary courtesy when the House of Representatives choose to disagree with any suggestions we may make.

Senator Lt.-Col. NEILD.—With the same courtesy that we extend to the House of Representatives.

Senator Lt.-Col. GOULD.—Exactly.

Senator PEARCE (Western Australia).—I opposed some of the proposed increases of salary, and I feel it necessary to explain the vote which I shall give on the motion before us. I voted against several of the proposed increases of salary on what I believe to be the merits of the cases. I find, however, that when our requests went before another place, instead of being discussed on their merits, another basis altogether was adopted, and the right of the Senate to make any request in connexion with an Appropriation Bill was denied.

Senator PLAYFORD.—That was the expression of opinion of only one member of the House of Representatives.

Senator PEARCE.—That was the expressed opinion of several of the members of the House of Representatives, and the position was not combated, I am sorry to say, from the Ministerial benches.

Senator DRAKE.—The right of the Senate to request amendments could not be challenged.

Senator Sir WILLIAM ZEAL.—The Prime Minister recommended that the request be complied with.

Senator PEARCE.—At any rate, the facts which have been laid before us to-day were not laid before the House of Representatives as they should have been, and the view that the Senate has no right to request amendments in an Appropriation Bill was not combated by the Ministry. Every honorable senator agrees that the doorkeeper of the Senate is entitled to a salary similar to that paid to the corresponding officer in another place. That is not merely because that salary is paid to the doorkeeper of the House of Representatives, but because the doorkeeper of the Senate is entitled to the salary proposed. In the House of Representatives that view of the matter was never taken; it was never suggested that the other proposed increases should be refused and that of the doorkeeper granted. If that had been done I should have been prepared to vote as I voted on the previous occasion; but when I find the House of Representatives rejecting the whole of the proposals without discussing their merits, the only course open to me is to join in what I hope will be the unanimous vote of

the Senate—to send the whole of the requests back, determined to insist on them, even to the extent of blocking the Appropriation Bill.

Senator STEWART (Queensland).—I find myself in exactly the same position as Senator Pearce. I was opposed to several of the increases; but seeing that the merits of the proposals were never discussed in the House of Representatives, and that the latter Chamber claims to be absolute in matters of finance, it is my duty to join other honorable senators in again submitting our requests. The Constitution certainly gives the House of Representatives precedence in matters of finance, but it does not make that House absolute. To take the position that the House of Representatives is absolute appears to be straining its powers beyond the endurance of the Senate. So far as I can see, this is an attempt to snuff out the Senate, and if we submit now—

Senator Sir WILLIAM ZEAL.—We will be treated in a worse way next year.

Senator STEWART.—We shall have further indignities heaped on us in days to come.

Senator WALKER (New South Wales).—I am quite with other honorable senators in the proposal to send our requests back to the House of Representatives. I presume, however, that our message will clearly express the reasons for our action, and explain that, in our opinion, the salaries are only just and right.

Senator Lt.-Col. GOULD.—We ought to go on another principle altogether, and insist on the rights of the Senate.

Senator WALKER.—We must recollect that in another place there are some men who hold extreme views on the point, and we should, to some extent, try to save trouble. Let it be known that we stand on principle; but, at the same time, we ought to give full information as to our reasons.

Senator O'KEEFE (Tasmania).—This is an important question, and I take it that the expressions of opinion by honorable senators will receive attention in another place.

Senator PLAYFORD.—The division will show the opinions of honorable senators.

Senator O'KEEFE.—It is just as well however, for senators to have their opinions placed on record. We cannot possibly consent to accept the action of the members of the House of Representatives, who have

given us not the slightest reasons for refusing our requests. If it was considered that the requests of the Senate were wrong, the House of Representatives should have extended to us the courtesy of giving their reasons for rejecting them.

Senator Lt.-Col. NEILD (New South Wales).—It is quite clear from the tone of the remarks made that there will be no record in the form of a division list.

Senator PLAYFORD.—I shall divide the Committee.

Senator Lt.-Col. NEILD.—In that case I shall vote against the motion, and I hope that the Vice-President of the Executive Council will be the only one to vote in the affirmative.

Question—That the requests be not pressed—put. The Committee divided.

Ayes	...	...	...	2
Noes	...	...	...	23

Majority	...	...	...	21
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# AYES.

Playford, T.

*Teller.*

Drake, J. G.

# NOES.

Baker, Sir R. C.  
Barrett, J. G.  
Best, R. W.  
Charleston, D. M.  
Dawson, A.  
De Largie, H.  
Dobson, H.  
Fraser, S.  
Gould, A. J.  
Higgs, W. G.  
Macfarlane, J.  
McGregor, G.

Neild, J. C.  
O'Keefe, D. J.  
Pearce, G. F.  
Pulsford, E.  
Saunders, H. J.  
Smith, M. S. C.  
Stewart, J. C.  
Styles, J.  
Walker, J. T.  
Zeal, Sir W. A.  
*Teller.*  
Millen, E. D.

Question so resolved in the negative.

Motion negatived.

Resolution reported ; report adopted.

The PRESIDENT.—If it is desired to send reasons for again returning the Appropriation Bill to the House of Representatives, those reasons ought to be agreed to by the Senate. I cannot, on my own responsibility, import reasons into a message ; and our reasons ought to be indicated. I suggest that one reason is quite sufficient, namely, that the Senate considers that it ought to have the power to regulate its own internal economy.

Senator CLEMONS.—It is the duty of the Government to name a committee to bring up reasons.

Senator BEST.—I do not think a committee can be appointed to draft reasons.

Senator Lt.-Col. GOULD.—The reason suggested by the President ought to be embodied in the message.

Senator Lt.-Col. NEILD (New South Wales).—It might obviate some friction if, in addition to the reason which has been suggested, there were included an expression of opinion that the officers concerned are entitled to the salaries proposed. We lay down the constitutional principle in the first proposition. I desire rather to obviate a difficulty than to seek one.

Motion (by Senator DRAKE) proposed—

That a message be sent to the House of Representatives informing them of the resolution of the Senate, and, assigning as a reason, that the Senate considers that it should have power to regulate its own internal affairs.

Senator CLEMONS (Tasmania).—Surely Mr. President these proceedings are irregular.

The PRESIDENT.—I do not know—

Senator CLEMONS.—I think that they are. I do not hesitate to say that it is the duty of the Government at this stage to ask for the appointment of a sub-committee to draw up a list of reasons to accompany the message. It is certainly not your duty, Mr. President, or that of any individual honorable senator to move that certain reasons be added to the message. I object to the position taken up by the Government, who would allow you, or some private senator, to accept a responsibility which properly attaches to Ministers.

Senator DRAKE.—I have accepted the responsibility by moving this motion.

Senator CLEMONS.—I am glad that the Minister has seen fit now to do what he ought to have done at the outset.

Senator STEWART (Queensland).—I do not think that the Senate ought to adopt the motion. If honorable senators will only reflect for a moment or two, they will realize that they are asked to take up an altogether untenable position. The Constitution gives the House of Representatives unreserved power over all the finances of the Commonwealth. There is no escape from that position.

Senator MILLEN.—We have the power of veto.

Senator STEWART.—The Constitution also provides that the Senate shall have power to request amendments in financial measures, so that it thus gives the two Houses full power over finance. The position now

taken up by the Attorney-General, and apparently accepted by other honorable senators, is that the Senate has a right to control its own internal affairs. My contention is that the Senate is only a portion of Parliament, that the finances of the whole Commonwealth are under the control of Parliament, and that to say that the House of Representatives has no power over the finances of the Senate is to assert that we are independent altogether, so far as our internal finances are concerned, of that branch of the Legislature. That position is not tenable, and we shall be merely making ourselves ridiculous by assigning this reason for our action. We shall merely be inviting the ridicule of another place if we assent to this position. I concurred in pressing the requests because of the extreme position taken up by several honorable members of another place, who said—"We are the absolute masters of finance. We shall do whatever we please. We refuse the right of the Senate to alter this Bill in any shape or form." I cannot agree with that position; but we are now asked to take up an equally extreme position on the other side, by saying that the House of Representatives has no power to interfere with our internal affairs. I think that proposition is absurd in the last degree, that it will place us in a false position, and ought not to be agreed to by the Senate.

Senator BEST (Victoria).—In my opinion the Senate would not act wisely in attaching reasons to our message. The reason for our action appears in the Constitution itself. We contend that it is a matter of courtesy, which the practice of other Parliaments has recognised, that our internal administration of our own department should not be interfered with. But we cannot attempt to advance that view of the position as a legal right, and I think that we should weaken our case if we attempted to do so. I would suggest with very great respect that it would be unwise to give any reason. I am not quite sure that our Standing Orders provide for reasons being assigned in connexion with those Bills which we have no power to amend.

Senator PEARCE (Western Australia).—Senator Best has just given expression to opinions which I had intended to voice. It seems to me that in this case the proper persons to give reasons are the members of the Government. If the reasons stated by Senator Playford had been put before

another place by Ministers our requests would not have been rejected.

The PRESIDENT. — The Standing Orders provide for the sending of the message, but not for reasons to accompany it; and, therefore, reasons cannot be sent to another place unless by the express desire of the Senate. I presume that the mover of the motion intends to say that the Senate is of opinion that as a matter of courtesy, not as a matter of right, we should have power to regulate our own internal affairs. Is that the intention of the Attorney-General?

Senator DRAKE.—I am prepared to withdraw the motion. I moved it only because I believed it to be the desire of the Senate that some reason for our decision should accompany the message. My opinion in the first place was that no reasons should be given.

Motion, by leave, withdrawn.

## PATENTS BILL.

*In Committee.*—(Consideration of House of Representatives' amendments).

Senator DRAKE (Queensland—Attorney-General).—I shall be glad to have the assistance of honorable senators in expediting the consideration of these amendments. The schedule is a lengthy one, but the vast majority of the amendments made in another place are merely alterations in the drafting of the Bill, and will be at once agreed to. I shall point out, as we proceed, the nature of any amendment that is really of an important character.

Amendments in clauses 4 and 6 agreed to.

*House of Representatives' Amendment.*—After clause 6 insert the following new clause:—

"6A. 1. The patentee under a State Patents Act of an invention, whose patent is in force at the time of application, may make application under this Act for a patent for the invention.

2. The Commissioner may grant a patent under this Act for the invention, but if he is satisfied that the subject-matter of the patent under the State Patents Act—

- (a) is not novel, or
- (b) has been published, or
- (c) has been made the subject of a pending application

in any State other than the State in which the patent under the State Patents Act was granted, then any such State may be excepted from the patent granted under this Act.

3. Every patent granted under this section shall be for a period to be fixed by the Commissioner, not exceeding the unexpired period of the patent under the State Patents Act.

4. The patent under the State Patents Act shall continue in force notwithstanding the grant of a patent under this Act, but may be surrendered by the patentee."

Senator DRAKE.—This amendment will carry out the wish of the Senate as to the position of a man who has taken out a patent in one of the States, and desires that it shall be extended to the Commonwealth. It will give the fullest possible privilege to the holders of patents in the States, subject to the interests of other patentees and the public. I move—

That the amendment be agreed to.

Senator PEARCE (Western Australia).—I think that I was the first to bring this matter under the notice of the Senate, and I must say that the amendment carries out my desire in the fullest degree, and is a great improvement on the Bill as it left us.

Motion agreed to.

Amendments in clauses 8 and 9 agreed to.

*House of Representatives' Amendment.*—After clause 9 insert the following new clause:—

"9A. 1. The Commissioner may in relation to any particular matters or class of matters or to any particular State or part of the Commonwealth, by writing under his hand, delegate all or any of his powers under this Act (except this power of delegation) to a Deputy Commissioner, so that the delegated powers may be exercised by him with respect to the matters or class of matters or the State or part of the Commonwealth specified in the instrument of delegation.

2. Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commissioner.

Senator DRAKE.—This is merely an alteration in drafting. The last paragraph of clause 12 in the Bill, as it left the Senate, gave the Commissioner authority to delegate any of his powers under this measure to a deputy Commissioner. That paragraph has been omitted, and the introduction of this new clause more clearly defines the Commissioner's powers in this respect. I move—

That the amendment be agreed to.

Motion agreed to.

Amendments in clauses 12, 13, and 18 agreed to.

Amendment, inserting new clause 18A, agreed to.

Amendment in clause 28 agreed to.

*House of Representatives' Amendment.*—After clause 28 insert the following clause:—

"28A. Applications for patents may be lodged at the Patent Office immediately after the Commissioner is appointed, notwithstanding that this Act has not then commenced, and all applications so lodged shall have priority according to the time when they were so lodged, and the lodging

of an application under this section shall have the like effect as the lodging of an application after the commencement of this Act, but any patent granted pursuant to the application shall be dated as of the day of the commencement of this Act. Until forms are prescribed applications shall be in such form as the Commissioner directs.

Applications made under a State Patent Act may be lodged as prescribed before the commencement of this Act as applications under this Act."

Senator DRAKE.—It will be seen at a glance that the object of this clause is to provide that there shall be no hiatus. I move—

That the amendment be agreed to.

Senator PEARCE (Western Australia).—I hope the Committee will not pass this clause without looking into its effects, because it is rather important. This Bill will come into operation on a date to be fixed by proclamation, but the States Patent Act will continue in operation until that date. The Commissioner under this Bill may be appointed a month or two months before the proclamation of the Act, and we shall be confronted with this contingency: We may have inventors lodging applications for patents two or three months before the Act is actually in operation. Then, when the Act is proclaimed, we shall have the Patent Office loaded up with applications which must be dealt with in the order of priority. Knowing the superior advantages of the Commonwealth Act over the various States Acts, particularly in the matter of fees, we can quite imagine that inventors will endeavour to lodge their applications under this Bill as soon as possible. But I would ask the Attorney-General what advantage there is in giving them this power to lodge their applications before the Act comes into force? I venture to prophesy that the clause will lead to a great deal of heart burning and a great deal of bungling. As a matter of fact, if a man patents an invention under any one of the States Acts, he can prevent any one else from pirating his invention. If, for instance, a man has patented an invention in South Australia under the State Patents Act, I cannot lodge an application for a patent for the same invention under this clause, because I must make a declaration that I am the actual inventor or his assignee.

Senator DRAKE.—The desire is to give inventors an opportunity of securing protection over the whole of the Commonwealth at the earliest possible moment.



Senator PEARCE.—That surely should be the moment when the Commonwealth Patents Act comes into operation. To allow inventors to lodge applications under this clause will not give them any protection.

Senator DRAKE.—It will give them priority, and it will give them a real protection from the time of their application, because the letters patent, if granted, will date back to the application.

Senator PEARCE.—All that applicants will get under this clause is a guarantee that their applications will be dealt with in order of priority. I submit this case to the Attorney-General: An inventor, under this clause, lodges an application for a patent with the Commissioner as soon as he is appointed, whilst some other more enterprising person goes to a State Patents Office and lodges an application for a patent for the same invention. Of what benefit will this clause be to the first man? When the Patents Office is actually established and the Act is in operation, his application will come up for hearing, and the man who has been enterprising enough to secure a patent in a State Patents Office will be able to object.

Senator MCGREGOR.—This clause protects the first man.

Senator PEARCE.—The honorable senator cannot have read the clause. This Bill can confer no benefit upon any one until it is proclaimed as an Act in force. It can give no protection. All that this clause can effect is that if Jones lodges an application for a patent, and Smith lodges an application for the same invention, if Jones' application is lodged first he will have a priority over Smith. But if Smith is sufficiently enterprising to go round to the States Patents Offices in the meantime—

Senator MCGREGOR.—He cannot do it.

Senator PEARCE.—There is nothing to prevent him. The States Patents Acts are to continue in full force until this Act is proclaimed. If I go to a State Patents Office before the proclamation of this Act, what authority will the officials have to refuse me a patent because somebody has lodged an application with the Commissioner under an Act which has not yet been proclaimed?

Senator DRAKE.—Inventors will know that an application under this Act will have priority.

Senator PEARCE.—Every layman must know that an Act can have no force until

it is proclaimed. The Attorney-General is proposing the insertion of a new clause, which will have the effect of securing a host of applications, but which will give no protection to the applicant, and can serve no useful purpose. The clause is a delusion and a snare, and should be left out.

Senator DRAKE.—There are advantages and disadvantages in inserting a clause of this kind. The object clearly is to enable inventors to have an opportunity of lodging applications perhaps a few weeks before they could do so if they had to wait until the Act is proclaimed. Of course an Act is entirely inoperative until it is proclaimed, but as soon as this Act is proclaimed this clause will take effect, and applications which are in the hands of the Commissioner will have priority. Under this clause an inventor desiring a patent will not need to run round to all the States Patents Offices. That is the state of things which we are endeavouring to remedy by this Bill. An inventor under this clause will be able, at the earliest possible moment, to lodge his application with the Commissioner.

Senator PEARCE.—This will give him no protection.

Senator DRAKE.—This will give him a priority which amounts to protection. He will get the benefit of the early date of his application.

Senator PEARCE.—Providing no one makes an application for a patent for the same invention to a State Patents Office.

Senator DRAKE.—Inventors will not take their applications to States Patents Offices when they know they may be lodged with the Commissioner under this Bill.

Senator PEARCE.—They may not have the knowledge.

Senator DRAKE.—The Registrar of Patents in every State will become a Deputy-Registrar under the Commissioner, and as soon as the Commissioner is appointed, it will be known at every State Patents Office; and every person lodging an application with the Commissioner at a State Patents Office will know perfectly well that he will be under no risk of being anticipated. If we do not insert a clause of this kind, we shall prevent inventors lodging applications for patents covering the whole of the Commonwealth until the Act is proclaimed.

Senator PEARCE.—That is what we should do.

Senator CLEMONS (Tasmania).—I quite agree with Senator Pearce. It is obvious

to any one who reads this clause that the Ministry contemplate the appointment of a Commissioner before the proclamation of the Act.

Senator DRAKE.—He probably will be appointed a short time before the proclamation of the Act in order that he may be able to get things ready.

Senator KEATING.—What would be the good of the Act without a Commissioner under it?

Senator CLEMONS.—There would be nothing funny in having an Act proclaimed before every official under it is appointed.

Senator KEATING.—We should have an Act in operation which could not be worked.

Senator CLEMONS.—We should have an Act in operation which could not be worked until we appointed a Commissioner. There is no reason why we should appoint a Commissioner before we have proclaimed the Act under which he is to work.

Senator KEATING.—There is, decidedly.

Senator CLEMONS.—There is nothing in the world to prevent the proclamation of the Act and the appointment of the Commissioner being simultaneous. No difficulty of administration, and no other good reason, can be alleged for not proclaiming the Act and appointing the Commissioner at the same time.

Senator KEATING.—There would be no difficulty if the Commissioner knew for some time beforehand that he was going to be appointed.

Senator CLEMONS.—I can conceive many reasons why we should not appoint a Commissioner for some time before the Act is proclaimed. One reason, on the score of economy, is that the Commissioner would require to be paid his salary before there was an Act which he could administer.

Senator DRAKE.—He would have work to do in preparing for the operation of the Act.

Senator CLEMONS.—He would have very little work to do. It is obvious that this new clause contemplates the lapse of a considerable interval between the appointment of the Commissioner and the proclamation of the Act.

Senator DRAKE.—Not longer than is necessary.

Senator CLEMONS.—If it is not contemplated that there shall be a considerable interval, why all this trouble about nothing? Clause 6, to which I refer the Attorney-General, bears out the contention of Senator Pearce. It provides that nothing in this Bill

shall affect any proceedings pending under any State Patents Act. We are going to induce applicants for patents to rush in their applications, in order to secure the advantage of priority, whilst, at the same time, the States Patents Offices are still open. That is undesirable, and the Attorney-General can give no satisfactory reason for it. Senator Pearce's argument is sound, and we shall be inviting a conflict between the Commonwealth Patents Office before it is established, and the Patents Offices of the States which have been established for years. I am opposed to the clause, and if Senator Pearce calls for a division, I shall support him.

Question—That the amendment be agreed to—put. The Committee divided.

Ayes	...	...	...	9
Noes	...	...	...	12

Majority	...	...	3
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#### AYES.

Barrett, J. G.	McGregor, G.
Best, R. W.	O'Keefe, D. J.
Charleston, D. M.	Playford, T.
De Largie, H.	Teller
Drake, J. G.	Keating, J. H.

#### NOES.

Clemons, J. S.	Smith, M. S. C.
Dawson, A.	Stewart, J. C.
Macfarlane, J.	Styles, J.
Neild, J. C.	Walker, J. T.
Pearce, G. F.	Teller
Pulsford, E.	Millen, E. D.
Saunders, H. J.	

Question so resolved in the negative.

Motion negatived.

Clause 35—

Every application and specification shall forthwith be referred by the Commissioner to the Examiner, who shall ascertain and report as to—

- Whether the title has been stated as prescribed;
- Whether the invention has been described as prescribed;
- Whether the application and specification are as prescribed; and
- Whether the invention is novel, and has been already in possession of the public with the consent or allowance of the inventor.

*House of Representatives' Amendment.*—At end of paragraph b, add "and"; at end of paragraph c omit "and," and omit paragraph d.

Senator DRAKE.—The amendments in clauses 35 and 37 relate to the subject of novelty. The House of Representatives prefers clause 35 as it was originally drafted with some alterations which I shall point

out. It holds the view which I have expressed before, that it is not desirable that the Examiner should be called upon to report on novelty. It is a most intricate and delicate matter, on which the validity of patents more frequently turns than on anything else, and to say that the Examiner shall report as to novelty is really a trap. But in clause 37 it is proposed that in the case of complete specifications, the Examiner, in addition to reporting whether an invention has been already patented, shall report as to novelty. I move—

That the amendments be agreed to.

Motion agreed to.

Amendments in clauses 37, 38, 40, 41, and 42 agreed to.

Amendment, adding new clause 42A, agreed to.

Amendments in clauses 43, 44, 51, 52, 54, 55, 60, 61, 62, 63, 71, 72, 73, 77, 80, and 82 agreed to.

*House of Representatives' Amendment.*—Before clause 83 insert the following new clauses:—

"82A. Every patent shall be granted subject to the following conditions:—

(a) That if the patented article is reasonably capable of being commercially constructed or manufactured or the invention patented is reasonably capable of being commercially worked in Australia the patentee or some person authorized by him shall within five years after the date thereof commence and after such commencement continuously carry on in Australia the construction or manufacture of the patented article or the working of the invention patented in such a manner that any person may obtain the patented article or the use of the invention at a reasonable price; and

(b) That if the patented article is reasonably capable of being commercially constructed or manufactured in Australia the patentee shall not after four years from the date of the patent import it or cause it to be imported into Australia."

"82B. No proceedings shall be instituted for the revocation of a patent for any breach of the provisions of the preceding section except in the High Court and by the Attorney-General, and then only in case the Attorney-General is satisfied that the breach is injurious to the trade or manufactures of the Commonwealth."

Senator DRAKE.—The object of this amendment is to restore the provisions which were objected to by the Senate. I have already expressed my opinion strongly on this subject. I think it is very desirable to require a man who has obtained a patent

to work it in Australia, instead of sitting down and importing the article, thus preventing anybody else from making it here. The amendment of the other House provides that an inventor shall be required to manufacture an article for which he has obtained a patent and supply it at a reasonable price to the public, and that after the expiration of four years he shall not import the article. I think it is a very good provision to make. I move—

That the amendment be agreed to.

Question put. The Committee divided.

Ayes	...	...	...	8
Noes	...	...	...	11

Majority	...	...	3
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AYES.

Barrett, J. G.	Styles, J.
Best, R. W.	Zeal, Sir W. A.
De Largie, H.	
Drake, J. G.	<i>Teller.</i>
O'Keefe, D. J.	Keating, J. H.

NOES.

Charleston, D. M.	Pulsford, E.
Dawson, A.	Saunders, H. J.
McGregor, G.	Smith, M. S. C.
Millen, E. D.	Walker, J. T.
Neild, J. C.	<i>Teller.</i>
Pearce, G. F.	Clemons, S. J.

Question so resolved in the negative.

Motion negatived.

Clause 83.—(Compulsory Licences.)

*House of Representatives' Amendment.*—At end of sub-clause 1 add "or in the alternative for the revocation of the patent."

Motion (by Senator DRAKE) proposed—

That the amendment be agreed to.

Senator PEARCE (Western Australia).—I only wish to point out to those honorable senators who think that we are not sufficiently safeguarding local manufacturers the drastic powers which are conferred by this clause. It is provided that any person interested may, after the lapse of two years, present a petition alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and apply for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent. That surely would afford sufficient protection to the public without such a provision as that just rejected.

Motion agreed to.

Other amendments in clause 83, and amendments in clauses 84 and 86 agreed to.

*House of Representatives' Amendment.*—After clause 88, insert new clause 88A

Senator DRAKE.—I move—

That the amendment be agreed to.

The object of this clause is to enable patents to be acquired by the Commonwealth, and the new clause immediately following gives similar powers to the States; subject, of course, to provisions for compensation to the patentees.

Motion agreed to.

Amendment, adding new clause 88B, agreed to.

Amendments in clauses 89, 93, 99, 101, 105, 115, and 118 agreed to.

Amendment, adding new clause 118A, agreed to.

Amendments, omitting clauses 119, 120, 121, and 122, agreed to.

Amendment, adding new paragraph (3) to first schedule, disagreed to.

Other amendments in first schedule, and amendment in second schedule, agreed to.

Resolutions reported; report adopted.

Motion (by Senator DRAKE) agreed to—

That Senator Clemons, Senator Pearce, and the mover be appointed a committee to prepare and bring up reasons for the disagreement of the Senate to certain amendments of the House of Representatives.

At a later stage—

Resolved (on motion by Senator DRAKE)—

That the following reasons be sent to the House of Representatives:—

As to No. 19—Because it is undesirable that the appointment of the Commissioner should, except for a short interval, precede the Proclamation of the Act, and that the clause would tend to conflict with the States Patent Acts, and would confer no substantial benefits on applicants.

As to No. 56—Because the desirability, if any, of the clause is obviated by the succeeding clause, No. 83.

As to No. 79.—Because it is consequential on No. 56.

## PUBLIC SERVICE AMENDMENT BILL.

### SECOND READING.

Senator DRAKE (Queensland—Attorney-General).—I move—

That the Bill be now read a second time.

This Bill is intended to amend section 80, sub-section c, of the Public Service Act, which deals with persons who have passed the examination and are capable of filling vacancies that arise in the service. The Act provides that they must be appointed within nine months. That provision has been found to be inconvenient in working,

and the Bill proposes to substitute eighteen months for nine months. I think it is an amendment which will commend itself to the Senate, as it has already done to the House of Representatives.

Question resolved in the affirmative.

Bill read a second time, and reported without amendment; report adopted.

Bill read a third time.

### SORTER: BRISBANE POST-OFFICE.

Senator PLAYFORD.—Senator Stewart has given notice of four questions, which I desire to answer now. The questions are as follow:—

1. Whether it is the case that in *Gazette* No. 14, dated 4th April, 1903, a notification appeared inviting applications for the position of sorter vacant in the Brisbane Post-office?

2. If so, was any person appointed to fill that position and gazetted thereto?

3. If so, is the person so appointed and gazetted now filling the position advertised as vacant?

4. If not, what is the reason for the delay in filling the position?

The following are the answers:—

1. Yes.

2. Yes.

3. Yes.

4. Answered by reply to No. 3.

### SPECIAL ADJOURNMENT.

Resolved (on motion by Senator PLAYFORD)—

That the Senate, at its rising, adjourn until Wednesday next.

### ADJOURNMENT.

#### SEAT OF GOVERNMENT BILL.

Motion (by Senator PLAYFORD) proposed—

That the Senate do now adjourn.

Senator CLEMONS (Tasmania).—For the information of honorable senators, I wish to ask the Vice-President of the Executive Council if he can make any announcement as to whether the Government intend to proceed by way of conference to settle the question of the Capital site this session, seeing that a disagreement has arisen between the two Houses? I ask the question because I am sure that the Government do not desire to bring the matter to a conclusion in a thin House or in a thin Senate; and we all know that it is extremely probable that there will be a small attendance in both Houses during the rest of the session.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—The honorable senator was kind enough to ask me some time ago whether I should be prepared before the Senate rose to answer the question which he has just put to me. I have communicated with the Prime Minister over the telephone, and the reply which I have received amounts to this: That he believes that the Government, when they receive the Bill in another place, will ask the House to agree to insert Bombala instead of Tumut. Failing that, he is not in a position to say exactly what course will be adopted. It will depend upon circumstances and upon the feeling in the other branch of the Legislature.

Question resolved in the affirmative.

Senate adjourned at 3.28 p.m.

## House of Representatives.

*Tuesday, 20 October, 1903.*

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### FEDERAL CAPITAL SITE.

Mr. O'MALLEY.—I desire to ask the Prime Minister, without notice, whether, in view of the fact that the House of Representatives has selected Tumut, and the Senate Bombala, for the Federal Capital Site, while the members of both Chambers are in favour of having a Federal territory of not less than 1,000 square miles, the Government will bring in a short Bill to provide for the submission of the question to a referendum of the people at the forthcoming general elections?

Mr. DEAKIN.—I do not know that the site is fixed with sufficient precision to enable such a referendum to be taken with advantage. In any case, the time is too brief to enable the necessary information to be supplied to the electors and the preparations for a referendum to be made.

### WESTERN AUSTRALIAN TRANSCONTINENTAL RAILWAY.

Mr. MAHON.—I desire to ask the Prime Minister, without notice, whether any correspondence has been received or exchanged recently between this Government

and the Government of South Australia in reference to the Western Australian Transcontinental Railway. If so, will he lay a copy of it on the table?

Mr. DEAKIN.—The correspondence upon the question is still in course; but I shall be prepared to lay upon the table to-morrow copies of the communications exchanged up to date, though it is too early to expect a final reply then.

### COLLECTION OF BORDER DUTIES.

Mr. KENNEDY.—I am informed that duties are still being collected at some places on the border between New South Wales and Victoria. Is it the intention of the Department to continue the collection of Inter-State duties? Should not the collection of such duties, except in regard to Western Australia, have ceased on the 8th October?

Sir WILLIAM LYNE.—The honorable member was good enough to inform me this morning that duties were being collected at a certain township on the border, and I at once had a telegram despatched to the Customs officer there to ascertain the truth of the report. The officers of the Department have no authority for collecting Inter-State duties now, because those duties ceased to have force on the 8th of this month. There has been some little trouble in adjusting values in regard to the consumption in each State, so that we have not yet been able to make an alteration with regard to Inter-State certificates. Action is, however, being taken with a view to arrange, if possible, some easier method of ascertaining the amount to be credited to each State than that of preparing and forwarding Inter-State certificates. Nothing definite has been done up to the present time; but I hope, in a week or two, to notify the public of a change.

### LAND EXCHANGES.

Mr. THOMSON.—I wish to know from the Minister for Home Affairs if the following intimation, which appears in this morning's *Argus*, is correct:—

The Minister for Home Affairs has arranged to exchange the block of land on which the orderly-rooms are situated, at the corner of Peel and Victoria streets, for another block owned by the City Council at the junction of Elizabeth and Victoria streets. The City Council has to provide £1,000 to cover the cost of removing and re-erecting the buildings.

If that statement is correct, will the right honorable gentleman inform the House whence he derives his power to effect such exchanges without the authority of Parliament, and what means were taken to ascertain the relative values of the two blocks of land.

Sir JOHN FORREST.—The information is correct. The Department has been guided in its action by the advice of the Crown Law officers. This is not a new transaction, but has been under consideration for years. The arrangement come to is satisfactory to the Defence Department, and will greatly assist the municipal authorities of Melbourne. I looked into the matter myself, and, as I was of opinion that the exchange was a fair one, I sanctioned it.

Mr. THOMSON.—The Minister has hardly answered my question. I desire to know whether the arrangement entered into with regard to the exchange of the land referred to was contingent upon the approval of Parliament. If not, does not the Minister see that there is an important difference between merely handing back to the States Governments lands which have been taken over from them, and arranging exchanges of land between municipal bodies or individuals and the Commonwealth Government? I further desire to know whether the Minister has any objection to laying the papers on the table?

Sir JOHN FORREST.—As the matter referred to has been the subject of negotiations extending over many years, I would ask the honorable member to give notice of his questions, in order that I may procure the necessary information.

#### ELECTORAL ADMINISTRATION.

Sir JOHN QUICK.—I wish to ask the Minister for Home Affairs if he will take steps to make known the boundaries of the polling places in the various electoral divisions. I am informed that the greatest misunderstanding exists on this subject. Will the Minister have plans circulated showing the boundaries, so that electors may know where to go to record their votes?

Sir JOHN FORREST.—I am not sure that the actual boundaries of the various polling places have been determined, nor do I think it possible, speaking off-hand, to determine them.

Sir JOHN QUICK.—A separate roll is prepared for each polling place.

Sir JOHN FORREST.—The names of electors are grouped round certain polling places. If a person is not able to vote at a polling place for which his name is on the roll, arrangements are made by which he can vote at another.

Sir JOHN QUICK.—But are there no boundaries to the polling places?

Sir JOHN FORREST.—No. I have never known a case in which there have been fixed boundaries to polling places, nor do I think it necessary to have definite boundaries. The electors can surely be trusted to ascertain upon what rolls their names are printed, and to go to the polling places for which they are enrolled. It seems to me to be assumed by some honorable members that the electors are unintelligent persons who take no interest in this matter, which is of such importance to honorable members. My opinion is that they will take the trouble to find out the polling places for which they are enrolled, and go there on the polling day. If they do not take that trouble, but go to a wrong place, arrangements are made under form Q whereby they can vote elsewhere.

Mr. G. B. EDWARDS.—Does the Minister think that it is sufficient to provide only one polling place for populous divisions such as Redfern and Prahran, where, I understand, the Town Halls will be utilized as polling booths, and the electors will have to go upstairs to record their votes? Will it not lead to congestion, and, perhaps, to a stoppage of the polling, if more adequate provision is not made?

Sir JOHN FORREST.—I assure the honorable member that there will be sufficient polling places in each division to meet the convenience of those who will vote there. All the polling in a division will not be concentrated at one booth.

Mr. G. B. EDWARDS.—It will be impossible for 10,000 voters to satisfactorily record their votes at a place where they will have to go upstairs to do so.

Mr. KNOX.—I desire to ask the Prime Minister whether, before the session closes, he will afford honorable members an opportunity to discuss the difficulties which are being experienced in connexion with the electoral rolls? The Minister for Home Affairs is being plied with a number of questions at each sitting, without any important result.

Mr. DEAKIN.—I think that a discussion without notice of the character indicated would scarcely be productive of definite result. If honorable members feel it necessary to call attention to particular difficulties, they might give notice of their questions, or make a simple intimation to my honorable colleague. This would enable him to prepare his replies, and I feel sure that all the requirements of the case would then be met.

#### CUSTOMS OFFICIALS: SUNDAY WORK.

Mr. MAUGER.—Has any step been taken to insure that the officials in the Customs Department shall have one day's rest in seven? The Treasurer promised that the matter would be referred to the Public Service Commissioner.

Sir WILLIAM LYNE.—The honorable member was good enough to inform me of his intention to ask this question. I made inquiries into the matter this morning, and I ascertained that the boatmen in New South Wales are paid £133 per annum, those in Victoria £144, those in Queensland from £96 to £118, and those in Western Australia £110 per annum. In Tasmania boats are hired by the Department, and in South Australia a launch is hired. In New South Wales three men on the average are employed on Sundays, the duty being performed alternately by the boatmen. In Melbourne five are employed. The matter has been referred to the Public Service Commissioner, and it is anticipated that arrangements may be made for confining the employment of these men to six days a week with little additional expense to the Department.

#### COASTAL TELEGRAPH STATIONS.

Mr. CLARKE.—I recently had occasion to write to the Postmaster-General complaining of alleged negligence on the part of telegraph officials in not sending through on a Sunday an urgent telegram in connexion with the wreck of the steam-ship *Croki* at Seal Rocks. Owing to this negligence the steamer became a total wreck. I now desire to ask the Postmaster-General whether he will instruct the officials in charge of the coastal telegraph stations to be in attendance during certain hours on Sundays, say for an hour in the morning and an hour in the

afternoon, so that they may receive messages in emergencies such as I have referred to?

Sir PHILIP FYSH.—It would not be desirable to issue a general instruction applying to postmasters at all coastal stations. Something, however, may be done to meet the wish of the honorable member. I shall inquire as to which of the coastal stations an instruction of the kind referred to would most usefully apply, and, if possible, I shall issue regulations requiring the attendance of the officials at such stations at certain hours on Sundays.

#### RULES PUBLICATION BILL.

*Resolved* (on motion by Mr. DEAKIN)—

That the standing orders be suspended so as to enable a Bill to be introduced and passed through all its stages without delay.

That leave be given to bring in a Bill for an Act for the Publication of Statutory Rules.

*Ordered*—

That Mr. Deakin do prepare and bring in the Bill.

Bill presented and read a first time.

#### SEAT OF GOVERNMENT BILL.

Bill returned from the Senate with amendments.

#### APPROPRIATION BILL (1903-4).

Bill returned from the Senate with the following message:—

The Senate returns to the House of Representatives the Bill intitled "A Bill for an Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending the 30th day of June, 1904, and to appropriate the supplies granted for such year," and acquaints the House of Representatives that the Senate has considered the message of that House dated 14th October, 1903, in reference to such Bill, and has resolved to press its requests Nos. 1, 2, 3, and 4, as originally requested.

#### COMMONWEALTH COINAGE.

Mr. G. B. EDWARDS asked the Prime Minister, *upon notice*—

Whether the Government will take into consideration the introduction of legislation to give effect to the Coinage Committee's Report in favour of the Commonwealth coining its own token currency, and adopting a decimal system of money, which report was adopted by this House on 19th June last?

Mr. DEAKIN.—The answer to the honorable member's question is as follows:—

The matter will be considered during the recess. Communications as to the coinage of silver in Australia are now proceeding between this Government and the Colonial Office.

## TRANSCONTINENTAL RAILWAY.

Mr. FOWLER asked the Prime Minister, *upon notice*—

Whether, in view of the promise contained in the Governor-General's speech at the opening of the present session of the Federal Parliament, the Government have made, or are about to make, provision for a survey of the proposed transcontinental railway to Western Australia?

Mr. DEAKIN.—The answer to the honorable member's question is as follows:—

The matter is under consideration, and is the subject of correspondence now proceeding.

## MILITARY BANDS.

Mr. TUDOR asked the Minister for Defence, *upon notice*—

1. Whether it is a fact that Sir John Forrest, when Minister of Defence, ruled that "Military bands are not to enter into competition with bands the members of which have to depend upon their musical talent for a living."

2. Does the Minister not consider that the military band which played at a recent garden party broke this rule, as previously bands composed of professional musicians were engaged for similar functions.

Mr. AUSTIN CHAPMAN.—In reply to the honorable member's questions:—

1. Yes.
2. It was not considered that they were, in this case, entering into competition with any private band.

## ASSOCIATES OF JUSTICES OF HIGH COURT.

Mr. MAHON asked the Prime Minister, *upon notice*—

1. Is it intended to exempt from the operation of the Commonwealth Public Service Act the persons who are to act as associates to the Justices of the High Court?

2. If so, will he kindly mention the section of the Act which authorizes such exemption?

Mr. DEAKIN.—The answers to the honorable member's questions are as follow:—

1. This class of officers has been exempted.
2. Section 3.

## PATENTS BILL.

Bill returned from the Senate with the following message:—

The Senate returns to the House of Representatives the Bill for "an Act relating to Patents of Inventions," and acquaints the House that the Senate has agreed to the amendments made by the House of Representatives, with the exception of Nos. 19, 56, and 79, to which it has disagreed, for the reasons set forth in the annexed schedule.

The Senate desires the reconsideration of the Bill in respect of the amendments disagreed to.

Reasons of the Senate for disagreeing to certain amendments of the House of Representatives—

As to No. 19—

Because it is undesirable that the appointment of the Commissioner should, except for a short interval, precede the Proclamation of the Act, and that the clause would tend to conflict with the States Patent Acts, and would confer no substantial benefits on applicants.

As to No. 56—

Because the desirability, if any, of the clause is obviated by the succeeding clause, No. 83.

As to No. 79—

Because it is consequential on No. 56.

*In Committee (Consideration of Senate's message):—*

*House of Representatives' Amendment.*—Insert new clause 28A—

"Applications for patents may be lodged at the Patent Office immediately after the Commissioner is appointed, notwithstanding that this Act has not then commenced, and all applications so lodged shall have priority according to the time when they were so lodged, and the lodging of an application under this section shall have the same effect as the lodging of an application after the commencement of this Act; but any patent granted pursuant to the application shall be dated as of the day of the commencement of this Act. Until forms are prescribed applications shall be in such form as the Commissioner directs."

Applications made under a State Patent Act may be lodged as prescribed before the commencement of this Act as applications under this Act."

*Senate's Message.*—Amendment disagreed to.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—Honorable members will observe that the Senate has agreed to the majority of the amendments which were made by this House in the Bill. Indeed, it has taken exception to only two or three of them. The first amendment with which it has disagreed relates to the new clause which was inserted at the request of honorable members with a view to provide that, even before what might be termed the "complete" commencement of this Act, it should be possible for inventors to register applications for patents, which should be given priority according to the time at which they were lodged, though patents would date only from the commencement of the Act. To the whole of this clause exception has been taken upon the ground "that it is undesirable that the appointment of the Commissioner should, except for a short interval, precede the proclamation of the Act, and that it would tend to conflict with the States



Patents Acts, and would confer no substantial benefits upon applicants." Thus three objections are urged to the provision in question. The first of these I venture to think, evinces a misunderstanding of the intention of the whole of that part of the measure which relates to the Commissioner's appointment. From the information which has been supplied to me, it appears perfectly clear that his appointment must precede, by a considerable time, the full commencement of this Act, inasmuch as in bringing into force a single patent system which shall replace the six systems at present existing in the States, it will be necessary for him, not only to organize the new Department and consider all applications, but to take the necessary steps—as I frequently explained—to have the registers and indices of the States revised and brought up to date. It has often been assumed in this House that perhaps as long a period as a year must elapse between the appointment of the Commissioner and the actual commencement of the Act in its full sense. I do not know how far that estimate is well founded; but, probably, it may prove to be not excessive. Therefore, I am quite at a loss to understand the objection which is expressed in this particular reason of the Senate. The next reason which is urged by the other Chamber, that the clause would tend to conflict with the States Patents Acts is not, I think, well founded, because provision is made in the Bill by which applications may be registered, both under the Commonwealth and the States laws, by any who desire to do so, and who consider that by so doing they will obtain an advantage. They can persist with either or both of their applications should they determine to pay the fees. Under the circumstances, I fail to see where any conflict will arise between applications which are made under the States laws and those which are made under the Commonwealth Act. I have never disguised from the Committee, however, that the clause must be fraught with difficulty in its working, and that many problems may arise in giving effect to it. However, it was strongly pressed upon the Committee, on the ground that it would convenience inventors, and that by its insertion the indefinite delay in conferring the advantages which are offered by this measure would be avoided. At the same time, those who for

any reason distrust this procedure, are still given an opportunity to proceed under the States laws.

Mr. HIGGINS.—What is the practical inconvenience to which the Prime Minister alludes?

Mr. DEAKIN. — It is this: We are about to pass a Commonwealth Patents Act. That Act cannot commence until many investigations have been made and a new patent system has been prepared. In the interim inventors who wish to protect themselves throughout Australia are required to lodge their applications in every State and to obey the requirements of the States laws—in fact, to follow the same course which they would have followed prior to the passing of this Act. We offer them the means by which they can lodge an application for the whole of the Commonwealth—an application which will be inquired into by us at our expense in all the States, and for which a patent will be granted in order of priority, though it will date only from the complete commencement of the Act. By that means we thought we had successfully bridged the interregnum. The third objection which has been urged by the Senate is that the clause would confer no substantial benefit upon applicants. To that I have already replied. Only to-day I received a telegram from an Adelaide patent agency which in somewhat excited language protests that the effect of this provision would be "dangerous and misleading," that it would cause "endless litigation," "conflict of concurrent State applications," and "irremediable chaos." Indeed it contains quite a number of patentable phrases.

Mr. GLYNN.—Its authors are afraid of centralization in the applications.

Mr. DEAKIN.—I do not think that they need be.

Mr. GLYNN.—I do not think so either.

Mr. DEAKIN.—I have endeavoured to analyze what these fiery phrases really mean. Probably they are aimed at the words "according to the time when they were so lodged." Possibly the authors of the telegram have in mind the fact that there are time zones in Australia, and that a question may arise as to what allowance ought to be made—although I think that there is a strictly fixed difference—as between an application for a patent which is lodged at Perth, in the extreme west, and another which is lodged at Sydney, in the extreme east, at approximately the same hour.

Mr. THOMSON.—That difficulty will always arise under the Bill.

Mr. DEAKIN.—I do not think so. We have enacted a provision which will prevent that difficulty when the measure comes into full operation. But I suggest that if we omit the words "according to the time when they were so lodged," and substitute for them the words "as prescribed," we can then, by regulation, define precisely—or, at least, with as nearly as possible astronomical accuracy—the manner in which priority shall be settled when conflicting applications have been almost simultaneously lodged at widely distant places in the Commonwealth. When we have done that, it appears to me—after re-reading the clause and admitting the practical difficulties which will arise in its working—that we have inserted a provision which may prove very serviceable to inventors and one which does not present the possibilities of disaster and even chaos portrayed in the telegram to which I have referred.

Mr. GLYNN.—How would the suggestion of the honorable gentleman affect the second paragraph of the clause? The authors of the telegram fear that an application which is lodged in the central office will always obtain priority.

Mr. DEAKIN.—It appears to me that by regulation we may remove all ambiguity. We seek to make it quite clear that we have the same power in regard to the second paragraph of the clause that we possess in respect of the first paragraph, hence I submit the amendment indicated. That, I think, will remove the difficulty which has caused the senders of the telegram to which allusion has been made so much anxiety. I therefore move—

That the amendment be insisted on, but that the clause be amended by the omission of the words "according to the time when they were so lodged" with a view to insert in lieu thereof the words "as prescribed."

Mr. HIGGINS (Northern Melbourne).—I can scarcely understand how "irremediable chaos" will be brought about by the operation of this provision, although the phrase in question is very suggestive of South Australian language. The senders of the telegram have not indicated what part of the clause they consider may lead to "irremediable chaos," and I think that in the circumstances we shall have to be content to remain open to that contingency for all time. I should not be

surprised, however, if their difficulty were in regard to the dating of the patent. A patent, of course, cannot be dated except as from the commencement of the Act; but if two patents were granted as on that date, there being no guarantee of novelty, how would the question of priority be determined?

Mr. DEAKIN.—The application which was received first on that date would receive priority.

Mr. HIGGINS.—It is not the custom in making grants of patents to record the hour at which the application is made.

Mr. DEAKIN.—Yes; the hour and the minute.

Mr. GLYNN (South Australia).—I have not yet seen the telegram, the contents of which have rather astonished the honorable and learned member for Northern Melbourne; but I think that the difficulty is that the agents in question fear that under this provision agents in Melbourne would obtain priority over agents in the other States in respect of applications lodged by them. When the suggestion was made that provisional applications might be lodged under the States Acts and regarded as applications for Commonwealth patents, no objection was offered, the opinion being held, apparently, that such applications would have absolute priority in the States in which they were made, and that no question could arise as to priority having been given by any central office. No opposition was raised to that proposal, which was designed to accomplish the very object which this provision has in view. I think that the objection in this case is that the clause would enable patent agents resident in Melbourne to make applications which would have priority over those made in the other States. I do not consider that the clause would necessarily have that effect; but that is apparently the reason which has caused the agents in question to oppose it. If the regulations are carefully drawn up, the amendment should allay their fears, and in the form now proposed, the clause ought to be insisted upon.

Mr. BROWN (Canobolas).—I desire to support the amendment proposed by the Prime Minister, for I believe that when the matter is thoroughly investigated, it will be found by another place that their objections to the clause are not substantial. They state first of all that it is undesirable that

the appointment of a Commissioner under this Bill should precede by any considerable interval the date of proclamation. According to those who have an intimate knowledge of the working of the States Patents Offices, some twelve or eighteen months will elapse between the passing of the Bill, and the date on which the new system will be complete, and in order that the whole of the necessary machinery may be brought into perfect working order as early as possible, it is necessary that the Commissioner should be appointed without delay. It is probable that the full difficulties associated with the transfer of the Patents Offices from the States to the Commonwealth have not yet been fully realized, and that they will occasion considerable delay. That being so, unless this clause be agreed to, inventors will be placed in a very awkward position. To my own knowledge several inventors have been holding back their applications for patents in order to secure the benefit of this legislation. Some of them are not in a position, while others are not prepared, to incur the very heavy cost of registering throughout the States under the existing systems, and they hope to secure material relief by the passing of this Bill. Unless this clause be agreed to, however, they will not be able to test and perfect their inventions until the Act is actually brought into operation. Is it desirable that inventors should be denied the encouragement and relief which we propose to give them under this clause? It seems to me that the Senate has overlooked this phase of the question. It is also complained by another place that this provision would conflict with States registration. I do not think that that would be possible. If an inventor desires to register under the States laws prior to the coming into force of this Bill he will be able to do so, and to complete his application as soon as the Commonwealth system is in proper working order. If an inventor is given a free hand in this respect no doubt he will choose the course that seems to him to be the most advantageous. It is said further that this provision would confer no substantial benefit on applicants for inventions. Those who are anxious to take out patents at the present time hold an entirely different opinion, and they desire that this clause may be inserted in order that they may have some guarantee that whilst the

preliminaries incidental to the bringing of the measure into operation are being disposed of they will be able to lodge their applications and have them registered as soon as the new machinery is in working order. This clause will give them that guarantee. There are stringent conditions in the Bill as to the time within which an application for a patent must be completed, and as to the non-disclosure of the nature of an invention in respect of which a patent is sought. A complete specification must be lodged within nine months after the date of the application, and those who propose to secure patents under this measure are not sure that, in the absence of this concession, they will be able to comply with that provision. If this measure does not actually come into operation for twelve or eighteen months the Commissioner will have to disallow their applications, inasmuch as, in the absence of a provision of this kind, the conditions cannot be complied with. The clause will give a sense of security to inventors who are in that position. I feel satisfied that when another place views the question from this standpoint their objections will be removed; particularly as the Prime Minister proposes to eliminate some words, and to make the intention of the clause clearer by substituting others. I hope that the Committee will agree to send the measure back to the Senate with good and substantial reasons why the amendment now before the Committee should be adopted.

Mr. KINGSTON (South Australia).—I think that the various firms of patent agents in South Australia, who joined in sending to the Prime Minister the telegram which has been read, have been well advised. They have put the matter strongly. The term "irremediable chaos" has evidently struck terror into the hearts of the Government, who, not knowing precisely what it refers to, propose to meet an objection which they presume to be made against the clause. Though I do not like leaving too much to regulations, and though admittedly the fixing of priority amongst applications for patents is an important question, still, in a matter of this sort it is, perhaps, just as well to make the provision pretty elastic, as is done by the amendment proposed to be made. I shall, therefore, support it.

Mr. DEAKIN.—It applies only to an interregnum.

Mr. KINGSTON.—I hope it will be a very short interregnum.

Mr. GLYNN.—The only important point is that as to priority.

Mr. KINGSTON.—It is a matter so important that it should be fixed by Parliament, but I see no objection to regulations, particularly in view of the strong language used by the South Australian patent agents. I may here say that I know that the patent agents in South Australia who have been mentioned, as well as other patent agents who might be mentioned, have gone to a good deal of trouble in connexion with this Bill. I should like publicly to acknowledge here the assistance rendered by various patent agents in the different States. They undoubtedly applied themselves keenly to the problems dealt with in the Bill, and they have displayed a public spirit in connexion with it that does them every credit. I should also like to say that I am not at all satisfied that there is a necessity for any considerable postponement of the commencement of this measure. I know that stress has been laid on the suggested necessity of postponing for some period the coming into operation of the Bill. But I do not believe that any such necessity exists. I believe that the Patent Offices of the different States are in fair working order, and, with an intelligent appreciation of the position on the part of the Federal officers, and a determination to make the inconvenience to the public as little as may be, the Bill may be brought into operation without considerable delay. I fully believe—or rather I have the impression—that it was the intention of the Government to consolidate not only the Patent laws of the States, but also the States laws relating to copyright and the laws relating to trade marks. I know that a general Bill was prepared, but that it was thought to be too huge a measure to be introduced into Parliament this session. I think, further, that it is advantageous to separate the two or three questions I have mentioned, and to provide for them by separate Bills, rather than to cause confusion by consolidating legislation that is not so intimately associated that it needs to be included in one Bill. But I am sure that the Government will be well advised—and I am hopeful that it is their policy—at the earliest possible time during next session to introduce the necessary Bills relating to

copyright and trades marks for the consideration of the Legislature. They will find a mass of material already prepared and practically settled. The recess, however short, will enable them to put the finishing touches upon the Bills I have mentioned; and I think I do but express the feeling of the Committee when I say that honorable members will welcome the introduction of such measures, so that they may be passed into law, and so that the questions of patent, copyright, and trades marks may be covered by a Commonwealth law perfected and enacted at the earliest possible moment.

Motion agreed to.

Mr. GLYNN (South Australia).—I am not sure that a similar amendment ought not to be made in the second paragraph, which provides that applications may be made before this measure comes into force to a State Patent Office, and that such application may be regarded as equivalent to an application under a State patent law. It may be that two or three applications may be made in different States on the same day. The question of priority will then arise. When an application is made for a patent under a State Patent Act the question of priority is determined. There is no question about it, because whichever application was first in receives priority; but when there are two or three different applications in different States for a Federal patent there may be a question as to priority. I, therefore, think we should put in similar words to meet the contingency I have mentioned. They could be inserted after the word "lodged."

Mr. KINGSTON.—The application has to be lodged at the Patent Office.

Mr. GLYNN.—It may be lodged at a State Patent Office.

Mr. WATSON.—A fresh application has to be made.

Mr. GLYNN.—There may be some confusion as to which is entitled to priority. Would honorable members say that priority would be determined by the date of the application at the Federal Patent Office, and not by the date upon which the application is made in the State Patent Office?

Clause, as amended, agreed to.

*House of Representatives' Amendment.*—Insert the following new clause—"82A. Every patent shall be granted subject to the following conditions:—

- (a) That if the patented article is reasonably capable of being commercially constructed or manufactured or the invention

patented is reasonably capable of being commercially worked in Australia the patentee or some person authorized by him shall within five years after the date thereof commence and after such commencement continuously carry on in Australia the construction or manufacture of the patented article or the working of the invention patented in such a manner that any person may obtain the patented article or the use of the invention at a reasonable price; and

- (b) That if the patented article is reasonably capable of being commercially constructed or manufactured in Australia the patentee shall not after four years from the date of the patent import it or cause it to be imported into Australia.

*Senate's Message*—Amendment disagreed to.

Mr. DEAKIN.—This is a very important provision. Both this amendment and the following one relate to the requirement inserted in this Bill that all patentees may be called upon within five years, if the invention patented is reasonably capable of being commercially worked in Australia, to commence its construction or manufacture here. The reason given by the Senate for objecting to the clause is this—

Because the desirability, if any, of the clause is obviated by the succeeding clause No. 83.

Clause 83 does to a considerable extent provide for a similar contingency. It provides that—

Any person interested may, after the expiration of two years from the granting of the patent,

allege that—

the reasonable requirements of the public with respect to a patented invention have not been satisfied;

and pray for the grant of a compulsory licence. The Commissioner considers the petition, and if he is of opinion that a *prima facie* case is made out, he refers it to the Supreme Court. He may, if not satisfied, dismiss it himself. If it be referred to the Court, and the Court is convinced that the reasonable requirements of the public have not been satisfied, the patentee may be ordered to grant a licence, or the Court may itself grant a licence for the manufacture of the patented article. To that extent clause 83 covers the same ground and meets the same set of circumstances. The Senate, when the measure was introduced, struck out the provisions with which we are now dealing, and which were then more absolute in their terms than they are at present. It was with a view

to endeavour to win the approval of the Senate for these clauses that I introduced amendments which the Committee will recall, and which, in cases where it was desired to require a patentee to manufacture in the Commonwealth, threw on the person who moved in the matter the burden of satisfying the Court that the patent was reasonably capable of being commercially constructed or manufactured in Australia. These were safeguards which do not exist in the Acts from which the proposals were copied. I had hoped that, mitigated and safeguarded by these conditions, the Senate would see their way to accept the provisions. The members of another place, however, are still adverse by a considerable majority, and they point out—as, indeed, was pointed out in this Chamber—that the same urgency does not exist for these provisions as would have existed if clause 83, with its elaborate provisions which may be brought into play after two years, had not existed. Under the circumstances, it rests with the Committee either to repeat their recommendation once more, or to recognise that even if it be repeated it is very unlikely to be accepted. Personally I do not propose to press the matter, because although I should greatly prefer to see some provision of this nature added to the Bill—though I recognise that clause 83 goes only part of the way—

Mr. THOMSON.—A pretty long way.

Mr. DEAKIN.—The clause goes some distance, long or short; but it does not by any means go all the way.

Mr. KINGSTON.—There are compulsory working sections in the Canadian Act.

Mr. DEAKIN.—There are provisions of the kind in the Canadian and German Acts; but in neither country has compulsory working been brought into practical effect.

Mr. GLYNN.—The section is a dead letter in Canada.

Mr. DEAKIN.—The section in Canada has simply led to certain procedures and the payment of certain fees in order to comply with the requirements of the Act. For my own part I am inclined to think that when we have had some experience of the working of the Bill, we shall be able to devise clauses with this object which will be effective, if the Parliament of that date think well to put them into operation. Under the circumstances, as we are making so large an advance by means of clause 83 and the

Bill generally, I suggest to the Committee that it might be advisable at this stage not to insist on sending these clauses back to the Senate. After the two considerations they have already received, I have little hope of the opinion of another place being altered. I move—

That the amendment be not insisted on.

Mr. GLYNN (South Australia).—I am glad the Prime Minister has taken the stand which he has indicated, and I hope the Committee will adopt his suggestion. The provisions are not essential to a Patents Act, but deal with production, and really affect the fiscal issue. Unlike clause 83, the provisions under consideration are not a part of the policy of the patent law itself. Clause 83 covers much wider ground than is covered by the English provision from which it is adopted, and which has been in force only for about twelve months. It was regarded as a very far-reaching provision, and was the result of a good deal of deliberation. I mentioned when we were discussing the Bill that, although a similar provision had found a place in the Canadian Act, it had not been enforced—that it was a dead letter. I am glad that since our previous discussion, the Prime Minister appears to have been informed that the statement I made then was correct. I had very good authority for stating that the Canadian provision has never been enforced. Under regulations, some declaration has to be made in Canada that the patent has been worked, in order to take it from outside the operation of the section; but, like many other similar declarations, these are made as a matter of course.

Mr. KINGSTON.—True or untrue?

Mr. GLYNN.—True or untrue. I could show honorable members correspondence in which it is made clear that in Canada it has become almost a recognised practice to make those declarations. There are regular officials or agents who will make the declarations by the dozen if they are adequately paid for the trouble. I am informed of one case in which £10 was paid for the making of a declaration, and in which part of that amount went to the local agent, part to the Canadian agent, and the balance to the man who made the affidavit. I hope honorable members will adopt the suggestion of the Prime Minister.

Mr. WATSON (Bland).—I cannot quite agree with the honorable and learned

member for South Australia, Mr. Glynn, that this is not a proper provision to insert in a Patents Act.

Mr. MAHON.—The provision is said to have more to do with production than with patents.

Mr. WATSON.—The question certainly has that aspect; but, in my opinion, it is a provision which strictly ought to come within the purview of a patents law. Certain privileges are given to a person outside Australia in return for some benefit conferred on this country; and it is proper enough to ask that, within a reasonable time, the manufacture of the patented article shall begin within our borders. It is curious that we should insist on extending such great liberality to people in other parts of the world, who do not usually extend a hand to us.

Mr. MAHON.—If they give us a good article, surely they are benefiting us!

Mr. WATSON.—They are benefiting us in some cases; but the question is whether they are benefiting us sufficiently, or to a degree commensurate with the protection or monopoly granted. In some countries there is a similar provision to that now under consideration; and there, every person who chooses to come along is not granted patent monopolies at a very low price, and without any subsequent licensing conditions. In this regard we are, I think, unwisely liberal to the people of other countries. I quite agree, however, with the Prime Minister that, in view of the attitude of the Senate, there is little use in our pressing the clause at the present time. It is a matter which, very probably, the Commonwealth will have to regulate later on; indeed, the whole measure will require radical amendment before it can be regarded as anything like a permanent settlement of the patents question. I have a strong feeling against the method employed under the Bill in connexion with the payment of fees. It is altogether a wrong principle to ask for the full amount down, instead of requiring a small initial payment, and spreading the balance over a long period. However, it is of no use discussing that matter now, and I think we may adopt the Prime Minister's suggestion, and, in the meantime, fall in with the view of the Senate.

Mr. HIGGINS (Northern Melbourne).—I think we are rather premature in abandoning this clause, which formed one of the principal inducements to honorable members

to pass an Australian Patents Bill. There is no reason to think that on reconsideration the matter may not elsewhere be regarded in a different light. The importance of the clause seems obvious, and I am surprised at the view of the honorable and learned member for South Australia, Mr. Glynn, that it is not a proper provision for a patents law, being, as he contends, a part of the fiscal issue. It is nothing of the sort; and it would seem as though the fiscal issue is the only issue which is ever before some honorable members. The Bill provides for the granting of a monopoly for a period on certain conditions; and, if the conditions are not fulfilled, we are surely entitled to say that we will not grant the monopoly. If a patentee will not comply with such a provision within five years, why on earth should he still hold his patent to the exclusion of somebody else who may be prepared to fulfil the condition?

Mr. GLYNN.—But a patentee would not be allowed to import his patent.

Mr. HIGGINS.—A man ought not to be granted an Australian patent unless he manufactures the patented article in Australia. This has nothing to do with the fiscal issue. It means simply that we refuse to give patentees a monopoly except upon certain terms. With respect to the argument that a similar provision is not used in Canada, who is to say when a whip is used? You have a whip and the horse knows it. You may not require to use it once in a blue moon; but the knowledge that you have it is a very important incentive to the horse to go; and the fact that a clause of this nature is in the Canadian Act leads to the development of Canadian industries. I hope the Prime Minister will not give up this clause, which a great many of his followers are anxious to see incorporated in the first Australian Patents Bill. I regard this Patents Bill as one of the principal industrial measures brought before the Commonwealth Parliament, and I should feel greatly disappointed if we did not let it be clearly known from the very inception that we will not give an Australian patent unless the Australian public are to have the advantage of it by the manufacture of the patented article here.

Mr. KINGSTON (South Australia).—I thoroughly agree with the remarks of the honorable and learned member for Northern Melbourne. I am not in favour of the shepherding of rights in Australia to the

prejudice of the public. I do not care whether it applies to the locking up of land which might be utilized, or to patents. A patent is given with the object of enabling some one to work an invention in the Commonwealth, and to prevent any one else working it without his authority; but it was never intended that a patent should be granted for the purpose of enabling a man to enjoy a monopoly and to leave it entirely unutilized—to sleep on his rights and prevent any one else manufacturing the patented article within the Commonwealth.

Mr. GLYNN.—To force a man to double his plant may have the effect of increasing the price of the article tremendously.

Mr. KINGSTON.—The honorable and learned member says that we may increase the price of the article by causing the inventor and manufacturer to double his plant. We have hedged this provision in every conceivable way. I take it that it was an important principle as originally introduced, and it commanded the acceptance of this House in the first instance. When objection was taken to the clause by another branch of the Legislature the Prime Minister went out of his way to meet the difficulties then raised, and in doing so he met the very difficulty suggested by the honorable and learned member for South Australia, Mr. Glynn, by providing that this provision should come into operation only when it was clear that the patented article was capable of being commercially manufactured within the Commonwealth. Here is the clause as we have it before us and as objected to by the Senate. It provides—

That if the patented article is reasonably capable of being commercially constructed or manufactured, or the invention patented is reasonably capable of being commercially worked in Australia, the patentee or some person authorized by him shall within five years after the date thereof commence, and after such commencement continuously carry on in Australia the construction or manufacture of the patented article, or the working of the invention patented in such a manner that any person may obtain the patented article or the use of the invention at a reasonable price.

Ample time is given in the clause, and surely in connexion with a matter of this sort, the establishment of a monopoly, we are asking nothing but what is fair and right when we claim that if the patented article is capable of being successfully manufactured in the Commonwealth it should be manufactured here. I would ask honorable

members who oppose this clause whether, if the non-manufacture of the patented article is shown to be detrimental to the interests of the public, they are in favour of continuing an unexercised right? Because it must not be forgotten that it is only under circumstances in which the non-manufacture of the patented article would be a mischief to the Commonwealth that any power of revocation is provided by this clause, which is sought to be struck out by the Senate. Surely our first care should be our own interests and the interests of our own people. As regards the inventor, it is surely right that we should say to him—"Exercise your right; we do not require you to do so as a condition to the preservation of your patent unless the patented article is capable of being commercially manufactured here." I ask honorable members to look at the further qualification and say what possible mischief can arise under this provision in view of clause 82B, which provides that—

No proceeding shall be instituted for the revocation of a patent for any breach of the provisions of the preceding section except in the High Court and by the Attorney-General—

and I direct the special attention of honorable members to what follows—

and then only in case the Attorney-General is satisfied that the breach is injurious to the traders or the manufacturers in the Commonwealth.

This provision proposes to give a great power to a trusted officer, the chief law adviser of the Crown, and a Minister responsible to this House and to the public for its fair and judicial exercise. The matter must be looked at in this way: It being proved on the certificate of the Attorney-General, that the omission to work the patent is detrimental to the traders or manufacturers of the Commonwealth; proved, also, in the terms of the previous clause, that the invention is reasonably capable of being manufactured successfully in the Commonwealth, then, in the event of the continued refusal of the patentee to exercise his right under the patent, what is the right course for us to adopt? I believe that no Legislature of the Commonwealth can be advised to say any thing else than this: That when the power given under a patent is not exercised when it is proved to be capable of being successfully exercised, and when it is further certified and proved that the non-establishment of an industry which may be successfully established is injurious to the trade or manufactures of the Commonwealth, our

*Mr. Kingston.*

duty is clear—to give a power to revoke, to give a power which is given elsewhere. A similar provision exists in Canada and also in Germany. It is said that this power has not been exercised in Canada. It is suggested also that one reason why it has not been exercised, is that declarations have been made in fraud under provisions of this sort. If that be so, let us profit by the Canadian lesson. If the laws there are drawn on such lines that a coach and four can be driven through them, let us be careful in this respect. I say that this clause as originally framed, and particularly as modified by the Prime Minister, is fair in itself, and necessary for the protection of the industries and manufactures of the Commonwealth. It can only be enforced when the Attorney-General has expressly certified that its enforcement is necessary in the interest of our trade and manufactures. It seems to me, under all the circumstances—considering that patents are granted for their exercise in the country and not to the injury of the interests of the country in which they are granted—that if it be proved that a patented article can be made in the country in which the patent is granted, that the country is suffering from the non-use by the patentee of his patent rights, there should be power to declare the patent void in addition to the power which under the Bill may be exercised by private individuals of obtaining a compulsory licence to manufacture. Patents are granted to be used for the benefit of the Commonwealth, and if those to whom they are granted propose to enjoy an idle monopoly the original intention of granting the patents is perverted; they do harm instead of good, and I say let those patents be voided.

*Mr. Thomson.*—All the necessary power is contained in this Bill without these clauses.

*Mr. MAHON (Coolgardie).*—I hope that the Prime Minister will not be moved from his purpose by the hysterical observations of the last speaker. In view of the repeated action of the Senate in regard to this provision, and also in view of the very close division in this House on a previous occasion, I think that the action of the Prime Minister is a very wise one. The honorable and learned member for South Australia, *Mr. Kingston*, and the honorable and learned member for Northern



Melbourne are very emphatic in disclaiming the idea that any question of Tariff is involved in this proposal. But it seems to me that all their arguments point to the conclusion which they disavow. The last speaker pointed out the injustice of allowing an inventor to withhold from Australia the manufacture of any article. It would have been much more to the purpose if he had named any article which could be commercially manufactured in Australia, but which is not. Out of the wide range of human requirements he has failed to instance a single article which could be manufactured here, but which is not being made here, and is at the same time being sold here at an unfair price. I suppose that if the old order of things had been continued and he were in the Parliament of South Australia, he would insist upon putting in its Patent Act a provision that the article must be manufactured in the State even if it were being manufactured well in Victoria. Is it reasonable to suppose that an inventor or a manufacturer would not do the best he could for himself and for his customers? Take any complicated machine—the linotype, for instance: Does anybody mean to tell me that if the American Linotype Company were compelled to put up a plant in Victoria, they could afford to sell the machines at the present price to Victorian customers? Nothing of the kind. The price would be increased by at least 50 per cent. There is so limited a demand for such machines in Australia that the output would be small, and it would be impossible to secure any outside market. So that the Victorian user of that, or any other machine of the kind, would be compelled to pay a much larger price than he is now asked to pay.

Sir MALCOLM MCEACHARN. — Under paragraph *b* a machine could not be imported after four years.

Mr. KINGSTON.—How can the Attorney-General certify that the absence of manufacture would be injurious to public trade?

Mr. MAHON. — The honorable and learned gentleman has, in clause 83, all that he and those who think with him can legitimately claim. If a commodity were not being sold at a reasonable price to the consumer a person could get an order from the Court authorizing its production in Australia. At this late stage of the session I hope that the Committee will concur in the action of the Senate. I

may say that a few years ago, when this project was originally mooted, it did seem to me to wear a somewhat reasonable aspect, but on going more fully into the matter, and ascertaining the cost of producing, for a limited market, any of the complicated machinery which is being manufactured under patent, I came to the conclusion that it would be disadvantageous, not merely to the consumer, but to everybody connected with the industry, to establish that principle here. I hope that the course suggested by the Prime Minister will be adopted.

Mr. HIGGINS (Northern Melbourne). —The honorable member for Coolgardie has spoken under a misapprehension. The case of the linotype would not come under this clause at all. It is obvious that as the market is so very limited, no Attorney-General would dare to certify that he was satisfied that the breach was injurious to the trade and manufactures of the Commonwealth.

Sir MALCOLM MCEACHARN.—It might be commercially manufactured here.

Mr. HIGGINS.—The whole point of the honorable member for Coolgardie was that the linotype could not be commercially manufactured here, and that, therefore, the patent ought not to be revoked, but if he will look at the safeguards in the clause he will see that there is no such danger as he anticipated. It must be capable of being commercially manufactured.

Mr. MAHON.—What does “commercially” mean?

Mr. HIGGINS.—It must be capable of being manufactured so as to bring a commercial profit, and the Attorney-General would only take proceedings in the event of his being satisfied that the breach was injurious to the trade and manufacture of the Commonwealth. I defy any Attorney-General to take proceedings in a case like that which has been mentioned. We must trust the Government as being desirous of keeping the confidence of the House and the country, but the honorable member for Coolgardie has in his mind one particular invention which could not come under the ban.

Sir MALCOLM MCEACHARN.—There are plenty of others which could.

Mr. HIGGINS.—I would vote against this proposal if any private person could annoy a patentee by bringing any proceeding against him. But the Attorney-General is the only person who could bring a proceeding

in certain circumstances, and I am quite sure that he would be restrained by the desire to keep a reputation for common sense and common sanity. I should like this matter to go back to the Senate. At this stage of the session we have not so many Bills pending that we could not ask the Senate to reconsider the question. I think that on reconsideration it would be seen that there is a great deal in the provision. I hope that there will not be imported into the discussion any of the bitterness of the debates on the Tariff.

Mr. CONROY (Werriwa).—It is because I should like to see the Committee preserve a reputation for common sense and common sanity that I hope that it will not insist upon its amendment. We are asked to place in the hands of the Attorney-General for the time being a weapon by which he could coerce the patentees of particular articles. Of course, if we place in his hands a weapon by which he could terrorize the owner of a patent and say—"Unless you come to me and settle things I shall bring an action for the revocation of the patent," well and good; but no honorable Attorney-General would like to have such a power placed in his hands, because he would see the use which might be made of it against him, even under ordinary circumstances. A power like this ought to be conferred after full debate in Parliament. Are we going to hand over the powers of the House to an Attorney-General who might institute an action at law which, in nineteen cases out of twenty, would be initiated before we should know anything about it. At the time it was inserted in the Bill one naturally thought that it was a monstrous provision, which could have been carried here only because honorable members had not thoroughly grasped the use which might be made of it as against individuals. This Parliament is, of course, one of the most honest that have ever existed; but it is quite within the region of probability that we might have an Attorney-General who might use this power for his own advantage. In the State of New South Wales a recent Minister for Lands was compelled to retire from Australia, because of the manner in which he exercised in his own interests certain powers intrusted to him by Parliament.

Mr. KINGSTON.—The honorable and learned member refers to a corrupt exercise of power.

Mr. CONROY.—The Minister I refer to is generally believed to have been guilty of absolute corruption. A very strict Attorney-General would decline to have a power like that contained in the clause intrusted to him. It is proposed to give to the Attorney-General the power to determine whether action shall be taken for the revocation of patents. I say nothing about the dishonesty of such an arrangement, though, in my opinion, it is an infringement of the law of nations. We know what has happened in Canada under a similar provision. There one or two Ministers have been absolutely open to corruption. Why should we give this power to a Minister? Why should not Parliament deal with the matter itself? Even from the protectionist point of view, it must be wrong to deal with the matter in the way proposed. A clause like this will not benefit Australian inventors. So far as they are concerned, there are very few patented articles which can be sold in Australia in such numbers as to permit of their manufacture here. It is necessary, however, to give a monopoly to the patentees to encourage invention. There could not be a better illustration of the manner in which a departure from a sound principle like this carries with it its own condemnation than the effect upon American literature of the American departure from the paths of common honesty in the matter of copyright.

Mr. MACDONALD-PATERSON.—Things are different now.

Mr. CONROY.—Yes; but it was the opinion of men well qualified to judge that the absence of an honest copyright law was of the greatest disadvantage to American authors and to American literature. No Parliament should leave it to an Attorney-General to say whether an action at law should or should not be brought. These matters should be determined by Parliament after a special consideration. In my opinion, the Senate was well advised to disagree with the amendment. Of course, honorable members like the honorable member for Melbourne Ports, who argues that if a person pays £1 for an article which is worth only 15s. the country is all the better off, because 35s. is kept within its borders—

Mr. MAUGER.—The honorable and learned member has misunderstood me. I never said anything like that.

Mr. CONROY.—The honorable member made use, on many occasions, of an argument to that effect in support of the protective policy of which he is so strong an advocate. In the same way, the honorable member for Gippsland has argued that if a farmer spends £1 upon raising a crop of wheat, and gets 10s. for it, the country is richer to the amount of 30s.

Mr. A. McLEAN.—No. The honorable and learned member is under quite a wrong impression.

Mr. CONROY.—We had those arguments used *ad nauseam* at one time, and I am glad that the teachings of honorable members on this side have given honorable members opposite an acquaintance with the rudimentary principles of political economy, so that they are now ready to repudiate their former statements. I was not present when the Committee inserted this clause, or I should have voted against it, but I trust that now an opportunity is afforded for reconsideration, we shall show ourselves jealous of our rights, and not hand them over to the lawyer who happens to be Attorney-General. No doubt the right honorable member for South Australia and the members of the late Ministry, which contained so many lawyers, are always ready to hand over powers to members of that profession, but I think that laymen take a different view. I shall vote against the retention of the clause.

Mr. DEAKIN.—I am sorry that we are engaged once more upon a discussion of the merits of the clause. Personally, I have not altered my opinion as to the wisdom of inserting the provision with the safeguards which surround it; but as I have ascertained that it would be impossible to get the Senate to accept it, and as this Committee agreed to it by only a narrow majority, I hope that honorable members will not insist upon it. I am anxious to get the Senate to agree to the prior amendment, which I am told that they are likely to accept; but the probability is that if we insist upon this amendment the Senate may not agree to either, and therefore the assent to the Bill will be delayed.

Mr. SALMON (Leaneccorie).—As I have not had an opportunity to speak on the measure before, I wish to say a few words now, though otherwise, after the statement of the Prime Minister, I should have said nothing. I am unable to grasp the mental attitude of the honorable and learned

member for Werriwa, who attributes incipient insanity to those who are in favour of the clause. The clause was inserted by the Committee, after due consideration, as of vital importance. I feel that we should not do our duty to the people of the Commonwealth if we did not safeguard by every means in our power the future producers and manufacturers of the country. They are the men to whom we must look for assurance of the national welfare.

Mr. CONROY.—But it is the foreigner who pays the tax, according to the argument of protectionists.

Mr. SALMON.—The honorable and learned member seems ready on all occasions to bolster up the foreigner rather than to assist his own people. His speech contained, I presume, an outline of one of his election addresses; but the remarks which he attributed to other honorable members were quite apocryphal. The Bill confers a distinct benefit not only upon persons residing in the Commonwealth, but upon persons living elsewhere. All we ask in regard to it is that persons living elsewhere should not be placed in a better position than our own people are in. In Germany the local inventor has a different status from a foreign inventor who desires to take advantage of the patent laws. A German inventor can obtain protection for his invention for a period of fifteen years for the expenditure of a few pounds, whereas an Australian inventor would have to pay over £250 for the same privilege. Even the most rabid free-trader does not desire that Australian inventors should be placed in a worse position in the Commonwealth than are those of other countries. It is our bounden duty to protect our own people. The honorable member for Coolgardie asked for an instance in which a patented article which could reasonably and commercially be manufactured here has not been made here, and the reaper and binder was referred to. It suited him, however, to deal with the manufacture of linotypes, though it has been shown that that would not be affected by the clause.

Mr. BROWN.—The Wolseley shearing machines were invented and patented here, but they had to be manufactured in England.

Mr. SALMON.—The clause would not apply to them if they could not be manufactured here. Reapers and binders have

been patented throughout the Commonwealth, and have been sold at exorbitant prices by the importers, whereas if we had had patent laws requiring their manufacture here, we should have had an opportunity to discover the particular elements of value in the invention, and the local manufacture would have given employment to our own people, and enabled consumers to obtain the machines at reasonable prices. What has happened is that in Victoria a stimulus has been given to inventors, and a complete harvester has been perfected which is taking the place of the imported article to which I have referred. That is undoubtedly due to the protection which has been afforded to manufacturers and others within the State. The honorable and learned member for Werriwa said that it would be unsafe to invest the Attorney-General with power to bring into operation such a clause. I have, however, more faith in the honour of the members of the legal profession than has the honorable and learned member, and I cannot conceive of such dreadful things as he has pictured happening in connexion with the Commonwealth Government.

Question—That the amendment be not insisted on—put. The Committee divided.

Ayes	...	...	37
Noes	...	...	13
Majority	...	...	24

#### AYES.

Bonython, Sir J. L.	Macdonald-Paterson,
Brown, T.	T.
Chapman, A.	Mahon, H.
Clarke, F.	McEacharn, Sir M. D.
Conroy, A. H.	McLean, A.
Cook, J.	Phillips, P.
Cooke, S. W.	Poynton, A.
Cruickshank, G. A.	Quick, Sir J.
Deakin, A.	Sawers, W. B. S. C.
Edwards, G. B.	Skene, T.
Edwards, R.	Solomon, E.
Forrest, Sir J.	Spence, W. G.
Fysh, Sir P. O.	Thomson, D.
Glynn, P. McM.	Watson, J. C.
Groom, L. E.	Wilks, W. H.
Harper, R.	Willis, H.
Kennedy, T.	
Kirwan, J. W.	<i>Tellers.</i>
Knox, W.	Fuller, G. W.
Lyne, Sir W. J.	Smith, S.

#### NOES.

Crouch, R. A.	Ronald, J. B.
Fisher, A.	Salmon, C. C.
Higgins, H. B.	Tudor, F.
Kingston, C. C.	Wilkinson, J.
Mauger, S.	<i>Tellers.</i>
McColl, J. H.	Cooke, J. H.
O'Malley, K.	McDonald, C.

Question so resolved in the affirmative  
Motion agreed to.

Amendment inserting new clause 22B and paragraph 3 in the first schedule not insisted on.

Resolutions reported ; report adopted.

#### PAPER.

Sir JOHN FORREST laid on the table the following paper—

Commonwealth Electoral Act, Regulations dated 19th October, 1903.

#### RULES PUBLICATION BILL

##### SECOND READING.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That the Bill be now read a second time.

With one or two slight alterations which were necessary to make it apply to our circumstances, this Bill is a copy of the English Act which was passed in 1893, and which has proved very useful. Perhaps the most important provision is that enabling the numerous sets of rules and regulations made under Acts of Parliament to be published and bound in a volume so that they can be conveniently handled and readily used. We have already passed nineteen Acts of Parliament under which rules or regulations may be made, and eleven sets have already been made. These are now only to be found by searching through the Commonwealth *Government Gazette*. This Bill would enable us to take these rules from the *Gazette* and publish them in handy volumes for the use of those interested. In addition to that, there is a provision which has been found very useful in England to the effect that before rules are made they shall remain open for forty days in order to enable public bodies and others interested to suggest amendments by way of additions or omissions. Consequently, when Acts are passed as in the case of the Customs Tariff Act, particularly affecting the mercantile and manufacturing communities, any proposed rules and regulations must be subjected to public criticism before they are brought into operation. There is provision that in cases of emergency rules may be brought into immediate operation, but in the ordinary course the forty days' notice will be given in the manner prescribed. These are the two purposes of this small measure, which is a very simple one.

and which it is scarcely necessary to say bears no party complexion.

Mr. HIGGINS (Northern Melbourne).—I think this measure will prove very useful. At the same time, I scarcely see the necessity for it, except for the provision embodied in clause 3, that before rules are adopted forty days' notice shall be given in order that they may be subjected to public criticism. It is highly expedient that such facilities should be afforded. As to the rest of the Bill, I think that all that is aimed at might be accomplished by means of departmental machinery. I notice that clause 5 prescribes that in cases in which rules are required to be published in the *Gazette*, it will be sufficient to announce in that publication the fact that the rules have been made and that copies may be obtained at certain places. In such case the *Gazette* could not be used as evidence as to the rules. Speaking from considerable experience in these matters, I know that it is very convenient to be able to produce the *Gazette*, which is always at hand as evidence of rules. Although it would no doubt be very convenient to have bound copies for use in offices such copies would not be evidence. I should like to know whether sub-clause 3 of clause 5 is copied from the English Act?

Mr. DEAKIN.—Yes.

Mr. HIGGINS.—Then I apprehend that in Imperial legislation there must be some provision which renders the printers' copy of the rules evidence. I do not know whether there is any such provision in our Commonwealth law. Of course, if there is, to a large extent my objection will be met.

Mr. HENRY WILLIS.—Is the Government Printer bound to keep a copy of the rules?

Mr. HIGGINS.—All the rules must be printed by him.

Mr. HENRY WILLIS.—But does he keep a copy of them?

Mr. HIGGINS.—I do not know; I suppose he would. Whilst dealing with this matter I may mention that about four years ago a suggestion was made by the Victorian Law Commission, the adoption of which would prove of very great assistance to practitioners and the public. I think that all rules or orders which are made under Commonwealth legislation should be annually published in one volume.

Mr. DEAKIN.—That is intended.

Mr. HIGGINS.—Our Victorian rules are in a condition of "irremediable chaos."

One experiences the utmost trouble in finding them. I hold that every year there should be issued, in one volume, all the regulations and rules which are made under Acts of the Commonwealth. A person should be able to purchase these for an expenditure of 1s. or 2s. I do not suggest that such a provision should be incorporated in an Act of Parliament; but I ask the Prime Minister to make arrangements with the Government Printer whereby a volume of the character I have suggested shall be published annually.

Mr. GLYNN (South Australia).—As I understand it, almost the only object to be served by this Bill is that copies of rules made under our Acts may be made accessible to the public at a cheap price. Where no provision has been made for rules under an Act of Parliament they must lie upon the table of the House for a certain period in order that such of the public as are interested may be invited to criticise them before they become law. That being so, there is no reason why the Bill should not be allowed to pass. At the same time, I trust that the Prime Minister will adopt the suggestion of the honorable and learned member for Northern Melbourne that a method of proving the rules other than that which is mentioned in the Act, under which authority for their issue is given, ought to be provided in this measure. In South Australia a provision is in operation for the proof of by-laws—

Mr. KINGSTON.—That is a somewhat different system.

Mr. GLYNN.—At the same time it will be rather a pity if the result of this legislation is that we shall be able to obtain printed copies of statutory rules from the Government Printer, but shall lack the power to easily prove them!

Mr. KINGSTON (South Australia).—I should like to explain to the honorable and learned member for Northern Melbourne that, although "irremediable chaos" is a South Australian expression, it applies only to the conditions which sometimes obtain in a neighbouring State. Does the Prime Minister contend that this is an urgent measure?

Mr. DEAKIN.—We are now at the close of the third year of the Commonwealth's existence.

Mr. KINGSTON.—Yes; and it has not been shown that any necessity exists for the

measure. It is presented for our consideration at the last moment—

Mr. DEAKIN.—At the present time we have eleven sets of regulations scattered throughout the *Gazette*.

Mr. KINGSTON.—Yes; and they are very good ones, too. I think that by ordinary administration, all that this Bill aims at accomplishing could have been easily accomplished. I would point out to the Prime Minister that the measure contains no definition of the term “public body.” Is there such a definition in the Acts Interpretation Act?

Mr. CONROY.—There is not.

Mr. KINGSTON.—If we intend to confine the right of suggestion to public bodies, we shall require a definition of that phrase. At the same time I am not at all satisfied that we should limit that right to public bodies. It is proposed to publish these statutory rules for public information. Therefore, I say—“Let any one who chooses to do so send in any suggestions which he may desire to offer.” It is quite possible that some of the suggestions may prove extremely valuable, even though they do not emanate from public bodies. In my judgment we should make the power of suggestion general. There is another provision here to which I desire to call the attention of the honorable member for Melbourne. I know that he used to feel very strongly upon the propriety of some notice being given before any statutory rules could become operative—that he disliked provisions under which they could be brought into operation forthwith. Sub-clause 2 of clause 3 declares that these rules “shall come into operation forthwith or at such time as is prescribed.” Under that provision power is given to bring rules into force at a later date than that upon which they are made by the rule-making authority, but power is also conferred to make them retrospective. I suggest that it would be better to make the clause read “either forthwith or at such later time as is prescribed in the rules.” I confess that I am not impressed with the necessity which exists for the introduction of this measure. Certainly English legislation was recently enacted upon the subject, but I am satisfied that everything necessary could be accomplished by discreet administration.

Mr. CONROY (Werriwa).—I have compared this Bill with the English Act of 1893, and I find that it is practically framed

upon the lines of that measure. The House, therefore, need entertain very little hesitation in assenting to it. The English Act has been found very useful, and has been the means of obviating a very great deal of inconvenience and annoyance. The objection which has been urged by the right honorable member for South Australia, Mr. Kingston, in regard to the term “public body” is, to my mind, a sound one. In the Acts Interpretation Act that phrase is not defined. The measure, however, sets out—

In any Act, unless the contrary intention appears—(a) “Person” and “party” shall include a body politic or corporate, as well as an individual.

There is no necessity, therefore, to define the term “public body,” because we can achieve all that is required by substituting for it the word “person.” I shall support the second reading of the measure, especially in view of the fact that legislation upon similar lines has been found very beneficial in England. The Prime Minister has also assured us that the Crown Law officers consider this Bill a necessary one. They must entertain the opinion that it will prove extremely useful at the present time, otherwise they would scarcely ask Parliament at this late period of the session to assent to it.

Mr. MAHON (Coolgardie).—I think that honorable members should have been furnished with some explanation in addition to that which was given by the Prime Minister in support of this Bill. Certainly if its passage were a matter of urgency it should have been presented earlier. I confess that I was unable to obtain from the Prime Minister's speech a fair idea of the scope of this measure. It seems to me that there is no reason whatever why its provisions could not have been incorporated in the High Court Procedure Bill.

Mr. KINGSTON.—It is intended to apply to other matters.

Mr. DEAKIN.—It will apply to all rules and regulations which are made under any Act of the Commonwealth.

Mr. MAHON.—It will apply not merely to courts, but to the Inter-State Commission when it is appointed, and to Government Departments. Is a Government Department to make statutory rules?

Mr. DEAKIN.—Only when empowered to do so by Act.

Mr. MAHON.—I think that the period of forty days, which is prescribed in sub-clause 2 of clause 3, will be found

inadequate so far as the remote portions of the Commonwealth are concerned.

Mr. DEAKIN.—It says at least forty days.

Mr. MAHON.—The *Gazette* is usually published upon Friday. There is no mail from Melbourne to Western Australia until the following Wednesday, so that nearly two weeks must elapse between the issue of that publication and its arrival at Perth. Almost the same length of time must be absorbed in obtaining a reply. The public should be allowed a longer period in which to consider rules the effect of which may be very important to them. These are merely the observations which occur to a layman upon reading the Bill for the first time. Legal members will be better able to say whether this measure is absolutely required at the present time; but I trust that the Prime Minister will consent to so amend clause 3 as to extend the time within which objections to draft rules may be lodged.

Question resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clause 1 agreed to.

Clause 2 (Definitions).

Mr. KINGSTON (South Australia).—I take it that the Prime Minister will prefer to substitute the word "person" for the words "public authority," so that any person may obtain copies of the draft rules.

Mr. DEAKIN.—I have no objection to that proposal, and shall move the necessary amendment in clause 3.

Mr. HIGGINS (Northern Melbourne).—The honorable and learned member for Indi has called my attention to the question whether the word "regulations" used in this clause will include regulations made under this measure.

Mr. DEAKIN.—Surely.

Mr. HIGGINS.—The position will be rather awkward, because clause 6 provides that—

All such regulations shall be notified in the *Gazette*, and shall thereupon have the force of law.

That seems to except them from the general rule of regulations.

Clause agreed to.

Clause 3—

1. At least forty days before making any statutory rules to which this section applies, notice of the proposal . . . shall be published in the *Gazette*.

2. During those forty days any public body may obtain copies of the draft rules on payment of the prescribed sum, . . . and on the expiration of those forty days the rules may be made . . . and shall come into operation forthwith or at such time as is prescribed in the rules.

Mr. MAHON (Coolgardie).—I suggest to the Prime Minister that it would be well to amend the clause by substituting the word "sixty" for the word "forty" wherever it occurs. That would give effect to the suggestion which I made during the second-reading debate.

Amendments (by Mr. DEAKIN) agreed to—

That the word "forty," wherever occurring, be omitted, with a view to insert in lieu thereof the word "sixty."

That the words "public body," wherever occurring, be omitted, with a view to insert in lieu thereof the word "person."

Mr. DEAKIN.—It has been suggested that the word "later" should be inserted after the word "such" in sub-clause 2, so that it will provide that the rules—

shall come into operation forthwith, or at such "later" time as is prescribed in the rules.

I do not think that the words "such time" could be interpreted otherwise than as meaning such "later" time; but I have no objection to the suggested amendment. I move—

That after the word "such," line 10, the word "later" be inserted.

Amendment agreed to.

Mr. ISAACS (Indi).—I have not had the advantage of hearing the discussion, but I should like to know whether the Prime Minister feels satisfied that practical effect can be given to the words "payment of the prescribed sum" in sub-clause 2? The sum will not be prescribed until the rules are in force; but this provision requires the prescribed sum to be paid before the rules are actually made.

Mr. GLYNN.—It refers to the sum prescribed by regulations under this measure.

Mr. ISAACS.—A man is to obtain a copy of the proposed regulations before they are regulations?

Mr. DEAKIN.—Not of these regulations.

Mr. ISAACS.—If the Prime Minister has no doubt about the matter, I need say no more.

Mr. KINGSTON (South Australia).—It is provided in clause 2 that—

"Statutory rules" means rules, regulations, or by-laws made under any Act which . . .

(b) are made by the Governor-General . . .

When this measure comes into force it will be an Act, and under it the Governor-General will have power to make by-laws which will surely be governed by that Act. Then it is provided in clause 6 that—

The Governor-General may make regulations for carrying this Act into effect.

Those regulations will be made under this measure, and as the clause stands they will really be in operation before they are made.

Mr. DEAKIN.—There is a provision in sub-clause 2 of clause 6 which specially excepts regulations under this Act from the provision to which the right honorable member refers.

Mr. KINGSTON.—The provision as to payment of the prescribed fee relates to something preparatory to the making of the regulations. I do not like the provision as it stands, although of course there is power to waive it. As it stands, the clause means that draft copies of the rules shall be exhibited before they are made. There ought to be an exception in respect of rules made under this measure.

Mr. DEAKIN.—The provision relates to "Statutory rules to which this section applies." Those words occur in sub-clause 1.

Mr. KINGSTON.—Will not the regulations which are intended to be made be "regulations" under an Act?

Mr. DEAKIN.—Yes.

Mr. KINGSTON.—If so, this measure will apply to them, and will require their exhibition. How are the Government going to demand a fee for a copy of the rules, when the position is that they have not the power under the rules to make a prescribing regulation?

Mr. DEAKIN.—I am indebted to my honorable and learned friend for his suggestion, and in order to put the matter beyond doubt, I propose, when we come to clause 6, to move an amendment that will meet the difficulty.

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5 (Printing, numbering, and sale of Statutory Rules).

Mr. DEAKIN.—I think that the suggestion made a few minutes ago by the honorable and learned member for Northern Melbourne is a good one, and that it will be necessary to make an addition to this clause declaring that the statutory rules as

published shall be received as evidence in all courts. I do not now propose to move an amendment, but shall have that done at a later stage.

Clause agreed to.

Clause 6—

1. The Governor-General may make regulations for carrying this Act into effect.

2. All such regulations shall be notified in the *Gazette*, and shall thereupon have the force of law.

Mr. DEAKIN.—I move—

That after the word "and," line 4, the words "notwithstanding anything hereinbefore contained" be inserted.

Mr. GLYNN.—Why is the amendment necessary?

Mr. DEAKIN.—In order to meet the question raised by the honorable and learned member for Indi.

Mr. GLYNN.—This does not refer to statutory rules.

Mr. DEAKIN.—No; but under the definition clause the term "statutory rules" covers regulations made under any Act. When this measure becomes law it will be an Act, and these will therefore be regulations made under an Act. If we did not make this amendment, it might appear that we were arguing in a circle. It seems to me that it would be well to make this amendment.

Mr. KINGSTON (South Australia).—I wish to point out that the preceding clause impose certain restrictions. No doubt the Prime Minister has given the matter consideration.

Mr. DEAKIN.—I have considered the matter since it was mentioned by the honorable and learned member for Indi.

Mr. KINGSTON.—I think it would be better to insert words providing that the preceding clauses shall not apply to regulations made under clause 6.

Amendment agreed to.

Clause, as amended, agreed to.

Bill reported with amendments; report adopted.

Bill read a third time.

## SEAT OF GOVERNMENT BILL

*In Committee* (Consideration of Senate's amendments):

Clause 2—

It is hereby determined that the seat of government of the Commonwealth shall be at or near



Tumut, and the territory granted to or acquired by the Commonwealth within which the seat of government shall be should contain an area of not less than one thousand square miles, and shall extend to the River Murray and the River Murrumbidgee.

Provided that the site shall be within a distance of twenty-five miles from Tumut, and at an altitude of not less than fifteen hundred feet above the sea.

*Senate's Amendments—*

Leave out "Tumut" and insert "Bombala."

After "miles," line 6, leave out remainder of clause.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—Pending the arrival of the Minister in charge of this Bill, I may point out to honorable members that the measure has been altered in material particulars since it left this House. In the first place, clause 2, which, as it left this Chamber determined that the seat of Government should be at or near Tumut, has been amended by the substitution of the word "Bombala" for "Tumut," while other provisions have been omitted, so that it now reads—

It is hereby determined that the seat of Government of the Commonwealth shall be at or near Bombala, and the territory granted to or acquired by the Commonwealth within which the seat of Government shall be should contain an area of not less than one thousand square miles.

The rest of the clause has been omitted. The third clause remains unamended. Consequently the Committee will see that the effect of the amendments of the Senate is to

substitute Bombala for Tumut, to remove the requirement as to the extension to the Rivers Murray and Murrumbidgee, which, of course, would be meaningless in the case of Bombala, and also to remove the provision as to the altitude at which the site is proposed to be situated. My colleague, the Minister for Trade and Customs, will explain the amendments in detail.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—Considering the length of the debate which took place on the previous occasion, I do not think it is necessary at this stage to enter into details at any great length. The Senate has thought fit to omit the word "Tumut," which was inserted by the House of Representatives, and also to alter the latter portion of the same clause. Bombala has been substituted for Tumut. There was a long debate in the Senate in regard to the matter, and one statement made was to the effect that, if Bombala were selected as the Federal Capital site, and if a railway were constructed from Bairnsdale to Cooma, it would shorten the distance between Melbourne and Sydney by 100 miles. I think that that statement was made in error, because I have obtained from the Engineer-in-Chief to the Victorian Railways a statement of the distance that would be covered if any surveyed railway route were extended as described. Instead of the distance being 100 miles shorter, the facts are as shown in the following table:—

Reference.					Ruling Grade.	Sharpest Curve.
No.	Route.	Length. •	Approximate Cost.			
			Per Mile.	Total.		
		Miles.	£	£		
1	Bairnsdale to N.S.W. border, <i>via</i> Delegete River* ...	125½	9,000	1,129,500	1 in 30	5 C.R.
2	Bairnsdale to N.S.W. border, <i>via</i> Murrungower and Bendock* ...	126½	8,000	1,012,000	1 in 30	5 C.R.
3	Bairnsdale to N.S.W. border, <i>via</i> Cann River and Bondi ...	141½	7,000	988,750	1 in 40	8 C.R.
4	Bairnsdale to N.S.W. border, <i>via</i> Marlo, Cann River, and Bondi	142	5,750	816,500	1 in 40	8 C.R.

\* From the ends of above lines at the border to Bombala the distance is, roughly, 30 miles.

Bondi is in New South Wales, about 8 miles from Victorian border, but below the main range; hence it was selected as junction for line, Bombala to Eden, to avoid two crossings of range.

Elevation of Bondi	...	...	1,330 feet.
" " Bombala (site)	...	...	2,400 feet.

A railway from Bairnsdale to New South Wales border *via* Delegete River, or a railway from Bairnsdale to the border *via* Murrungower and Bendock, would be 100 miles further to Sydney than is the distance *via* Albury. In regard to the other two suggested lines — from Bairnsdale to the border *via* Cann River and Bondi, and from Bairnsdale to the border *via* Marlo, Cann River, and Bondi—they are practically the same lines — the distance would be even further. Those lines are surveyed to a place called Bondi, which is not at the summit of the range which it is necessary to cross before reaching Bombala. After getting to that point, it would be necessary to climb the balance of the range in order to reach Bombala. Upon the two first-mentioned lines to Bombala, the ruling grade is one in thirty, and the curves are five-chain curves. Any one who understands railways is aware that it is practically impossible to travel upon a 4·8½ railway round a five-chain curve at any speed worth mentioning. In the case of the other two suggested railways which I have mentioned, and which do not reach the top of the range, the grade is one in forty, and the curves are eight-chain curves. It would be possible to run at a fair rate of speed round those curves. I refer to those matters because I feel sure that there must have been some misapprehension in the minds of honorable senators who imagined that those railways would be many miles shorter than the existing line from Melbourne to Sydney.

Mr. A. McLEAN.—I understood that remark to mean that the distance would be shorter if there were a line to Sydney without going round to Bombala.

Sir WILLIAM LYNE.—I listened to the speech of Senator McGregor, and he said that the railway would be 100 miles shorter if it were made *via* Bombala than is the distance by the existing route. I wish to correct that impression, and to show that the distance would be 100 miles longer instead of 100 miles shorter. There are some other matters to which I wish to refer, and I shall allude to them if necessary before the debate closes. I trust that it will not be a long debate, because the whole subject has been discussed at considerable length, and the position now resolves itself into this—whether we are in favour of Bombala or

Tumut. If the majority of honorable members are in favour of Bombala, of course we shall agree with the Senate. If, as I hope will be the case, we re-insert the word "Tumut," with the conditions that were previously inserted, we shall send the Bill back to the Senate with a confirmation of what we previously affirmed. I shall not detain the Committee longer at this stage, for the reasons which I have given. I move—

That the amendment omitting the word "Tumut" and inserting the word "Bombala" be disagreed to.

Question put. The Committee divided.

Ayes	...	...	...	30
Noes	...	...	...	16
Majority	...	...	...	14

#### AYES.

Brown, T.	McColl, J. H.
Conroy, A. H.	Quick, Sir J.
Cook, J.	Ronald, J. B.
Cooke, S. W.	Sawers, W. B. S. C.
Cruickshank, G. A.	Skene, T.
Edwards, G. B.	Smith, S.
Edwards, R.	Spence, W. G.
Groom, L. E.	Thomson, D.
Isaacs, I. A.	Tudor, F.
Kennedy, T.	Wilkinson, J.
Knox, W.	Wilks, W. H.
Lyne, Sir W. J.	Willis, H.
Macdonald-Paterson, T.	
Mahon, H.	<i>Tellers.</i>
Manger, S.	Fuller, G. W.
McCay, J. W.	Watson, J. C.

#### NOES.

Bonython, Sir J. L.	McDonald, C.
Chapman, A.	McEacharn, Sir M.
Crouch, R. A.	McLean, A.
Deakin, A.	Phillips, P.
Fisher, A.	Poynton, A.
Glynn, P. McM.	
Harper, R.	<i>Tellers.</i>
Kingston, C. C.	Clarke, F.
Kirwan, J. W.	Salmon, C. C.

#### PAIRS.

Turner, Sir G.	Fysh, Sir P. O.
Ewing, T. T.	Forrest, Sir J.
Bamford, F. W.	Page, J.
Manifold, J. C.	Higgins, H. B.
Hughes, W. M.	O'Malley, K.
Batchelor, E. L.	Cook, J. H.
Reid, G. H.	Groom, A. C.
Watkins, D.	Fowler, J. M.
Smith, B.	Solomon, E.

Question so resolved in the affirmative.

Motion agreed to.

Motion (by Sir WILLIAM LYNE) proposed—

That the amendment omitting all the words after the word "miles," line 6, be disagreed to.

Mr. CRUICKSHANK (Gwydir).—Do I understand that the decision of the Committee is final, and that there is no opportunity now to move a further amendment concerning the site?

The CHAIRMAN.—No; the decision is final.

Mr. CRUICKSHANK.—I had not an opportunity of being present when the site was decided upon. If I had been here, I should have voted for Lyndhurst.

Mr. SYDNEY SMITH (Macquarie).—I agree with the amendment of the Senate in respect to the extension of the area of the Capital site to the Victorian border. I consider that a mistake was made by this House when that condition was inserted. Exception was taken to it by a number of honorable members, and I am glad that that portion of the Bill has been amended elsewhere. Therefore, I intend to divide the Committee and to support the suggestion made by the Senate. Though I was opposed to Bombala, I do not believe Tumut is the best site.

Mr. CONROY (Werriwa).—I trust that the Senate's amendment will be accepted. The provision should not have been inserted in the Bill in the first instance.

Mr. A. McLEAN.—Why not?

Mr. CONROY.—The chief reason is that under the Constitution we have no power to alter the limits or boundaries of any State, without the consent of that State, and another reason is that the Federal Capital must be within a State. However objectionable these sections of the Constitution may appear, they have to be observed.

Mr. ISAACS.—How does the provision in the Bill offend against those sections of the Constitution?

Mr. CONROY.—Because the Bill extends the Federal territory to the River Murray—to outside the boundary of the State. The Bill alters the boundary of the State, or, at all events, does not confine the Federal territory within the State. I am inclined to think that, to a large degree, the amendment extending the boundary of the territory was inserted for the purpose of expressing disapproval of the delay in introducing the Bill.

Mr. WATSON.—It was inserted because honorable members believe in the Bill.

Mr. CONROY.—If so, honorable members could not have taken a more efficacious way of showing disbelief. Every honorable member knew that the effect of the amendment would be to prevent the Bill

being carried—that the Bill would be inoperative without the consent of the New South Wales Parliament.

Mr. WATSON.—Only a second-rate lawyer would express that opinion. Lawyers are not justified in making any such presumption.

Mr. CONROY.—It happens to be a presumption of law which amounts to a certainty. The honorable member for Bland speaks of "second-rate lawyers," but I am sure he cannot have heard the opinions expressed on the point by very many eminent members of the legal profession in New South Wales and Victoria. In my opinion, there should have been no such constitutional stipulation as to the locality of the Federal Capital. The Constitution might, of course, be altered; but, at present, we are trying to do indirectly something which certainly we have no right to do. It was a perfect farce to put this provision in the Bill.

Mr. FISHER.—Does the honorable and learned member hold that to extend the Federal territory to the boundary would be an alteration of the boundary of the State?

Mr. CONROY.—I do; the Commonwealth territory would become practically a new State, the control of which would pass from the former State. According to the Constitution the boundary of a State can be altered only with the consent of the Parliament of that State and the approval of the majority of the electors.

Mr. A. McLEAN.—To take an area of 100 square miles would just as effectively alter the boundary of the State.

Mr. CONROY.—If the 100 square miles were selected at the border, the boundary of the State would be altered or diminished, contrary to the Constitution.

Mr. WATSON.—Except as provided in section 125.

Mr. CONROY.—It cannot be said that "in the State" means on the boundary of the State.

Mr. WATSON.—The boundary is not in any other State.

Mr. CONROY.—But if a piece be cut out of a State at the border, the boundary is altered and the piece cut out is not within the State.

Mr. SKENE.—Suppose the boundary of the Federal territory be extended to the sea?

Mr. CONROY.—The boundary of New South Wales extends three miles from the shore.

Mr. McDONALD.—But do the New South Wales people not claim the River Murray as being within their State?

Mr. CONROY.—We have provided in the Bill for something which ought to be a matter of negotiation, and which must be obnoxious to any Government with whom we have to deal. The word “should” has not altered the “stand and deliver” attitude, and it is unworthy of the Federal Parliament. It seems as though some honorable members are quite ignoring the terms of the Constitution.

Mr. ISAACS.—How else has Parliament to express its views?

Mr. CONROY.—A compact was made as to where the Federal Capital should be; and here I cannot help saying that, in my opinion, it ought to have been one of the great State capitals. Without the amendment, it would have been much easier to treat with the New South Wales Parliament, which, after all, has to consent to give up the territory.

Mr. WATSON.—That is a matter of opinion.

Mr. CONROY.—When honorable members declare that they do not intend to consent to the proposal of the Senate, simply because they desire that no decision shall be arrived at this session, I admit they have a good deal of reason on their side. Even those most in favour of having the question settled as soon as possible must admit that a moribund Parliament is hardly the body which ought to effect a settlement. I cannot help blaming the Government for the present position; but if it comes to a vote I shall approve of the reasonable alteration suggested by the Senate.

Sir WILLIAM LYNE.—The Senate has proposed to take land of almost the same area.

Mr. CONROY.—Under the circumstances no conditions ought to be made as to the boundary. That is a matter for negotiation; and the action of Parliament, if the provision be retained, must considerably hamper the Prime Minister in his dealings with the Government of New South Wales.

Mr. WILKS (Dalley).—Representatives of Victoria have asked for reasons for approving of the proposal of the Senate, and I shall give one or two reasons which may not, however, prove very palatable. The Prime Minister, who is not a New South Wales representative, said last week that

he was sorry he had voted for the amendment to extend the Federal territory to the border, because such a proposal would tend to irritate the Government of New South Wales.

The CHAIRMAN. — The honorable member cannot discuss the whole question, but must confine himself to the amendment of the Senate.

Mr. WILKS.—I am giving reasons why we should agree to the amendment of the Senate, and one reason is that the Prime Minister himself has expressed approval of that amendment. In the Prime Minister's opinion the proposal to extend the boundary to the border would engender suspicion, and in that opinion I entirely concur. Then the Minister for Home Affairs apparently took a similar view, because he submitted a further amendment, limiting the site of the capital city to within twenty-five miles of Tumut. There was the admission that suspicion would be engendered in the minds of the people and of the Government of New South Wales, and that has been amply borne out by the action taken in the State Parliament of New South Wales since these suggestions were adopted. The language of an Act of Parliament is usually declaratory and mandatory, but the language of this Bill has been made that of recommendation, because we struck out the word “shall” and substituted for it the word “should.” Why was this departure made from the ordinary terms of an Act of Parliament? It was simply because honorable members knew and admitted that the use of declaratory and mandatory language in these suggestions would offend the people and the Government of New South Wales. I have been told that polite language must be used in this Chamber, but we know that honorable members in this matter are bargaining as if for their very souls, and are bargaining very keenly. We know that an amendment, intended to extend the Federal territory to the River Murray has been adopted, not in the interests of New South Wales, or of the performance of the compact in the Constitution, but decidedly in the interests of Victoria. I voted against that amendment, and also against the proposal to extend the territory to the Murrumbidgee which was introduced as a set-off. If the Senate's amendment is not agreed to we shall have a Federal territory of about seventy miles by fourteen miles, and a patch will have been put upon Australia like the patch upon a

schoolboy's nether garment, not in the interests of the Commonwealth, but unquestionably in the interests of Victoria. The idea in proposing that the Federal Capital should be in New South Wales was that that State should gain by it.

Mr. WATSON.—What was she to gain?

Mr. WILKS.—There was so much to be gained, that people voted for the Commonwealth Bill who otherwise would not have voted for it.

Mr. TUDOR.—There was a majority in favour of Federation before that provision was inserted in the Commonwealth Bill.

Mr. WILKS.—It was because there was not the statutory majority in New South Wales in favour of the Commonwealth Bill that the provision was inserted. On the second occasion, when the Commonwealth Bill provided that the Capital should be in New South Wales, it was carried in that State. If, after Federation, we are so soon to have disclosed a policy of delay or a policy of irritation of the Government and people of New South Wales, which is the same thing, for both work in the same direction—

Mr. ISAACS.—Why should New South Wales be irritated?

Mr. WILKS.—She is irritated, and the honorable and learned member knows it.

Mr. McDONALD.—Because interested politicians have made her so.

Mr. WILKS.—Because the people of New South Wales know that, if the territory is to be brought to the border as proposed, the Capital might just as well be in Albury so far as New South Wales is concerned.

Mr. McDONALD.—The reason why they do not want it at Bombala is that there it would come into competition with the port of Sydney.

Mr. WILKS.—New South Wales will require all her representatives to vote in connexion with this matter; but, whether this amendment is carried or not, the question will not be settled now. Other measures may be resorted to under the Constitution, and, with a full sense of the responsibility of my utterances, I say that, if the public have the impression created in their minds that there is an attempt on the part of members of the Federal Parliament to jostle them or humbug them, the people of New South Wales will be found fighting for separation from the Commonwealth at no distant date.

That is the feeling in New South Wales. When I am asked for reasons I give my reasons, and the most powerful one is that the Prime Minister himself knew that these suggestions would irritate New South Wales and engender suspicion, and the Minister for Home Affairs, in an endeavor to allay that suspicion, submitted an amendment, declaring that the Federal Capital should be within twenty-five miles of Tumut. I agree with the amendment made by the Senate. I believe that these fancy suggestions have been agreed to only with a desire to bring about delay in the first place, and unquestionably they tend to irritate New South Wales.

Mr. WATSON (Bland).—I should be sorry indeed to believe that the honorable member for Dalley was voicing the feeling of the people of New South Wales in regard to this Federal Capital.

Mr. WILKS.—The honorable member will not get many New South Wales representatives to cheer that.

Mr. JOSEPH COOK.—No; but Victorians are cheering it.

Mr. WATSON.—I do not suppose that many Sydney men will cheer it, but I do not know that Sydney is New South Wales. God help New South Wales if her people are to be animated by any such paltry spirit as that ascribed to them by the honorable member for Dalley. The honorable member has said that New South Wales subscribed to Federation merely because she was offered a paltry material bribe in the gain to be derived from having the Federal Capital within her borders. I refuse to believe that any such motive actuated the people of New South Wales in agreeing to Federation.

Mr. SYDNEY SMITH.—It is a part of the contract.

Mr. WATSON.—It is because it is a part of the contract that I am as strongly in favour of having the provision carried out as is any other honorable member, but I refuse to believe that it had any material influence in securing a majority of New South Wales votes in favour of the Commonwealth Bill. I was one of those who voted against that Bill on each occasion when it was before the people, but I never heard the argument with respect to the Federal Capital used outside of Sydney. At all events, it had no effect outside of that city. If politicians in New South Wales are irritated by these suggestions, they are irritated

by a matter which can have but very small effect so far as the interests of New South Wales are concerned. In the first place, it must be remembered that in the clause carried by this House it is provided that the Capital must not be more than twenty-five miles from Tumut.

Mr. WILKS.—Why was that condition insisted upon?

Mr. WATSON.—To insure that the Federal Capital site should be in the vicinity of Tumut.

Mr. WILKS.—Is not that a very narrow view for a broad-minded representative to take?

Mr. WATSON.—I admit that where we are dealing with over suspicious persons it is necessary that we should make it perfectly clear that our intentions are strictly honorable. Therefore, if there are any number of people who assert that by taking the Federal territory as distinguished from the Capital site itself down to the River Murray, we are taking the Federal Capital in the same direction, it is certainly wise to insist upon this restriction fixing the Federal Capital within twenty-five miles from Tumut. At all events, the condition is inserted in the clause, and it is therefore distinctly provided that the Federal Capital shall be within New South Wales territory, and at least thirty miles on the New South Wales side of the border. I feel that it is not at all unfair on the part of representatives of other States to ask as a concession that there shall be a right of way into the Federal territory and to the Federal Capital independently of any single State. That is not an unfair request to make.

Mr. ISAACS.—A means of access?

Mr. WATSON.—A means of access or a right of way, and so long as that only is asked for I refuse to believe that the people of New South Wales as a body will raise any very great objection to such a concession.

Mr. KIRWAN.—On that ground the honorable member should have voted for Bombala, which has a port.

Mr. WATSON.—I say that the right of way will be sufficiently attained by access from the Victorian side of the border. It is not necessary to fix the Capital at Bombala to insure a right of way. I do not desire to discuss Bombala, as I have a number of reasons against the selection of that site, which the honorable member for Kalgoorlie would not be likely to controvert.

The people of New South Wales certainly do desire that the Capital shall be within the borders of their own State, not with a view to any material gain, but in order that such honour as attaches to the location of the Federal Capital and the Federal territory should be associated with the mother State. That will be secured by the decision arrived at by this House if it is afterwards given effect to in another place. The question of material gain is not one which largely influenced the people of New South Wales. People in New South Wales, in districts bordering upon the Federal territory, will have the benefit, to some extent, of Federal expenditure. When we are dealing with an area of 1,000 square miles, fifty miles by twenty miles, or thirty-two miles by thirty-two miles, it must be admitted that the expenditure of a large sum of money in the development of that area, whether by the Federal Government or by private enterprise encouraged by the Federal Government, will confer some benefit upon the surrounding territory of New South Wales. If the Federal Capital be situated near Tumut, even though a means of access from Victoria is given, it will for many years draw all its supplies from Sydney, and will send whatever it has to export in the same direction. From that point of view, Sydney has nothing to lose by this suggestion, and I have every confidence that when the people of New South Wales are appealed to upon this question they will be quite willing to grant the reasonable and just concession asked for by the people of the more southerly States, that access should be given to the Federal territory from more than one State.

Mr. KIRWAN (Kalgoorlie).—I sincerely trust that the Committee will strike out the words proposing that the Federal territory should be extended to the Rivers Murray and Murrumbidgee. I am not influenced in this matter by any parochial motives or any motives of concern for the interests of Victoria or New South Wales. I am influenced purely by Australian motives. I cannot perceive the consistency of any honorable member who uses the argument of the right-of-way as a reason why the Federal territory should be extended to any particular river. I believe that the argument founded upon the necessity for a right-of-way should be applied in the selection of a Federal

Capital; but the right-of-way should be given to the people of more than one or two States. The Federal Capital should be equally open to all the States of the Commonwealth, and in considering the necessity for a right-of-way we should consider not merely the interests of Victoria, but the interests of the other States—of Queensland, South Australia, West Australia, and Tasmania. The argument founded upon the necessity for a right-of-way comes very badly indeed from those who have voted for the selection of a site for the Federal Capital in an inland district where there can really be no right-of-way.

Mr. WATSON.—We could not vote for a place that has only a right-of-way to recommend it.

Mr. KIRWAN.—There are many other arguments which might be urged in favour of Bombala, but I am pointing out that the right-of-way argument can be applied with greater force to the selection of Bombala than to the selection of any other site suggested.

Mr. WATSON.—It is the only argument Bombala had.

Mr. KIRWAN.—Many other arguments in favour of Bombala were very ably urged by the Minister for Defence, the honorable member for Cowper, and other honorable members, and in voting for Bombala I was personally interested in voting for what I believed to be the best site in the whole of Australia.

Mr. WATSON.—That is true of all of us, I hope.

Mr. KIRWAN.—The reason why I am against this proposal to extend the Federal territory to the Murrumbidgee or Murray Rivers is that we have no information on the point. If both Houses of the Federal Parliament are to decide upon Tumut as the site for the Federal Capital our next step should be to have a thorough investigation as to the territory which should be acquired. We require information as to the area of Crown land that will be available. It is utterly absurd for this House to propose now to define the limits of the Federal territory. It is all very well for the honorable member for Bland, who is thoroughly acquainted with the country, to express himself in favour of some particular area. But it is not reasonable that he should ask other honorable members, who like myself, know nothing whatever about the country, to

vote upon the question without knowledge. In the course of his various speeches the honorable member has brought forward some very good reasons why the Federal territory should be extended to the Murray. Other honorable members made out a strong case for the extension of the territory to the Murrumbidgee. If those honorable members believe that their case is so strong, why are they not prepared to leave the settlement of the question to a commission, and to those who will have eventually to define the Federal territory? We should not be asked to vote ignorantly upon so important a question. If we are to have the Federal territory extending from the Murrumbidgee to the Murray, and we are to acquire an area of only 1,000 square miles, we shall have a long and narrow strip of country. That is not my idea of what the Federal territory ought to be, nor is it the idea of a majority of members of this House. Several honorable members object to a small area of 100 square miles on that ground, because they say the unearned increment which will accrue to the land adjoining the Federal territory will not benefit the Commonwealth. But that argument will apply with even greater force to a ribbon strip. If we are to have a ribbon strip of territory, extending from the Murray to the Murrumbidgee, the lands bordering it will increase in value, and the very object that a majority of honorable members had in view in advocating a large area will be defeated. I trust honorable members will leave this question of defining the boundaries of the Federal territory to be decided by men who will be in possession of all the facts. If there ever was an occasion when we required information, it is in connexion with a matter of this kind. I shall certainly vote with the honorable member for Macquarie in the endeavour to have these words struck out.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Minister for Defence).—I should like to call the attention of the honorable member to the fact that if he carries out his proposal he will destroy what was done by the Minister for Home Affairs in providing that we should not go into the valley of Tumut, with an elevation of 1,000 feet, but that we should make provision for an altitude of 1,500 feet, and also that we should get some distance away from Tumut.

Mr. SYDNEY SMITH.—I shall move an amendment, omitting from the motion of disagreement, the words "should extend to

the River Murray and the River Murrumbidgee."

Mr. AUSTIN CHAPMAN.—It seems to me that it would be very unwise for honorable members to make piecemeal of the clause in the way proposed. I think it is generally admitted, even by the Minister for Trade and Customs—after the visit paid by senators and himself to Tumut on the occasion of opening the railway—that it would be nothing less than a calamity to place the Federal Capital at that place.

Sir WILLIAM LYNE.—Nonsense.

Mr. AUSTIN CHAPMAN.—That is generally admitted. One honorable member who has been a redoubtable advocate of that site, admits that he has gone back to his first love, Batlow.

The CHAIRMAN. — The honorable gentleman is not in order in discussing the question of sites.

Mr. AUSTIN CHAPMAN.—Surely, sir, I shall be in order in showing that a great deal of the country within twenty-five miles of Tumut, is unfit for the purpose of a Federal Capital. The elevation of Tumut itself is 1,050 feet, and the House decided to put in a safeguard against being housed there. Practical demonstration has since shown the wisdom of its action. The honorable member for Macquarie, if he gained his purpose, would leave out that most desirable provision. It is necessary to obtain further information on this subject, because, so far, no report on that country has been furnished. Water which may run on to the site at an altitude of 1,050 feet may require to be pumped to reach an altitude of 1,500 feet. We ought to retain the amendment which was inserted at the instance of the Minister for Home Affairs.

Mr. WILKS.—Would not that come within an area of 100 square miles?

Mr. AUSTIN CHAPMAN.—No. Surely the honorable member knows that an area of 100 square miles will not extend to a point twenty-five miles from Tumut?

Mr. WILKS.—But the provision for 1,000 square miles is still in the clause.

Mr. AUSTIN CHAPMAN.—We know very well that the honorable member is opposed to that provision.

Sir JOHN FORREST.—The clause says "at or near Tumut," and that is too close.

Mr. AUSTIN CHAPMAN.—Even those honorable members who voted for the selection of Tumut the other night admit now

that it would be disastrous to adhere to that decision. They now say that they could not live in Tumut, and consequently there is a necessity for retaining this provision.

Mr. SAWERS.—Why did they not vote in that way to-night?

Mr. AUSTIN CHAPMAN.—I shall have an opportunity by-and-by to give an analysis of to-night's vote. Had honorable members not sat in the galleries; had honorable members not been paired against honorable members who are hundreds of miles away; had a number of other honorable members who are hundreds of miles away been paired; the voting would have been very different. I should not be in order in giving an analysis of the voting at this stage, but when the House resumes I intend to give some figures which will show how Bombala would have polled in a full House.

Mr. KENNEDY.—This week?

Mr. AUSTIN CHAPMAN.—The honorable member can please himself as to whether he remains or not. I propose to give the information in my possession, because I think that it ought to be given. I shall support the provision for the extension of the Federal territory to the Murray because I hold that wherever the seat of government may be located, there ought to be a right-of-way to two different States.

Mr. KIRWAN.—To the Murrumbidgee as well as the Murray?

Mr. AUSTIN CHAPMAN.—The clause is absurdenough as it is. We all know that it is impossible to have a strip of that kind. I am supporting the clause as it stands in fair play to the State which is so much maligned. It is said that every Victorian who votes for Bombala, gives a dishonest, selfish vote. How is it that the representatives from other States—men who have no axe to grind, and who cannot be accused of being partial, except to the extent of favouring the best site—are not accused of giving a dishonest vote? The analysis to which I have referred, shows that if the Victorians had voted as solidly as the New South Welshmen Bombala would have won by nine votes. But we are not discussing that question now. In my opinion it would be very dangerous to accept the amendment proposed by the honorable member for Macquarie, even in a modified form. We ought to leave open the question of extending the Federal territory to the two rivers, if only



for the reason that we court further examination of the country. A thorough inquiry must now be made. If those words were struck out, by some peculiar process it might be possible to land us in Tumut.

Mr. KIRWAN.—When the honorable member says that an inquiry is necessary, why does he wish to define the territory?

Mr. AUSTIN CHAPMAN.—I take it that if we define the territory as the country extending to the Murrumbidgee on the north, and to the Murray on the south, a search will be made to see if it contains a suitable site. I am satisfied that there is not a suitable site close to Tumut, and so I am in favour of going further afield in our search.

Mr. G. B. EDWARDS.—When we ask for an area of 1,000 square miles bounded on one side by the Murrumbidgee and on the other by the Murray, we need no further definition.

Mr. AUSTIN CHAPMAN.—I admit that the provision looks fairly absurd as it is; but it is only in keeping with the Tumut site.

Mr. KIRWAN.—The honorable gentleman wishes to reduce the whole thing to an absurdity.

Mr. AUSTIN CHAPMAN.—I do not wish that construction to be put on my action. I hold that it would be absurd to have the Federal Capital at Tumut; therefore I wish to secure the closest investigation which can be obtained, and this should be conceded, if only in fair play to Victoria. Wherever the site may be fixed in that locality access ought to be provided to both States. I agree with the honorable member for Bland that the people of New South Wales do not look upon the fixing of the Federal Capital in some particular spot as their price for Federation. The people of Sydney do not constitute the people of New South Wales, who are hopeful that the best spot, whether it is on the border or in the centre of the State, will be selected. Holding that a further inquiry should be made, and believing that time will fight on the side of Bombala, I propose, in fair play to Victoria, to leave this part of the clause as it is.

Mr. SYDNEY SMITH (Macquarie).—I move—

That the motion be amended by the addition of the following words:—"Except as to the omission of the words 'and shall extend to the River Murray and the River Murrumbidgee,' to which they agree."

I do not think that we should retain a provision which would enable the Federal territory to be extended to the River Murray.

Mr. SPENCE.—Taking a strip a mile or half-a-mile wide.

Mr. SYDNEY SMITH.—I do not disagree with the provision in regard to the altitude of the site, because I think that even an altitude of 1,500 feet is not sufficient. We ought to select a much higher place for the seat of government in order to get a cool climate. The ideal place is Lyndhurst, although, no doubt, the Minister for Defence will say that it is Bombala. At the recent ballot a majority of the No. 1 votes were cast in favour of Lyndhurst.

Mr. AUSTIN CHAPMAN.—Which place topped the poll in the first ballot?

Mr. SYDNEY SMITH.—Bombala topped the poll in the first ballot, but it was not in the running afterwards.

Mr. AUSTIN CHAPMAN.—Because the combination was too strong.

Mr. SYDNEY SMITH.—I do not wish to go into that question at this stage, and I hope that honorable members will agree to my amendment to the motion.

Mr. THOMSON (North Sydney).—I quite see that the amendment of the Senate is simply a consequential one, and that we have nothing before us to show its opinion as to these proposals in connexion with Tumut. At the same time, I would only repeat my protest against the insertion, at this stage, of these conditions, whether they favour New South Wales or Victoria. If anything was needed to make evident the absurdity of those conditions, it was the speech of the Minister for Defence. He showed clearly how ridiculous the proposition is, and no doubt it is receiving his support, notwithstanding all its ridiculousness, in the hope that delay may ensue, and something arise to favour another site. What are these provisions that we have to consider? One is that the Federal territory should be a narrow strip extending from the Murray to the Murrumbidgee, and cutting off the State territory on either side. It may be found, when fuller information is available, that that proposal is altogether undesirable, and that we can give, in another way, that access from Victoria, to which I, for one, do not object. I quite agree that an adjoining State should be given every facility for getting railway communication

with the Federal Capital. With regard to the question of altitude, there might be a desirable site at an elevation of 1,400 feet, and a much less desirable site at an elevation of 1,500 feet. Yet it is suggested by our proposal that the less desirable site should be selected. Then we have the provision for a radius of twenty-five miles from Tumut proposed, simply to salve the feeling of New South Wales. A site twenty-six miles distant from Tumut might be much more desirable than a site within the radius of twenty-five miles. All this shows the absurdity of our acting in the dark, and seeking light after we have acted. Our first step should be to enter into negotiations through Ministers, who know the views of honorable members generally. Let them conduct the negotiations with a desire to meet the views of this Parliament, and, at the same time, with a desire, as far as possible, to fall in with the views of New South Wales, and then come down with a proposal. By taking this course we should not abandon our rights. We should have the means of exercising our rights when we were supplied with all the necessary information. We are trying to do something when we know nothing. This is most undesirable, and the exhibition of feeling which has been provoked is calculated to breed discontent and annoyance, and to hamper our negotiations with the Government of New South Wales. For these reasons I objected to the amendments made in the Bill when it was last before us, and I again protest against them. I think that they were entirely wrong. As to the question of access to the Federal territory from the various States, whilst every convenience in the way of railway communication should be given, it is almost misreading the intention of the Constitution to endeavour to provide for an absolutely separate territory. The Federal territory, wherever it may be planted, will be, not only a part of the State in which it is placed, but a part of the Commonwealth. The fact that it is entirely surrounded by the territory of a State, or by the territory of two or more States, will not prevent it from complying with the spirit of the Constitution. It will be the possession, not of a State, but of the whole people of Australia. To say that, if it will be impossible to get to it without going over the soil of a State, or of other parts of Australia, it will not fulfil the conditions of the Constitution, is to treat the States as

*fr. Thomson.*

though they were foreign countries, and the people of the States as aliens. It is as if we were to say that we are afraid of them, and so much object to mix with them that we are unwilling to cross a yard of their territory if we can avoid doing so. Surely no honorable member holds those views.

Mr. JOSEPH COOK.—That is the provincial opinion.

Mr. THOMSON.—It would be a provincial opinion. The Federal Capital will be the capital, not of the State, but of Australia. In going through the territory of a State or States to reach it, we shall be showing that we do not regard the people of the State as separate but as members of the one Commonwealth.

Mr. CROUCH.—Does the honorable member think that New South Wales would allow a Victorian railway to be extended to the Federal Capital if necessary?

Mr. THOMSON.—I do not see what right a Victorian railway would have to enter New South Wales. If the honorable and learned member means a railway in New South Wales connecting with a Victorian railway, then, speaking for myself—and I am not able to speak for the whole State—I should be prepared to allow a connexion to be made from a Victorian railway terminus at the border to the Capital by the most direct route possible. I would allow the Victorian railways to connect with our own railways at any point on the border.

Mr. GLYNN.—The Commonwealth could in spite of New South Wales construct such a line as the honorable and learned member for Corio refers to.

Mr. THOMSON.—Yes. I am not one of those who wish to drive traffic in a direction in which it does not naturally go.

Mr. WINTER-COOKE.—Both New South Wales and Victoria have tried to do so in the past.

Mr. THOMSON.—Yes; but personally I am against such a policy, and now that we have Federation I hope we shall see a difference in this respect in the action of all the States.

Mr. FOWLER.—There are not many signs of it yet.

Mr. THOMSON.—Not yet, perhaps, but I hope that a better spirit will arise. It is against my principles, and those of every free-trader, that traffic should be diverted into routes which it is not profitable for it to follow. Something has been said about

the members for Sydney. I am not exactly a Sydney representative, though I am practically one. In my opinion most of the people of Sydney who asked for the Capital, just as the country people of New South Wales who asked for it, were not actuated very greatly by the desire to obtain a material advantage. Most of them were sensible enough to see that very little material advantage is to be obtained by having the Federal Capital in New South Wales. They were animated more by sentiment. They felt that New South Wales, as the oldest State—the State containing the original capital of Australia, and the State having the largest population—should be paid the compliment of being chosen as the State in which the Federal Capital should be. Many people who had voted against the first Bill were satisfied with the concession which had been given in regard to the location of the Capital, and voted for the second Bill. I am not now debating the desirability of the provisions which have been inserted in this Bill. We cannot do that now, because we are absolutely ignorant of the conditions. The proper time to raise these questions will be during the negotiations between this Government and that of the State of New South Wales, and the proper time to decide them will be when the matter is remitted to us, and we can deal with it after inquiry, and when we are in possession of full knowledge and information.

Mr. G. B. EDWARDS (South Sydney).—I thoroughly indorse the remarks of the honorable member for North Sydney. His address was an extremely reasonable and an eminently honest one. It seems to me that there has been an effort to make it appear that the people of New South Wales are contending for something to which they are not entitled. That accusation cannot be rightly made against them or their representatives any more than the reverse could truthfully be said of the people of Melbourne and their representatives. All we desire is the reasonable fulfilment of the compact contained in the Constitution. To my mind, the amendments made in the clause largely interfere with the constitutional rights of New South Wales. I agree with the honorable member for Bland that if we could acquire 1,000 square miles for the Commonwealth territory in a suitable situation it would be wise and right for us to do so, but it is eminently wrong and opposed to the Constitution to insert in the Bill a provision demanding the

surrender of that area by New South Wales. The argument of the honorable and learned member for Werriwa, unfortunately, does not apply at the present time, because the question of the area of the Federal territory is not before us; but the other provisions in the clause are still more absurd. As has been pointed out, if we determine that the Federal territory shall extend from the Murrumbidgee to the Murray River, taking in Tumut, and shall contain 1,000 square miles, we practically define its boundaries, though hardly a man in the Chamber knows anything of the value of a square mile of it. In coming to this determination we are acting in the dark. At the present time, of course, we have nothing to do with the provision in regard to the area of the territory. I do not desire that it shall be thought that I am of opinion that the Federal territory should not contain 1,000 square miles, or that New South Wales would not give up so large an area. My point is that the Constitution prevents the Federal Parliament from altering the boundaries of any State without the consent of that State, and that therefore we cannot enact a measure, the effect of which would be to do that. In the same way we should be doing wrong in determining that the Federal territory shall be bounded by the Murrumbidgee and the Murray.

Mr. ISAACS.—The Commonwealth cannot alter the boundaries of a State without the consent of that State.

Mr. G. B. EDWARDS.—That is so, and therefore we have no right to place on the statute-book an enactment, the effect of which, if it were not invalid, would be to do that. To take a piece out of the middle of it would be to alter the boundaries of the State, because it would then have not only an outside boundary but an inside boundary as well. From what I know of the people and the legislators of New South Wales, I feel certain that they will meet us in a reasonable and liberal spirit, and give us as much land as we require for our purpose; but we are manifestly wrong in demanding territory of the State when we have no constitutional power to do so. The amendment to which we are asked to disagree is consequential upon the previous amendment. The Murrumbidgee and Murray Rivers, while they might form the boundaries of the Tumut site, could not form the boundaries of the Bombala site. But I think that we were wrong

in the first instance in making the amendment, and, therefore, I shall support the attempt to get rid of it. I regard the amendment as unjustifiable and ridiculous. I agree with the honorable member for North Sydney that before we lay down any such conditions as those inserted in the Bill we should know more of the country we are asked to take. I should like to see a large area chosen, but the Federal territory ought not to consist of a long narrow strip, on each side of which would be State lands whose owners would gain the unearned increment created by the expenditure of the Commonwealth. A compact square territory would better suit our purposes. I think we shall do wisely in reversing our previous decision, and striking out all these provisions. I know that the measure will come to nothing, and that we shall have to go into the whole question again. To my mind there are sites which have not received justice from any one, not even the Commissioners. I allude particularly to the Queanbeyan site, which, to my mind, is one of the best.

The CHAIRMAN.—I ask the honorable member not to discuss the proposed sites.

Mr. G. B. EDWARDS.—I shall not do so until another opportunity is afforded. I regret that the action of the two Chambers will prevent the settlement of the question this session.

Mr. JOSEPH COOK (Parramatta).—I was very much amused this afternoon to hear the views expressed by certain representatives of New South Wales, particularly the honorable member for Bland and the Minister for Defence. They both took advantage of the opportunity to gird again, as they have done so often before, at Sydney and Sydney interests. They were careful to tell us that Sydney is not New South Wales. That is a very hackneyed expression, but it is absurd to keep on reiterating it, because it means nothing at all. Those honorable members who are always using it live on the confines of another State than New South Wales. These honorable members have lived upon the cry—"Country versus city."

Sir WILLIAM LYNE.—The electorate of the honorable member for Bland is not on the border of New South Wales.

Mr. JOSEPH COOK.—No; but it is on the border of the electorate which embraces the Tumut site. I believe that the River Murrumbidgee is the dividing line between

the electorate of the honorable member for Bland and that represented by the Minister for Trade and Customs, and, of course, when the honorable member for Bland opens his mouth, he speaks for New South Wales. Those honorable members who are constantly girding at Sydney are particularly interested in one or other of the proposed sites. That cannot be said of any of the Sydney representatives. They are hundreds of miles away from any of the sites.

Mr. McCAY.—But they are nearer to some than to others.

Mr. JOSEPH COOK.—I am a very long way from any of them.

Sir WILLIAM LYNE.—The honorable member's district is not very far from the Lyndhurst site.

Mr. JOSEPH COOK.—Not more than about seventy miles.

Sir WILLIAM LYNE.—The distance is only about thirty miles.

Mr. JOSEPH COOK.—At all events, an electorate other than that in which the Lyndhurst site is situated intervenes. Of course I am interested in the Lyndhurst site, and should like to see it chosen, because I think that no other has the same potentialities of greatness or the same claims upon other grounds. I am not here, however, to advocate any particular site, now that the time for that has passed; but to defend the State of New South Wales against the constant aspersions of honorable members who ought upon all occasions to stand up for her.

Mr. KINGSTON.—Is New South Wales divided against herself?

Mr. JOSEPH COOK.—Unhappily she is; and the anomaly is that, whilst New South Wales is entitled to have the capital within her borders, Victoria is in the happy position of being able to dictate exactly where the Federal Capital shall be situated.

Mr. ISAACS.—Does the honorable member wish that Victoria should have no voice in the matter?

Mr. JOSEPH COOK.—Certainly not. I do not complain of the unity of the Victorians. I speak rather in commendation of their attitude. Victoria presents an object lesson to New South Wales. If the representatives of New South Wales were as solid upon the capital question as are the representatives of Victoria, a satisfactory decision would be arrived at within a very short time.

Mr. ISAACS.—Unfortunately we are not solid.

Mr. JOSEPH COOK.—The Victorian representatives are solid upon one point, namely, that the Federal Capital shall be situated as close as possible to their own border.

Mr. SKENE.—Albury is closer than Tumut.

Mr. JOSEPH COOK.—No doubt; but the representatives of Victoria thought that Albury had no chance, and therefore voted for Tumut. If they had considered that Albury was in the running, they would have voted *en bloc* for it. But as matters stand, they have given their unanimous support to Tumut under conditions which would make it practically a border site.

Mr. McCAY.—Does not the honorable member know that upon the ballot the representatives of New South Wales were more solid for Lyndhurst than were the Victorians in regard to any other site?

Mr. JOSEPH COOK.—That may be; but that does not affect the point that the Victorian representatives have stood together in their efforts to locate the Federal Capital upon the border.

Mr. McCAY.—The representatives of New South Wales were just as solid in the opposite direction.

Mr. JOSEPH COOK.—Naturally, and for a good constitutional reason. Honorable members who quarrel with the representatives of New South Wales for desiring to have the capital situated away from the border, should direct their resentment against their representative at the Premiers' Conference, who granted a supposedly solid concession to New South Wales. Many of the arguments used to-day would have been more appropriate if they had been employed when the location of the Capital was being discussed at the Premiers' Conference. The question for our consideration now is that of honouring the bond which was made with New South Wales. Honorable members have shown a strange want of appreciation of the terms of the compact, and a strange want of sympathy with the spirit of it. The honorable member for Bland said that he did not believe that the question of the Capital site made any difference in the result of the referendum in New South Wales. The facts, however, are all against him, and the absurdity of his statement is shown by the difference in voting at the referenda. At the Premiers' Conference

no substantial amendment was made in the Commonwealth Bill beyond the fixing of the Capital site in New South Wales, and therefore it may fairly be inferred that that concession to New South Wales caused a considerable access to the ranks of the supporters of the measure.

Mr. KINGSTON.—An important amendment was made with regard to the majority required at a joint sitting of the two Houses.

Mr. JOSEPH COOK.—I had forgotten that that important amendment was inserted; but I venture to say that unless the concession with regard to the Capital had been made, the Constitution would not have been accepted. I assert positively that if a provision had been inserted in the Bill that the Capital should be situated on the border of New South Wales and Victoria, the measure would have met with overwhelming defeat.

Mr. SPENCE.—Not with the then Premier of New South Wales supporting it.

Mr. JOSEPH COOK.—That may be very complimentary to the right honorable and learned member for East Sydney, who was then Premier of New South Wales; and rightly so. But I contend that notwithstanding his great influence the Constitution would have been rejected but for the concession regarding the Capital site. Honorable members in seeking to defeat the aspirations of representatives of New South Wales are acting contrary to the spirit of the compact entered into at the Premiers' Conference.

Mr. McCAY.—Does the honorable member suggest that a large number of additional votes were gained for the Bill at the second referendum?

Mr. JOSEPH COOK.—Unquestionably.

Mr. McCAY.—The figures do not bear out that statement. At the first referendum 72,000 votes were cast for the Bill, and 68,000 against it. At the second referendum the figures were 106,000 as against 84,000, showing a great increase on both sides.

Mr. JOSEPH COOK.—I say deliberately that the concession of the Capital made all the difference in the voting. I do not agree with the honorable member for North Sydney that the Capital question was a purely sentimental matter. The concession was intended to be a very substantial one, and was regarded as some set-off against

the heavy extra taxation to which the people would have to submit.

Mr. SAWERS. — The State Government do not derive enough revenue even now.

Mr. JOSEPH COOK. — Is there any sense in an interjection of that kind? The honorable member knows why the State Government have not enough money to spend. They never will have enough money whilst the party with which the honorable member is associated holds the reins of power. All that, however, is beside the question. The people of New South Wales knew very well that they would have to submit to very heavy extra taxation, and that they would in all probability have to surrender their old established free-trade policy, and it was as a substantial set-off against these sacrifices that the people of New South Wales accepted the Capital.

Mr. SAWERS. — Then they bartered free-trade for a miserable Capital.

Mr. JOSEPH COOK. — I did not say that.

Mr. ISAACS. — I am afraid we are travelling a long way from the amendment.

Mr. JOSEPH COOK. — I do not think so. I think that the amendment cuts across the spirit of the provision in the Constitution regarding the Capital site, and that therefore it should be eliminated. Would honorable members regard it as a substantial concession to New South Wales if the Capital site were selected just within the borders of that State? Where would the concession be in such a case? The site at Tumut would not be so near to Sydney as to Melbourne, and if the people of Victoria could reach the Capital site by merely crossing the River Murray, the location of the Capital within the territory of New South Wales would no longer be a concession to the mother State. That was not the concession that New South Wales thought she was securing when she agreed to the Constitution as finally drafted at the Premiers' Conference. If the stipulations now made in the Bill had been embodied in the Constitution in the same way as the 100-mile limit, the result of the referendum would have been much less favorable. My point is that the provision which it is sought to retain in the Bill is foreign to the compact and entirely opposed to the spirit of it. The representatives of Victoria urge that they should have an independent right-of-way to the Capital without being required

to pass through New South Wales territory. That point should, however, have been raised at the Premiers' Conference. The compact with New South Wales will not be kept if the Capital is less accessible to her own people than to the people of other States.

Mr. ISAACS. — How could the Federal Capital within New South Wales be less accessible to the people of that State than to residents in other States. The honorable member is speaking as if Sydney constituted New South Wales?

Mr. JOSEPH COOK. — I may tell the honorable and learned member that if accessibility had been the principal consideration, Sydney would have been more accessible than any other spot that could be selected as a site for the Federal Capital. The port of Sydney would have been open to all. The representatives of Victoria, however, insisted that Sydney should be excluded from the selection, and that the Federal Capital should be not less than 100 miles from Sydney. In dealing with this question we should consider, not the bare terms of the Constitution, but what is implied in the bond; and I venture to suggest very respectfully that when the Premiers agreed to the 100-mile limit they agreed also to allow New South Wales to have the Capital site as near as possible to Sydney beyond that limit. The 100-mile limit was the only bar which they placed upon the possession of the Federal Capital. Therefore, they would be most honouring the bond by establishing the Capital as near as possible to that limit. That is the stand-point from which we ought to consider this matter, and not from that of whether the Capital would be accessible to this or that State. Of course, the more accessible we can make it to the other States consistently with honouring the spirit of the bond the better, but we have no right to consider the question of accessibility by deliberately closing our eyes to the spirit of the bond. We ought to eliminate from this Bill the boundaries which have been placed in it: the instance of honorable members who only desire seems to be to establish the Capital as near Victoria as possible, and incidentally as near to their own electorates as possible.

Mr. WATSON. — That is not fair.

Mr. JOSEPH COOK. — I say that it is quite as fair as was the statement of the honorable member for Bland. He is not in

a position to speak for New South Wales.

Mr. WATSON.—I do not pretend to do so.

Mr. JOSEPH COOK.—Yet he chastised other honorable members for daring to have an opinion upon this matter. It does not lie in his mouth to question their right to speak for New South Wales.

Mr. WATSON.—Surely I can do so just as much as can the honorable member?

Mr. JOSEPH COOK.—No more and no less, but the honorable member has pretended to do more.

Mr. WATSON.—No.

Mr. JOSEPH COOK.—He has declared that Sydney is not New South Wales.

Mr. WATSON.—Exactly.

Mr. JOSEPH COOK.—It is strange that these sentiments should come from one whose sole political cry has been that of the city *versus* the country.

Mr. WATSON.—That is not correct.

Mr. JOSEPH COOK.—The honorable member knows that it is correct. Did he ever hear the Minister for Defence make a speech—

Mr. WATSON.—Does the honorable member apply that statement to me? If so, it is absolutely incorrect, and he cannot quote a statement of mine upon which he can base his accusation.

Mr. JOSEPH COOK.—I was speaking of the Minister for Defence. Only the day before the Capital site was selected by this House, the honorable gentleman argued as though New South Wales were alien to him. He wished to know what divine right that State had to the Federal Capital.

Mr. AUSTIN CHAPMAN.—I did not say anything of the sort. I asked what divine right Sydney had to the trade. That is what *Lansard* reports me as having said.

Mr. JOSEPH COOK.—The Minister for Defence said nothing of the kind. He has always been full of the cry of city *versus* country. He has lived upon it all his political life. Regarding the honorable member for Bland, I merely wish to say that his electorate adjoins the Tumut area.

Mr. WATSON.—Do not forget that it also adjoins Lyndhurst, for which the honorable member voted.

Mr. JOSEPH COOK.—But it is a long way from Lyndhurst. The centre of influence in the honorable member's electorate is nearer to Tumut.

Mr. WATSON.—That is an unworthy insinuation, because my electorate is nearer to Lyndhurst than it is to Tumut.

Mr. MAUGER.—Is it not delightful to hear the representatives of New South Wales fighting amongst themselves?

Mr. JOSEPH COOK.—Of course we are fighting amongst ourselves. That is the unfortunate feature about the matter. There are representatives of New South Wales in this House who no more represent the dominant opinion of that State than does the honorable member. They represent certain border electorates, which are more largely dominated by Melbourne than by Sydney. It is from these honorable members that such broad Federal sentiments are continually emanating. There is, for example, the Minister for Defence, who wishes to extend the Commonwealth territory to Victoria by way of Bombala, and the honorable member for Bland, who desires to extend it to the Murray.

Mr. McCAY.—Could the honorable member expect the Minister for Defence to vote for Lyndhurst?

Mr. JOSEPH COOK.—Certainly not. At the same time, I object to the way in which these honorable members lecture others who represent districts which are hundreds of miles removed from any suggested site, and who are, therefore, more capable of registering an impartial vote upon this question than they are.

Mr. McCAY.—Does not that argument evidence the impartiality of Victorian representatives, inasmuch as they represent districts which are hundreds of miles removed from any site?

Mr. JOSEPH COOK.—I do not think so. If the amendment which was proposed by the honorable member for Gippsland the other day had been carried, he would have had the Capital close to his own back door. Yet he submitted that proposal in a fine Federal spirit, and with a due regard for the interests of the other States of the union. It was merely a coincidence that its adoption would have established the Federal Capital close to his own back door.

Mr. SAWERS.—Which site is near the honorable member's back door?

Mr. WATSON.—Lyndhurst.

Mr. JOSEPH COOK.—But I do not rise in this House as does the honorable member for Bland, and profess to take the only national view of this matter.

Sir WILLIAM LYNE.—Would not these remarks be better if delivered upon the hustings?

Mr. JOSEPH COOK.—There is no man in the Commonwealth who will make better use of the hustings than will the Minister for Trade and Customs. When the time comes he can be depended upon to shed crocodile tears with any man in this House. There is a feeling of intense irritation in New South Wales. It is useless to attempt to blink at it, because it is widespread, and any honorable member representing that State who endeavours to make it appear that no such feeling exists, misrepresents public opinion in New South Wales at the present moment. The people of that State are irritated because they do not think that they are being fairly treated in the matter of the choice of the Federal Capital; and I should like to know what is to be gained by the insertion of all these irritating provisions in the Bill. Has there been any desire manifested so far on the part of the people of New South Wales to treat the Commonwealth unfairly? Has there been any expressed desire on the part of that State to adopt a cheeseparing policy with regard to the cession of land? I submit that the Government of New South Wales have from the first treated the Commonwealth Government with the greatest consideration and fairness. The friends of the Federal Government are now in office in New South Wales. Time and again they have shown their complete sympathy with this Government, and I am, therefore, at a loss to understand why we should endeavour to place within the four corners of an Act of Parliament all these irritating provisions. A strong feeling is manifesting itself throughout the length and breadth of New South Wales in regard to this the latest proposal of the Commonwealth Parliament. Since this Parliament is supreme—since the Federal Government have power under the Constitution to take what land they like—there is no need to adopt any course which may appear to be irritating. Let us treat New South Wales fairly in this matter, negotiate with her openly, and without binding ourselves beforehand, and, in my opinion, she will treat the Commonwealth fairly and generously, and give us every reasonable concession. The situation, however, is quite different when the Commonwealth seeks to negotiate with the Government of New

South Wales with an Act of Parliament in its hands. It is very like placing a pistol at the head of the State Government while we are negotiating with them. That is the position of the matter which I would submit as strongly as possible to honorable members. During this debate we have heard the most astounding assertions made by honorable members representing Victoria. One of them went so far as to say the other night that the Commonwealth could not trust New South Wales with regard to the question of a right of way to the Federal Capital. He asserted that the State Government might impose all kinds of irritating and harassing restrictions on our trade—that they might apply the State laws in such a way as to prevent Victorian produce from being introduced into the Capital. Why are assertions of this kind constantly made? As I have remarked before, this Parliament is supreme, and can always protect its commerce. It can acquire as much land as it wants for the mere asking and paying for it. Why, therefore, is this Parliament so anxious, before entering into negotiations with the New South Wales Government, to tie its hands in such a way as to cause irritation to the mother State? Either the compact embodied in the Constitution meant that there was to be a substantial concession to New South Wales or it did not, and I venture to assert that, had it not been considered that a substantial concession was to be given to the mother State, she would not now be a member of the Federation, and the Commonwealth would not be an accomplished fact.

Mr. WINTER COOKE.—What does the honorable member mean by a substantial concession?

Mr. JOSEPH COOK.—I mean that while the compact was made it was intended that New South Wales should have the Capital with all its commercial as well as sentimental advantages.

Mr. WINTER COOKE.—Mere sentiment.

Mr. JOSEPH COOK.—I decline to regard the question of the Capital as being merely a matter of sentiment.

Mr. MCCAY.—Does the honorable member mean to say that the bargain was that the Capital should be near Sydney?

Mr. JOSEPH COOK.—The implication conveyed by the bond was that it should be as reasonably near the 100-mile limit



as the selection of a suitable site would allow.

Mr. SKENE.—Was not the bargain that the Federal Capital should not be near a big city?

Mr. JOSEPH COOK.—That it should not be within 100 miles of a big city. The representatives of the other States placed in the bond a condition removing the Capital from what they regarded as the sphere of Sydney's influence. I take it that it was understood that they did not care how near the Capital was to Sydney, provided that it was not within the 100-mile radius.

Mr. McCAY.—The honorable member's contention is that if he said he would not touch a man with a 40-ft. pole, he would mean that he intended to touch him with a 41-ft. pole.

Mr. JOSEPH COOK.—I confess that I do not follow that kind of analogy.

Mr. WINTER COOKE.—Then the honorable member considers that Albury should not have been one of the proposed sites?

Mr. JOSEPH COOK.—I think that the honorable member has already heard me declare in the House that I should regard the selection of Albury or any such site as an outrageous violation of the spirit of the bond. I say, therefore, that honorable members ought to look the bargain squarely in the face. If they do so, I am sure that they will not tell me that its spirit is being kept when an endeavour is being made to establish a Capital as near as possible to the boundary line of New South Wales. Here we have two favoured sites, one of them extending to and including the port of Twofold Bay.

The CHAIRMAN.—I must ask the honorable member not to discuss the different sites.

Mr. JOSEPH COOK.—I do not intend to do so. I am referring to them only as an illustration of the spirit which is animating the Committee in dealing with this question. The reason given for the selection of Bombala is that we should have a port close to the Capital, so that it may be totally beyond the influence and control of New South Wales. We have a right to look at this matter in a broad and open spirit rather than in a spirit such as, I am sorry to say, has been indicated by the proceedings of the Committee so far as we have gone. The meaning intended to be

conveyed by the insertion of the provision as to the 100-mile limit in the Constitution was that Sydney was to be given all the advantages that could be obtained from a Capital situate outside that limit. On that condition, and on that understanding alone, was the Constitution Bill carried in New South Wales. It is useless, therefore, for honorable members to accuse the representatives of New South Wales of provincialism when they endeavour to stand up for the terms of the bond. It is our duty as representatives of New South Wales to do so, and I submit that we do no injustice to any other State when we ask that the broad spirit of the bond, rather than its mere technique, shall be kept. I believe that the Government will obtain better terms from New South Wales by treating her in an open and fair way. I have no reason to suppose that New South Wales will not deal fairly with the Commonwealth. The friends of the present Commonwealth Government are in office in that State, and have shown every desire to treat them fairly. The Commonwealth has never been subjected to criticism on the part of the New South Wales Government such as that which it has received at the hands of the Governments of the remaining States. It has had the most open-handed and fair-minded treatment from the New South Wales Government and Parliament ever since this question began to take shape. Honorable members are aware that in New South Wales a strong body of opinion is shaping itself against the present State Government because it is considered that they have been guilty of a dereliction of duty in connexion with this question. That is an indication of the fair and generous treatment which the Commonwealth has received at the hands of the State Government and Parliament. Why, therefore, should there be this desire to escape from some impending evil which is supposed to be hanging over the Commonwealth, and coming possibly from New South Wales? The Committee would do well by omitting the irritating and gratuitous limitations which are fixed in the Bill. I believe that if we do so we shall obtain better terms, and that a better bargain altogether will be made. I therefore hope that the Committee will be wise and vote for the amendment of which notice has been given by the honorable member for Macquarie.

Mr. HENRY WILLIS (Robertson).—I refrained from taking part in the general debate on this Bill when it was before the House some time ago, because of my desire that we should come to some determination in regard to the site of the Capital before the close of the present Parliament. But, having foregone my right on that occasion, only to find that the question still remains unsettled, and that, judging by the speeches made by the honorable member for Eden-Monaro and others, there is apparently a desire not to allow it to be dealt with finally during the present session. I feel it my duty to protest against the absence of good faith shown by those who wish to defer the selection of the site. That desire is due evidently to the belief that at the next elections a majority will be returned to this House pledged to do nothing in the matter. It is hinted at very significantly that certain members of the Parliament supported the selection of Bombala in another place for the reason that they did not think that that site would be accepted, and because they believed that they were in that way adopting an easy method to stave off the determination of the question.

The CHAIRMAN.—The honorable member must not discuss the several sites. He will have an opportunity to do so at a later stage.

Mr. HENRY WILLIS.—I have no desire to discuss the merits of Bombala. I could possibly say as much in favour of that site as has been said by many other honorable members; but I more strongly favour the selection of what I consider to be the best site in Australia. I refer to Lyndhurst.

Mr. SAWERS.—Which is at the honorable member's back door.

Mr. HENRY WILLIS.—I voted for the selection of that site conscientiously believing that it was the best site that could be obtained.

The CHAIRMAN.—Will the honorable member permit me to remind him that the question before the Committee is whether we should agree to the Senate's amendment, eliminating certain words from the clause. That is the only question before the Committee.

Mr. HENRY WILLIS.—The words to which you have referred, Mr. Chairman, contain some reference to the question of locality, and believing that Lyndhurst had a very strong bearing upon that question, I

was referring to it in reply to the interjection made by the honorable member for New England, who asserted that that site was at my back door. It is not at my back door. It is the natural centre of New South Wales, and is, and will be the centre of settlement in the Commonwealth. If in making a selection we had had regard to accessibility, climate, and altitude, Lyndhurst would not have been overlooked. It is the most central site of the Commonwealth, and the most suitable place at which to establish the Capital.

The CHAIRMAN.—Order! The honorable member must see that he is transgressing the rules of debate. The debate must be confined to the question immediately before the Chair. I have already informed the honorable member that he will have an opportunity in the House to refer to the several sites.

Mr. HENRY WILLIS.—I shall avail myself of that opportunity. When the original draft of the Constitution was before the people of Australia the electors of New South Wales voted very strongly in opposition to it, because there were not in favour of certain provisions. It was enacted by the Parliament of New South Wales that there should be a statutory number of votes recorded in favour of the Bill before it was accepted by that State. That statutory number was not obtained, for certain reasons which I shall not enumerate. But I shall state one of them. There may appear to be very little in it to the bulk of those people who favoured the first draft of the Constitution, but the majority of the people of New South Wales who opposed it because amongst other provisions the Federal city was not to be in New South Wales.

Mr. SALMON.—The Constitution did not say that.

Mr. HENRY WILLIS.—The Constitution Bill did not say that, but it enacted that the Capital city might be in any part of Australia. As New South Wales was the oldest State, and would be the most influential part of the Commonwealth, financially and numerically, the people of that State said that the Federal city ought to be established within her territory.

Mr. SALMON.—What authority has the honorable member for making that statement?

The CHAIRMAN.—Honorable members must cease from making these interjections, and I ask the honorable member for Robertson to confine himself to the question before the Committee.

Mr. HENRY WILLIS.—It would be very firm if you, sir, insisted on my not answering such a pertinent question as that just put to me. The honorable member for Launceston questions the financial and numerical strength of New South Wales. Is he unaware that there would have been no union if it had not been for the financial strength of New South Wales?

The CHAIRMAN.—I am sure that the honorable member desires to assist the Chair. I have twice told him that he will not be deprived of his opportunity of dealing with the whole question in the House, but he is deprived of it now. The only question that can be debated now is as to our agreement or otherwise with the Senate in eliminating certain words.

Mr. HENRY WILLIS.—I regret very much that I am not at liberty to answer questions which have been put to me. I have been told by old parliamentarians that in order to understand the rules of Parliament thoroughly one must break them all. I thought I might take the risk of breaking one or two of them, because what I had to say might have a good effect upon the electors of Victoria. However, as I know you recognise that I am not in the habit of violating the rules of the House, and as I desire to be always respectful to you, I will proceed a little further with my remarks. I wish to refer to the unwarrantable remarks made against the people of New South Wales by certain honorable members who preceded me. Some time ago when this question was being discussed all over Australia, there was a general feeling in Victoria that the Capital should be located at Ballarat—

Mr. KNOX.—A very good place, too.

Mr. HENRY WILLIS.—The honorable member for Kooyong says that Ballarat is a very good place. There are many superior places in New South Wales—the senior State of the Union.

The CHAIRMAN.—I must ask the honorable member not to take notice of interjections. There is no reason why he should reply to them.

Mr. HENRY WILLIS.—I am aware that it is most disorderly to interject. I was about to remark that Ballarat is an

excellent place. Recently I took the opportunity of visiting that locality. It would have been a very suitable place indeed for the Federal Capital if New South Wales and Queensland were not in the Union, but not otherwise. Probably the reason why the people of Australia, apart from those in New South Wales, had a leaning towards Ballarat was, because it was much nearer to the capitals of some of the States—

The CHAIRMAN.—I hope that the honorable member will not force me to take stronger measures. I have no desire to do so, but I must again remind him that he is going outside the rules of debate.

Mr. HENRY WILLIS.—I do not know how far I can go. It is, however, impossible for me to allow the people of New South Wales to be deceived without exposing the deception. I should like to point out one of the reasons for New South Wales being in favour of the Capital city being established nearer to Sydney than to Melbourne.

The CHAIRMAN.—The honorable member will not be in order in doing that.

Mr. HENRY WILLIS.—New South Wales wished to have the Capital because she is the oldest State of the union. The States of South Australia, Victoria, and Tasmania had an opportunity of forming a federation amongst themselves, but they did not avail themselves of it. Why? Because financially they could not enter into it.

Mr. SALMON.—What rubbish.

Mr. HENRY WILLIS.—New South Wales knew that her entry into the union was essential to its success.

The CHAIRMAN.—I do sincerely trust that the honorable member will obey the Chair. I have already told him that he will not be deprived of his opportunity of dealing with the whole question in the House, but he is deprived of the opportunity in Committee.

Mr. HENRY WILLIS.—Can I not speak of the locality? Victorian members have been allowed to transgress to the extent of insulting the people of my State; moreover, the Government are finessing to prevent a decision of the Capital site question.

The CHAIRMAN.—The question is that the Committee disagree with the Senate's amendment No. 2; upon which an amendment has been proposed by the honorable

member for Macquarie. The honorable member must confine his remarks to the question whether the Committee agrees or otherwise with the Senate in eliminating the words in question.

Mr. HENRY WILLIS.—I think that the words objected to by the honorable member for Macquarie should be struck out. The words embody a limit to the selection of the Capital site. When the Conference of Premiers was held several years ago, before the Constitution was accepted, it was determined that a provision should be inserted in the Constitution that the Federal Capital should be within New South Wales, but not within 100 miles of Sydney. Shall I be in order in referring to the constitutional aspect of the question?

The CHAIRMAN.—No; I have already told the honorable member that he will not be in order. I trust that I shall not have to resort to stronger measures. The question for consideration at this juncture is that which I have already explained.

Mr. HENRY WILLIS.—I have listened to the debate during the evening, and it would appear that I am unable to make any remarks upon the lines that have been pursued by honorable members who have preceded me. This Parliament is said to be the fairest Parliament in Australia, where any man may be heard in favour of any cause. I wish to reply to remarks which I do not consider to be fair to the State of New South Wales, and I thought I should be in order in doing so, despite your ruling to the contrary. The question of locality is introduced in the amendment of the honorable member for Macquarie, and I contend that I might be permitted to make some remarks on that point.

The CHAIRMAN.—The honorable member will be in order in dealing with the question of the locality between the Rivers Murray and Murrumbidgee. I would point out that every honorable member who has addressed himself to the question practically confined himself to that question, and did not digress. Other honorable members have obeyed the Chair when their attention has been called to the matter.

Mr. HENRY WILLIS.—I feel it to be my duty to submit to your ruling, and to see that other honorable members who make speeches upon this question do not transgress. I shall reserve my further remarks for a future opportunity, when I shall be able to go fully into the question, and to

reply at length to the speeches and interjections which have been made by the Victorian representatives.

Mr. CRUICKSHANK (Gwydir).—I do not want to follow in the footsteps of the unruly member for Robertson, and I shall endeavour to keep within the lines laid down by the Chairman. But I do not desire to let the opportunity pass without saying a word or two. It appears to me that we are somewhat mixed. We are all very anxious that the Federal Capital question shall be settled this session. But honorable members have been dealing with other questions than that of the settlement of the site. They have been trying to lay down conditions, and to draw conclusions as to what was the original intention as to the area of land to be handed over under the Constitution. It is difficult to deal with the amendments which have been made, because we have to approach them in a circuitous way. I wish particularly to refer to the territory that it is proposed to take between the Murray and the Murrumbidgee. I may describe it as a shapeless piece of land. It appears to me that we shall place ourselves in a much more satisfactory position if we decide to go back to the original proposal as nearly as possible. I am quite sure that if the Minister in charge of the Bill wishes to keep in the good graces of those people in the little valley where I saw him the other day, he will accept a curtailment of the extended boundaries of the proposed Federal territory, and endeavour to return the Bill to the Senate in as nearly as possible its original form. I am afraid I should be a little out of order if I said a word about Lyndhurst.

The CHAIRMAN.—The honorable member would.

Mr. CRUICKSHANK.—I believe it is very good agricultural land around Lyndhurst, and I suppose I may refer to it by way of comparison. I was at Tumut the other day, and there I saw some good agricultural land, though I am informed it is not nearly so good as that around Lyndhurst. The great trouble appears to arise as to the question of urgency. On the one hand, we wish to have the question settled this session, and on the other hand, we desire to make the best choice of a Federal Capital which is to last for all time. Many of the New South Wales members might be willing to extend

the territory right across the border, but they are divided amongst themselves as to the wisdom of coming to a conclusion which in the other Chamber may have the effect of shelving the question until the next Parliament meets. I have been at a loss to decide whether it is wise to give a vote which may have that effect, and thus leave the Bill for the consideration of the electors, or whether it is our duty to force the measure through in a shape in which it will be accepted by the Senate, and become law? I am afraid that the only way in which we can help the Minister in charge of the Bill is to accept an amendment in favour of Bombala.

The CHAIRMAN.—That question has already been decided.

Mr. CRUICKSHANK.—That is unfortunate for the supporters of Bombala, seeing that we must confine our attention to Tumut.

The CHAIRMAN.—The honorable member is in order in discussing either Tumut or Bombala. The only question is as to agreeing or otherwise with the Senate in eliminating certain words.

Mr. CRUICKSHANK.—The curtailment of the area was in my mind, and I think I shall be safe in voting for the amendment, which will bring the area as nearly as possible to that contemplated by the Constitution.

Mr. FULLER (Illawarra).—I shall have no hesitation in voting for the amendment proposed by the honorable member for Macquarie. I voted against extending the Federal territory to the Murray, and also against extending it to the Murrumbidgee, because both proposals appeared then, as they do now, utterly ridiculous. There has been no report on the territory between those two rivers, and we know absolutely nothing about it except what we have been told by the honorable member for Bland, and one or two other members who have given us hearsay evidence and also their personal experience. Neither Mr. Oliver nor the Royal Commission reported on this territory, which, so far as I can gather, extends a distance of seventy or eighty miles between the rivers. A strip of territory seventy miles long and exceedingly narrow, as it must be, would prove of an unworkable character.

Sir JOHN FORREST.—It would be fourteen miles wide.

Mr. FULLER.—The honorable member for Bland and the honorable member for North Sydney both told us that the people of New South Wales looked for no material gain when it was agreed that the Federal Capital should be within the boundaries of that State.

Mr. THOMSON.—If the people of New South Wales look for material gain they will find there is none.

Mr. FULLER.—My contention is that the New South Wales people did look for some material gain. I was one who opposed the Federal Constitution from start to finish; and I know that what influenced thousands of voters in places where I spoke, was the fact that the Federal Capital was fixed in New South Wales. The honorable member for Melbourne Ports and others make light of the sacrifices which New South Wales made for Federation; but we know that at the present time, in consequence of the support which the present Ministry have received in this Chamber, the New South Wales people are suffering under a burden of taxation such as they never before had to endure. In view of that burden of taxation a large number of New South Wales people, who otherwise would have opposed Federation, voted for the Constitution because the Capital of the Commonwealth had to be within that State. It was an absolute compact that the Federal territory should be within New South Wales; and there can be no doubt that if the territory be extended to the border, it will alter the limits and boundaries of the State in a way which is contrary to the Constitution. No one wishes to deprive the people of Victoria of the freest possible access to Federal territory in any part of New South Wales. And why should the argument as to access apply to Victoria only? Something ought to be said for the other States.

Mr. MAUGER.—The people from the other States will all come to Victoria in order to get to the Federal territory.

Mr. FULLER.—I do not see how that can apply to the people of Queensland.

Mr. CROUCH.—Everybody could travel by sea to Bombala.

Mr. FULLER.—Having regard to the 100-mile limit, to choose Bombala would be a distinct breach of the compact entered into with New South Wales.

The CHAIRMAN.—Surely the honorable member sees that he is transgressing the limits of debate?

Mr. FULLER.—I shall vote for the amendment, because I believe that to extend the Federal territory to the Murray would be a breach of that agreement which, to a very large extent, influenced the people of New South Wales to vote for the Constitution.

Mr. SAWERS (New England).—I very much deplore the displays of provincialism which are sometimes witnessed in this Chamber. To my mind it shows a very unfederal spirit when representatives of one State hurl scornful expressions at representatives of another State; and we have too much talk from the Opposition benches about Victorian members. For my part, I know no State members in this House. I was under the impression when we entered into Federation that this House did not in any special way represent State interests, but simply represented the people for the benefit of all Australia. I have always been of opinion that there should never have been any compact in regard to the Federal Capital. The honorable member for Parramatta said that the New South Wales people gave up their vaunted policy of free-trade for the sake of this miserable compact; and I regard that expression of opinion as an insult to New South Wales. It is absurd to suppose that New South Wales would in this way sell her birthright for a mess of pottage; and I firmly believe what has been said by the honorable member for North Sydney, namely, that the Federal Capital will bring little or no special advantage to that State. The Federal territory is not likely to contain a vast population, and the slight advantage which would accrue to a few residents of Sydney by the importation of goods required for the Capital is surely not worth the giving up of a fiscal policy. New South Wales voted for Federation because she believed in Federation, and would have voted for it without that compact, which most New South Welshmen deplore. If the leader of the Opposition had not insisted on laying down—

The CHAIRMAN.—I must ask the honorable member to comply with the rules of debate.

Mr. SAWERS.—I was trying to reply to the speech of the honorable member for Parramatta, who travelled over a very wide ground. When some very inoffensive member is speaking he seems to be corrected; and the honorable member for Parramatta

took a much greater range than I am taking.

Mr. JOSEPH COOK.—Is the honorable member for New England in order in reflecting on the conduct of the Chairman?

The CHAIRMAN.—The honorable member for New England is in error. On two or three occasions, when the honorable member for Parramatta was speaking, I asked that honorable member to confine himself to the question before the Committee. I have done the same with every honorable member who has spoken, and I am sure the honorable member for New England, with his long parliamentary experience, will assist the Chairman.

Mr. SAWERS.—I shall be very happy to do so. I notice, however, that the honorable member for Parramatta, when called to order, goes on with his speech and manages to say what he desires. I repeat that I deplore the provincial spirit which is so rampant, not only amongst certain members of the House, but also in the press of a certain city. In regard to the particular amendment before us, I am thoroughly in accord with the selection of Tumut, and also in accord with the expression of opinion by this Chamber that the Federal territory should consist of something like 1,000 square miles. We have not said in the Bill that the territory must be 1,000 square miles, but have merely expressed the opinion that we should like to acquire that area.

The CHAIRMAN.—I must remind the honorable member that that question is not open for discussion, the Committee having already arrived at a decision. The only question is as to the elimination of certain words respecting the Rivers Murray and Murrumbidgee.

Mr. SAWERS.—I am merely saying, in passing, that I am thoroughly in accord with the opinion that we ought to have a fairly-sized Federal territory, and I think I am in order in associating the proposal for an area of 1,000 square miles with the amendment before us. I desire to make a personal explanation. I intend to reverse a vote which I gave some days ago. The day after we had taken the ballot as to the Federal sites, I entered the House just as honorable members were about to divide on an amendment moved by the honorable member for Grampians, providing that the 1,000 square

miles should extend to the River Murray. I had not heard the arguments, but it occurred to me that there would be no harm, so long as the amendment amounted to no more than an expression of opinion. I did not understand the amendment to provide that the territory must extend to the Murray, but I find that the word "shall" is used in the Bill. I can be no party to demanding from the New South Wales Government that the Federal territory shall extend to the River Murray. I was in some doubt as to what I should do on that occasion, but I voted with the Prime Minister, and thought it only proper to do so. When a subsequent amendment was moved by the honorable member for Canobolas that the territory should also extend to the Murrumbidgee, that was carried without discussion, and I had no time to investigate the matter. I very much regret having given those votes, because I think that the question should be left open to permit of negotiation between the Federal Government and the New South Wales Government. We ought to confine ourselves to endeavouring by negotiation to obtain 1,000 square miles, or as large an area as is possible. It is absurd for us to declare that the Federal territory shall extend from the Murrumbidgee to the Murray. That would probably be a strip of country eighty miles long by twelve miles wide. No Government of New South Wales would ever accept such a proposition, because such a strip of territory would be like a stone wall blocking along that line of eighty miles the intercourse between citizens of that State who are only twelve miles apart. Though I had some sympathy with the honorable member for Grampians in the suggestion which I was under the impression he made, I have since found that the provision, as he submitted it, is mandatory. It is an absurd proposition as it stands now, and is creating jealousy and discord between the Commonwealth and New South Wales. I hope the Commonwealth will acquire an area far in excess of the minimum of 100 square miles laid down in the Constitution; but if we do not secure 1,000 square miles, I shall be satisfied with something less. I felt that I had placed myself in a difficulty in voting as I did last week; but the amendment was sprung upon honorable members, and we had no time to give it full consideration. Having given it consideration since, I think it was imprudent

to pass such an amendment, and I therefore intend to vote with the honorable member for Macquarie.

Mr. SKENE (Grampians).—As the mover of the amendment providing for the extension of the Federal territory from Tumut to the River Murray, I should like, if it is in order, to alter the expression "shall extend" to "should extend." Honorable members may remember that, when I first submitted my amendment, I desired that the words "extend to the River Murray" should be inserted after the word "should." That portion of the clause would then have read "should extend to the River Murray, and contain an area of not less than 1,000 square miles." The honorable member for Bland asked me to withdraw my amendment at that stage to enable the amendment with regard to the area of the territory to be acquired to be dealt with first. I think that much of the difficulty which has since arisen might be got over if I were permitted to move the omission of the word "shall," with a view to insert in lieu thereof the word "should."

The CHAIRMAN.—I suggest to the honorable member for Grampians that he should wait until the amendment proposed by the honorable member for Macquarie has been dealt with. If it is carried, the whole matter will be settled; and if it is not, the honorable member for Grampians will have an opportunity to submit his amendment.

Mr. SKENE (Grampians).—I believe that if honorable members agree to substitute the word "should" for the word "shall," as I suggest, that would be likely to affect some votes upon the amendment submitted by the honorable member for Macquarie. I hope that in the circumstances honorable members generally will understand that, if the amendment moved by the honorable member for Macquarie is not carried, I shall propose the substitution of the word "should" for the word "shall."

Mr. BROWN (Canobolas).—I thought that we would hear some honorable members who are supporting the Government in their proposal in connexion with this question, and I delayed making the few remarks I wished to offer with a view to getting increased information which I think the Committee should have. So far the speeches delivered have been against the proposal of the Minister. The position originally taken on

by the Government with respect to this question was the correct one. They introduced a Bill to fix the Capital site, leaving the question of the territory to be dealt with by a subsequent Bill. It was in that subsequent Bill that conditions affecting the Federal territory should have found expression. But the Government have managed this affair in such a supine and unsatisfactory way that the whole question has been complicated by conditions. First of all there was the condition that the Federal territory shall embrace 1,000 square miles of country; then there was a further condition agreed to that it should extend from Tumut to the Murray, and, further, that it should extend from Tumut to the Murrumbidgee; and then there was a further condition introduced, setting aside all the information which guided this House in the decision in favour of Tumut, to the effect that the site should not be at Lacmalac or Gadara, but that it should be anywhere within twenty-five miles of Tumut. All these conditions have been agreed to since the decision as to the site was arrived at, and they tend only to make the settlement of this very important question more difficult. They have already created some amount of friction between the Federal Government and the Government of New South Wales.

Sir WILLIAM LYNE.—Not the slightest.

Mr. BROWN.—The honorable gentleman in charge of the Bill may have some information which honorable members generally do not possess; but if he will look at the reports of the debates in the State Parliament of New South Wales, he will find that members of the State Ministry have given expression to opinions with respect to this proposal that point strongly to the existence of very great friction. The Minister for Lands in New South Wales has indicated that there is no hope of the Federal Government ever getting the maximum area we are asking for in this clause, or an extension of Federal territory down to the banks of the Murray. The Minister for Trade and Customs might have talked New South Wales Ministers back to "sweet reasonableness" in the meantime; but so far as honorable members generally are aware, the position between the two Governments is one of extreme friction, and it has been brought about by the proposal of conditions which should not have found a place in this Bill. I am as strongly in favour of an area

of not less than 1,000 square miles as any other honorable member can be, but a great deal depends on its shape and the character of the land which it embraces. I should not like the Federal territory to be of those dimensions, with the larger portion of the land unsuited for any form of occupation. We should consider the nature of the country within the area, and whether it could be profitably used or not in carrying out this scheme. But—why I cannot say—we are needlessly creating friction, if not between the Federal Government and the State Government, certainly between the Federal Government and a very considerable section of the representatives, and probably a big section of the community of New South Wales, whom we want to hear on this very important subject at one time or another. Where was the need to create this friction? This matter should have been left to negotiation, before it was embodied in legislation. I undertake to say that if the State of New South Wales had been approached in a proper spirit, the same amount of consideration which it has already given to the Federal Government would have been extended in this particular. But this Parliament put itself in the position of practically approaching the State Government with a demand that so many thousand square miles of territory should be ceded, in a particular shape, which meant that it was to be ninety miles long, by twelve or fourteen miles broad, and to run right through the centre of the State. That position is, I think, not creditable to the Government, or to the Parliament. We ought to endeavour to consider the wishes of New South Wales, and if we can arrive at an understanding by a proper method of negotiation, and avoid a lot of friction which is now seething in that State, and possibly may lead to considerable difficulty in settling this question, we ought to try to do so. For some unaccountable reason the Ministry, instead of showing their sincerity in the stand which they originally took and indicated as the correct one, sat behind the members who sought to introduce these unwise, and, I believe, impossible conditions, into the measure. Take the question of the means of arriving at a settlement. If we turn to the records, we shall find that only eleven members voted for Tumut from start to finish, while fourteen members voted for Lyndhurst, and a similar number for Bombala.



The CHAIRMAN.—Order. I must ask the honorable member not to discuss the votes of the House.

Mr. BROWN.—I am only making that reference for the purpose of showing that this particular site did not command the support of a majority of honorable members.

The CHAIRMAN.—The question of the site has been decided by the Committee, and is not now open for discussion.

Mr. BROWN.—I did not intend to deal generally with that matter, but merely to show that the Tumut site did not command the support of a majority of honorable members, and that when it was selected apparently some honorable members took the opportunity of imposing a condition which it would be impossible for New South Wales to accept. My complaint is that the Government were not true to the principle which they had clearly laid down when they got behind those honorable members in order to bring about that position. The honorable member for Grampians, who was responsible for the amendment to extend the territory to the Murray, had previously urged, in strong terms, that there was a site on the Murray which had not been considered, and which, in his opinion—possibly it may be so—was superior to any of the sites which had been under review. That was position No. 1. Then, despite the fact that the Government had appointed a Commission of Experts to deal with the question not of territory, but sites, and that, after having the advantage of Mr. Oliver's exhaustive inquiry, and investigating the district, it had selected the site which in its opinion was the better, or I may say the best site, we had the Minister for Home Affairs, following in the wake of the honorable member for the Grampians, with a further amendment, which was presented to me originally as meaning that the question of the location of the Capital site should be eliminated, and that the clause should be made so wide as to embrace the whole of this territory. When I saw a movement of that character, and particularly when I saw the Government—who had protested that this was the wrong way to proceed—assisting to drag the territory down from Tumut to the Murray, and also getting ready another amendment to wipe out the condition that Lacmala should be the chosen site as recommended by their own Commission, I felt very dissatisfied with the proceedings, and

my suspicions as to the reasons which underlay the movement were very considerably excited. It seemed to me that when a certain number of honorable members who were desirous of getting as near to the border as possible by selecting the Albury or Bombala site, were defeated on those sites they supported the selection of the Tumut site as against the Lyndhurst site, and having secured its acceptance—

The CHAIRMAN.—Order! The honorable member is now discussing the question of the sites, which has been determined.

Mr. BROWN.—I am discussing the question of whether the Committee should approve of the amendment of the Senate, and thus wipe out the condition that the territory shall extend to the Murray. When I saw that position taken up by the Government, I moved the counter amendment that the territory should extend to the Murrumbidgee—which I must admit practically makes the question of site ridiculous and impossible—because there was nothing else open for me to do. If the Government had stood by the position which they had originally taken up, and opposed the site being specified, I should have supported them, and so left the matter open for arrangement. But when I saw them helping the honorable member for Grampians to put in this condition, I thought that as a representative of New South Wales, which had some interests to be considered, I was justified in moving the amendment to extend the territory to the Murrumbidgee. Whatever purpose underlay the proposal of the honorable member for Grampians, honorable members can now see that it is a ridiculous proposal.

Sir WILLIAM LYNE.—The honorable member made it so.

Mr. BROWN.—I took a proper course. It was the only opportunity I had of gaining for New South Wales some little consideration which the Minister, as one of its representatives, ought to have stood up here and tried to obtain.

Sir WILLIAM LYNE.—The honorable member talks so much that there is no time for any one else to speak.

Mr. BROWN.—If the Minister believes that the Tumut site is the best—I do not think he really does—and is going to give the site a fair show to secure the final selection, he should now proceed to remedy the

mistake which he made on a previous occasion by helping to eliminate ridiculous conditions, which are not essential to the Bill. Let the Government have a free hand to negotiate for a territory, and in that way to determine what shape it shall take, and what country it shall embrace. We have been committed to a proposition without any knowledge of the territory to which it relates. We have been supplied with no information to lead us to believe either that the territory on the Murray is good, or that it is not worth having. I would strongly urge the Government to agree with the Senate's amendment, and so get these ridiculous friction-causing conditions eliminated. It has been urged by some honorable members that it is necessary to extend the Federal territory to the Murray, in order to secure accessibility. If our Federal spirit is of such a character that it is necessary to secure some independent means of ingress and egress to the Federal territory lest the State in which it is located assumes a hostile attitude, I have very little hope for the future stability of the Commonwealth. I think that there is no danger in that direction, and that no matter whether the Federal territory is on the border or in the heart of New South Wales, free accessibility will be given. This plea of dragging down the territory to the border, in order to secure accessibility independent of New South Wales, is not at all complimentary to the Federal spirit of that State, and has no sound foundation. But suppose that we admit, for the sake of argument, that that is a reason why the Federal territory should extend to the Murray, may we not also suggest that the other States may be denied means of access through Victoria and New South Wales? That condition does not exist, happily for the success of our Federal movement; and to create such bugbears is to do an injustice to the Federal spirit which has drawn us together. I hope the Government will now see the advisableness of repairing an indefensible blunder, by eliminating from the Bill impossible conditions, negotiating with respect to the site, and after having come to terms with New South Wales, submitting a Bill to the House in proper form.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Minister for Defence).—I wish to make a personal explanation. The honorable member for Parramatta stated this afternoon that, in the course of a speech made by

me on the Bill, I said that Sydney had no right to be considered in the matter.

Mr. JOSEPH COOK.—I did not make that statement.

Mr. AUSTIN CHAPMAN.—The honorable member said something to that effect. I asked him to make a disclaimer, and supplied him with the *Hansard* report of my remarks; but, as he neglected to do so, I desire to quote the words myself. I am reported on page 5915 to have said—

I contend that we should cast aside all provincial feeling. We should ask ourselves, not which is the best site for the Capital from the standpoint of Sydney or Melbourne, but which is the best site in the interests of the Commonwealth. Neither Sydney nor Melbourne has any divine right to all the advantages flowing from the situation of the Capital. Why should not Perth, Adelaide, and Hobart be taken into consideration?

On a former occasion I am reported to have said—

We must keep in view the possible developments of the States, and we must consider that a site which would be convenient only for representatives of Victoria and New South Wales might be extremely inconvenient for those who represent other States. As a representative of New South Wales, I have yet to learn that the people of that State have any divine right to the control and trade of the Capital. I have yet to learn that we have any right to select a site that will divert the trade to Sydney.

The honorable member misquoted me.

Mr. JOSEPH COOK.—I did not. That was the expression I used.

Mr. AUSTIN CHAPMAN.—I stand by those reports, and I repeat that in my opinion we ought not to consider any one State or any one capital. If Federation is to mean anything, trade must flow in its natural channels. Neither Sydney, Melbourne, nor any other city has a divine right to a diversion of trade in its own interests, while the Federal Capital should be placed in whatever situation will be best for the whole of Australia.

Mr. JOSEPH COOK (Parramatta).—I do not think the Minister's explanation has mended matters. I did him no injustice, because I quoted the remarks which he made, and which he has just repeated. He did say that he had yet to learn that New South Wales has no divine right to the control of the Capital or of trade.

Mr. SALMON.—The honorable member for Parramatta said Sydney.

Sir WILLIAM LYNE.—Yes.

Mr. JOSEPH COOK.—I did not, though I confess that I do not think there

is very much difference between the two phrases. The Minister has stated over and over again in this chamber that those who represent Sydney do not represent New South Wales.

Mr. AUSTIN CHAPMAN.—Neither do they.

Mr. JOSEPH COOK.—The honorable member is entitled to his opinions; but that statement is as wild and inaccurate as most of his. If we do not represent New South Wales, I cannot find much evidence in the speech which he has just quoted that he represents it, and I have yet to learn that he is promoting the best interests of the State when he is prepared to give up 3,000 square miles of territory for the Federal Capital. If we, who are trying to keep to the bond as nearly as we can, do not represent New South Wales, I should like to know if he can be said to represent it when he is prepared to give up so much of the territory of the State.

Mr. AUSTIN CHAPMAN.—The honorable member had better send a candidate into my division during the next elections to see if I do.

Mr. JOSEPH COOK.—The honorable member, like another Sir Galahad, would chase any candidate through his division, crying all the time about the influence of Sydney.

Mr. SAWERS.—The honorable member for Robertson and myself were kept strictly to the amendment, and I ask you, Mr. Chairman, to mete out the same treatment to others.

The CHAIRMAN.—The honorable member for Parramatta is not in order. I have allowed him to make a personal reply to the Minister; but he is not in order in going beyond that.

Mr. JOSEPH COOK.—I take it that the whole subject of debate is open to me.

The CHAIRMAN.—The honorable member must confine himself to the amendment of the honorable member for Macquarie.

Mr. JOSEPH COOK.—In speaking about the area of the Federal territory I am dealing with the amendment. I am showing that the Minister is prepared to give up 3,000, and, probably, 6,000, or 10,000 square miles of New South Wales territory, so long as he can secure the selection of a site within his own division.

The CHAIRMAN.—The question of area has already been decided, and, therefore, cannot be debated.

Mr. JOSEPH COOK.—In that case, as I have no wish to transgress the rules of the Committee, I have nothing further to say.

Question—That the words proposed to be added be so added—put. The Committee divided.

Ayes	...	...	20
Noes	...	...	27
<hr/>			
Majority	...	...	7

#### AYES.

Brown, T.	Mahon, H.
Clarke, F.	Sawers, W. B. S. C.
Conroy, A. H.	Solomon, E.
Cook, J.	Thomson, D.
Cruikshank, G. A.	Wilkinson, J.
Edwards, G. B.	Wilks, W. H.
Edwards, R.	Willis, H.
Fisher, A.	
Fowler, J. M.	<i>Tellers.</i>
Groom, L. E.	Fuller, G. W.
Kirwan, J. W.	Smith, S.

#### NOES.

Chapman, A.	McColl, J. H.
Cooke, S. W.	McDonald, C.
Crouch, R. A.	McEacharn, Sir M.
Deakin, A.	McLean, A.
Forrest, Sir J.	O'Malley, K.
Fysh, Sir P. O.	Phillips, P.
Higgins, H. B.	Quick, Sir J.
Isaacs, I. A.	Ronald, J. B.
Kennedy, T.	Skene, T.
Kingston, C. C.	Tudor, F.
Knox, W.	Watson, J. C.
Lyne, Sir W. J.	<i>Teller.</i>
Macdonald-Paterson, T.	Cook, J. H.
Mauger, S.	Salmon, C. C.

Question so resolved in the negative.

Amendment negatived.

Amendment (by Mr. SKENE) proposed—

That the motion be amended by the addition of the following words—"except as to the word 'shall' line 7, the omission of which is agreed to with a view to insert in lieu thereof the word 'should.'"

Mr. FISHER (Wide Bay).—In a technical matter of this kind I think that it is desirable that the Prime Minister should give honorable members the benefit of his opinion as to the effect of using the word "should" instead of "shall." If honorable members are not capable of explaining the difference in meaning how can they expect the people of New South Wales to attach any special significance to one word as compared with the other? We should not lay ourselves open to a charge of trying to obscure our meaning.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The use of the word "should" in this connexion is unusual. All

legislation is mandatory ; it may, of course, be conditional. But as was pointed out when this measure was previously under consideration our purpose is to indicate the attitude assumed by the Commonwealth, not only towards the object to be achieved, but also towards the Government of New South Wales, with whom we shall soon enter into negotiations as to the manner in which the Federal Capital site can be finally acquired. It was desired therefore that, apart from any construction we might be disposed to place upon our powers under section 125, we should approach the New South Wales Government not with a demand, but with an indication of our wishes. The word "should" implies something that ought to be done, and not anything sought to be enforced. In an earlier part of the clause we replaced the word "shall" with the word "should," in order that we might be able to approach the Government of New South Wales—as they must be approached before we finally determine the site of the Federal Capital—in a manner appropriate to the occasion. It was thought that we should be in a better position to open negotiations if the word employed were not peremptory, and did not indicate force or coercion ; that, in other words, it should convey a desire and not a command on the part of this House. Under these circumstances, and interfering as little as I can in this matter, I venture once more to suggest that we should in every case substitute the word of conciliation and negotiation for the word of command.

Amendment agreed to.

Mr. SAWERS (New England).—The concluding paragraph of the clause reads as follows :—

Provided that the site shall be within a distance of twenty-five miles from Tumut and at an altitude of not less than fifteen hundred feet above the sea.

I move—

That the motion be amended by the addition of the following words—"and except as to the words 'and at an altitude of not less than fifteen hundred feet above the sea,' the omission of which is agreed to."

Last week the Committee agreed, after an exhaustive ballot, that the Federal Capital site should be selected in the vicinity of Tumut. Honorable members were then largely influenced by the report of the Commission of Experts. I read that report very carefully. The best site discovered by the Commissioners in the neighbourhood of

Tumut was at a place called Lacmalac, and I was so fascinated with their description that I cast my vote in support of their recommendation. The site of which we practically approved was stated to be at an altitude of only 1,050 feet, and I now ask honorable members what is the use of stipulating that the site should be at an altitude of not less than 1,500. Is it not absurd for us to approve of the site recommended by the Commissioners ?

Sir JOHN FORREST.—We did not approve of that particular site.

Mr. SAWERS.—Then we must have approved of some site of which we knew nothing. We do not even know that there is a decent site to be obtained anywhere near Tumut, at an altitude of not less than 1,500 feet. I am as much in favour of an elevated site as is the Minister for Home Affairs. I should prefer a site at 2,000 feet instead of one at 1,500 feet altitude if we could secure it.

Mr. SYDNEY SMITH.—Why did the honorable member vote for the Tumut site ?

Mr. SAWERS.—Because I was quite prepared to accept a site at an elevation of 1,050 feet, if a better one could not be secured. I would rather live at that altitude than at a height of 3,000 feet above sea level. I have tried both altitudes. We are all in favour of selecting a site possessing a good climate, and if we could secure a location for the Capital at an elevation of 1,500 feet, we should no doubt all support its selection. At the same time, after having practically approved of the site recommended by the Commissioners at an altitude of 1,050 feet, we should not stultify ourselves by stipulating that the Capital should be built at an elevation of not less than 1,500 feet. By allowing the Bill to remain in its present form we should practically reverse our former decision.

Mr. WATSON.—Not at all. We have not approved of the site recommended by the Commissioners.

Mr. SAWERS.—Then what did we approve of ?

Mr. WATSON.—The Commissioners themselves suggested that a further survey should be made.

Mr. SAWERS.—I have no objection to that ; but honorable members committed themselves to the site recommended by the Commissioners at an altitude of 1,500 feet, if no better site could be obtained in the vicinity of Tumut. We

should not exclude from our consideration sites at a height of, say 1,450 feet, which would possess practically as good a climate as country having fifty feet greater altitude. Surely we can trust to the common sense of the Government and of the Parliament to select a site at the most desirable altitude, if other things are equal.

Sir WILLIAM LYNE.—I regret that the honorable member has moved his amendment, because it will only lead to further debate. If the honorable member had been present when the measure was previously discussed, he would know that it was not the desire of honorable members to fix upon any particular site.

Mr. SAWERS.—I approved of the site recommended by the Commissioners, which they stated was at an altitude of 1,050 feet.

Sir WILLIAM LYNE.—A portion of that site may be at an altitude of 1,200 feet, whilst another portion may not be higher than 900 feet. It would be impossible to secure a large site at an absolutely uniform elevation. It was clearly intended by honorable members that the Capital should be built, not necessarily upon the exact site selected by the Commissioners, but as near to it as possible.

Mr. SAWERS.—I did not vote on that understanding.

Sir WILLIAM LYNE.—It was not intended to arbitrarily fix the site at any particular spot. It would be absolutely impossible to do so until proper, detailed contour surveys had been made. Then only could we decide upon the elevation.

Mr. SAWERS.—But this provision is mandatory.

Sir WILLIAM LYNE.—No; it is proposed that the site shall be at an altitude of not less than 1,500 feet, and I have no doubt that a location answering this requirement will be found within a very short distance of Lacmalac. The honorable member could secure a higher altitude if he chose, and still obtain the advantage of as good a water supply as is to be found at Tumut. He declared that the Commissioners—of whom there were four and not five—did not examine any other site.

Mr. SAWERS.—I did not say that.

Sir WILLIAM LYNE.—I understood the honorable member to say that the Commissioners had decided in favour of the Lacmalac site. But I would point out to him that in

their report they refer to the country surrounding Tumut, and affirm that it is possible to secure as good a water supply as is obtainable at Lacmalac, even if a higher site be chosen. They have taken all these questions into consideration, and I have no hesitation in saying, that if a site at a greater altitude than 1,050 feet is selected, we shall still be able to obtain as good a water supply there as is to be secured at Tumut.

Mr. SAWERS.—The Minister means that Tumut has a divine right to the Capital site.

Sir WILLIAM LYNE.—We can find a good site in that vicinity. But what I chiefly desire to point out is that the whole of these details will require to be the subject of negotiation. Nothing contained in this Bill is mandatory, and the provision affirming that the site of the Capital should be at an altitude of not less than 1,500 feet above the sea level is merely an expression of opinion that we ought not to choose a locality where the heat is too great.

Mr. SAWERS.—Why not make it mandatory?

Sir WILLIAM LYNE.—We have expressed the opinion that it is undesirable that the site should be situated in a valley or low riverside locality, which would prove detrimental hereafter. I trust that honorable members will allow the provision relating to the question of altitude to remain in the Bill.

Mr. O'MALLEY.—Fifteen hundred feet is not half high enough.

Mr. BROWN (Canobolas).—I scarcely see any reason for objecting to the amendment of the honorable member for New England. He does not seek to eliminate from the Bill the condition that a search shall be made for a suitable site within twenty-five miles of Tumut. But I would point out that the provision in the measure which fixes the altitude of the site at not less than 1,500 feet above the sea-level practically excludes from consideration the two sites which were specially reported upon by Mr. Oliver and the Federal Capital Sites Commissioners.

Mr. AUSTIN CHAPMAN.—It admits that those sites are too warm.

Mr. BROWN.—That may be so. Nevertheless, the two Commissions which investigated this matter reported that they were the best sites available. The honorable member for New England merely desires to

obtain a better site if one can be found, and consequently he wishes to remove the embargo which has been imposed.

Mr. CONROY (Werriwa).—I really fail to understand any reason why this amendment or any other should be further discussed. We all know that we are simply enacting a farce from which nothing will result. As far as I am concerned I intend to agree with the proposal of the Senate, seeing that we have already disagreed with one of its other amendments. In my judgment it is unnecessary to prolong discussion.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—I regret that the honorable member for New England has submitted this amendment. The fact that he was absent from his place the other evening when this question was under discussion affords no reason why we should reverse the decision which was then unanimously arrived at. On that occasion it was generally understood by honorable members that in voting for Tumut they were not voting for any particular site. But as the words of the clause "at or near," would, no doubt, be construed to mean that the Capital should be established very close to Tumut, it was deemed desirable to provide that it should not be more than twenty-five miles distant from that town. We also thought it wise to affirm that the site chosen should be not less than 1,500 feet above sea level, because a majority were of opinion that a cool climate was essential. I trust that the honorable member will withdraw his amendment.

Mr. O'MALLEY (Tasmania).—I hope that the honorable member for New England will not press his proposal to a division, because if we select a site at a less altitude than 1,500 feet, we had better start a parliamentary boiling-down works or a cemetery. I have visited Tumut, and if I owned that town and Hades, I should let Tumut and live in Hades, because there is no scientific evidence to show that it is hotter in Hades than it is in Tumut.

Amendment negatived.

Motion, as amended, agreed to.

Resolutions reported.

Motion (by Sir WILLIAM LYNE) proposed—

That the report be now adopted.

Mr. McDONALD (Kennedy).—I should like some explanation from the Minister who is in charge of this Bill as to the exact

position which we have now reached. The Senate has decided in one direction, and this House in another. Are we to secure any finality in regard to this matter? Do the Government intend to make the Bill a Government measure with a view to deciding at an early date where the Capital shall be established, and when we are likely to remove there? Under the provision relating to dead-locks, which is contained in the Constitution, it seems to me that after the lapse of three months this Bill can again be brought forward. I should like the Ministry to make it a Government measure. It will be within the recollection of all that when the Government declined to accept the responsibility of recommending any particular site to the House, honorable members treated them very generously. They assumed the whole of the responsibility in connexion with the Bill, and proceeded to select the site which in their opinion was the best available. I desire to know now who owns this measure?

Mr. KINGSTON.—It has no acknowledged paternity.

Mr. McDONALD.—Do the Government intend to proceed with it next session in the form in which it left this House, so that in the event of the Senate again refusing to pass it there may be a joint sitting of the two Houses? Should a decision be impossible under those circumstances, will the Ministry then ask for a dissolution of Parliament, with a view to bringing about some definite result? In the interests of New South Wales and of Australia, the question should be decided at the earliest possible date, and it appears to me that the adoption of the course which I have suggested is the only way in which such a result can be resolved.

Mr. JOSEPH COOK (Parramatta).—I think that the honorable member for Kennedy has put a very pertinent question. Honorable members have a right to know what are the intentions of the Government in regard to this important matter. The Government, as we know, are much divided upon this question; the Prime Minister being in direct opposition to some of his colleagues, as to the most suitable site at which to establish the Capital. I submit, however, that we have got beyond that stage, and that the Government has a right to respect the opinion of the House as deliberately expressed on two occasions. I

think the House has decided that Tumut should be the site.

Mr. SYDNEY SMITH.—Not at all.

Mr. JOSEPH COOK.—I do not think that any honorable member will deny that the two Houses are in direct conflict upon the question of site, and unless we intend to proceed further with the matter, we shall only be wasting time by once more sending this measure to another place. I should like to know whether there is anything in our rules of procedure or in the Constitution that would prevent the Government from straightway requesting another place to meet this House in conference? The issue between the two Chambers is now clear enough, and there is no possibility of altering that issue.

Mr. McDONALD.—No one owns the Bill.

Mr. JOSEPH COOK.—The Minister for Trade and Customs, it is true, has charge of the Bill, but his colleagues, the Prime Minister, the Minister for Defence, and the Minister for Home Affairs, are in deadly conflict with him so far as the question of site is concerned. It seems to me that the vote given in another place conveys to us the clearest indication of its opinion, and that the Government ought not to consider any longer their own individual and conflicting views. They should take up the cause of this House in its constitutional relations with another Chamber. I take it that, even in a matter of this kind, there is a point at which the Government should surrender their own individual opinions. If we are to arrive at finality we shall be able to do so only by compromise. I therefore submit that the question is no longer one which the Government should treat in an independent way, but that they should rather lead the House in its negotiations with another place for a final settlement of the question. Having regard also to the fact that the present Parliament is about to expire, the Government should no longer stand upon ceremony. They should not wait for the Senate to again return this Bill, as we know it will, but should at this stage open up negotiations with another place by a respectful address from this House asking for a Conference, so that the matter may be finally determined.

Mr. WATSON (Bland).—The suggestions which have just been put forward are worthy of the attention of the Government, because I believe that there is in

another place quite a number of honorable members who honestly desire to see this matter settled at an early date. It is true that the large majority of members of another place have taken a view different from that expressed by this House as to the most desirable site; but that attitude is quite compatible with a wish to settle the question within a reasonably early date, and also with a possible alteration in the attitude of some honorable members with a view to that end. After the decisive vote given by this House on two occasions I think that it is more than likely that if a strong effort were made by the Government to arrive at a settlement some good result would be the outcome. This is one of those occasions on which the Government should make an effort as a combined body to cause effect to be given to the wishes of the House. Members of the Government were certainly entitled to hold individual opinions as to the most desirable site to select; but a pledge was given by the Ministry that the question should, if possible, be settled this session. That pledge was given to the country as a whole. The question is no longer one as to the most desirable site, but whether we should have the matter settled during the present session, or whether it should be held over perhaps even beyond the life of the next Parliament. No one knows what is likely to happen when the next Parliament meets. If any delay occurs in dealing with this matter during next session, or, if it cannot be brought to a successful issue, this Government will be held responsible if they make no effort on the present occasion to secure a settlement.

Mr. AUSTIN CHAPMAN (Eden-Monaro—Minister for Defence).—It is all very well for honorable members to urge that in view of the vote given to-night on the question of the site of the Capital we should settle this matter at once; but I should like to point out that that vote represents only forty-six out of seventy-four honorable members.

Mr. WATSON.—The rest are all right.

Mr. AUSTIN CHAPMAN.—What I wish to show is that, although only sixteen members out of forty-six to-night recorded their votes in favour of Bombala—the remaining thirty voting, not for any other particular site, but against that selection—it is well known that five honorable members who were prepared to vote for Bombala

stood out in deference to the wishes of others.

Mr. WATSON.—What about the previous vote?

Mr. AUSTIN CHAPMAN.—Surely the honorable member will allow me to proceed? Had those six voted, twenty-one votes would have been cast in favour of Bombala. I am told that the reason they stood out was that they were requested to pair with other honorable members who were absent. They were not advised that there were many other honorable members absent who were well known to be in favour of Bombala, and with whom the absentees on the other side might have been paired. Consequently, I say that the vote given to-night is not a true index of the opinion of the House.

Mr. WATSON.—What about the vote given some days ago?

Mr. AUSTIN CHAPMAN.—We know that at the first ballot on that occasion Bombala headed the list, and that it was only by a combination of members against the selection of that site, and the sudden conversion of quite a number of honorable members who had previously voted for Lyndhurst, that the supporters of the Tumut site were enabled to secure a victory by the narrowest of majorities. As the ballot proceeded, Bombala was for a long time either at the head of the list or tied with some of the other sites. Quite a number of honorable members who are in favour of Bombala were absent from the House on that occasion, and we are all aware of the feverish haste with which even the honorable member for Bland urged that the House should go to a division. I do not blame him for doing so. Perhaps it was good tactics for him to urge honorable members to rush to a division when he knew that some of the supporters of the site which he opposed were absent; but the most serious feature associated with the pairing which took place in connexion with to-night's division relates to the vote of the leader of the Opposition. I wish to know on whose authority an honorable member, who was in attendance this evening, left the Chamber in order to pair with the right honorable member for East Sydney.

Mr. JOSEPH COOK.—I rise to a point of order. I would ask you to say, Mr. Speaker, whether the honorable gentleman is in order in discussing the question of pairs on the motion for the adoption of the report?

Mr. SPEAKER.—I am not quite sure, but I think that the honorable gentleman is referring to a matter which took place in Committee, and the report from that Committee having been brought before the House he will be quite in order in calling attention to it. He will not be in order, however, in referring to some other matter which took place outside the Committee.

Mr. AUSTIN CHAPMAN.—I was referring, Mr. Speaker, to a matter which took place in Committee. I heard the leader of the Opposition declare that whilst he favoured Lyndhurst, his second vote would be for Bombala. I have known the right honorable member on so many occasions to explain away what he has said that I should not lay much stress on any statement but for the fact that I have it set out before me in cold type. I find that according to the *Sydney Morning Herald* and the *Sydney Daily Telegraph*, he said—

Mr. SPEAKER.—I must ask the honorable gentleman not to discuss that matter.

Mr. AUSTIN CHAPMAN.—I do not wish to discuss it further than to state that the right honorable gentleman said at Bombala that he was prepared to give one vote for his choice—Lyndhurst; that he gave that vote, and that he said further—

Mr. SPEAKER.—The honorable gentleman is not now discussing anything which took place during the Committee stage.

Mr. AUSTIN CHAPMAN.—I am going to discuss the right honorable member's vote.

Mr. SPEAKER.—I think that the Minister is now discussing something which did not take place in this House—that he is discussing, not a vote that was given, but a vote which he thinks ought to have been given. Is that so?

Mr. AUSTIN CHAPMAN.—No, sir. What I desire to say is that on the ballot which took place a few nights ago to determine the site of the seat of government, the leader of the Opposition voted for Lyndhurst, and that I heard him at Bombala say that his second vote would be for Bombala. I am informed that to-night an honorable member who favours the Bombala site was requested to leave the Chamber, in order to pair with the leader of the Opposition as a supporter of the Tumut site. In justice to the leader of the Opposition, I consider that a statement ought to be made as to whether any authority was given to arrange that pair. I refer to this matter



only to show honorable members that the vote given to-night cannot be accepted as a true index of the opinion of this House. It cannot even be claimed that a majority in the House has decided to-night in favour of a particular site. It is a question whether Bombala has not a majority of supporters.

Mr. WATSON.—Give us another vote.

Mr. AUSTIN CHAPMAN.—I contend that, although Bombala in fighting against the combination which it has had to meet has not secured a majority, it obtained a majority of No. 1 votes at the first ballot. I wish only to put facts against mere bald assertions. I am told, and I know it to be a fact that, so far as this question is concerned, quite a number of members' votes have been influenced by the statement made by the Minister for Trade and Customs that no trees are to be found at Bombala. That statement has been spread broadcast all over the country, and if I shall be in order I wish, in reply to it, to read a letter which recently appeared in the *Sydney Morning Herald*. The letter is as follows :—

TO THE EDITOR OF THE "HERALD."

Sir,—I noticed in to-day's issue of the *Herald* that much dissatisfaction is expressed at Bombala over Sir William Lyne having said that wheat or trees would not grow at Bombala. Well, sir, I would much sooner Sir William undertake to clear or grub one acre of some Bombala land than I, for any one who has ever been to Bombala can plainly see how thickly timbered most of the land is; and as for wheat, Bombala and surrounding districts produced this year some of the finest wheat that any one could wish to see. And taking into consideration that many of the great wheat-growing districts of this State failed to produce wheat at all, owing to the drought, we find Bombala farmers in many cases having a yield of 30 bushels per acre, while the lowest yield per acre was 18 bushels. This wheat was an excellent sample, and included the following varieties :—White Tuscan, White Lammas, Purple Straw, Rattling Jack, and Manitoba. The average weight per bushel of this year's wheat at Bombala was 64·5 lb. per measured bushel. The Manitoba was a splendid sample, and surpassing most samples grown in Australia, and the yield per acre of some was from 28 to 30 bushels. Taking these facts into consideration, Bombala people have good grounds to complain about Sir William Lyne's utterances, which I think were uncalled for and not founded on facts.

Sir WILLIAM LYNE.—Who signed that letter?

Mr. AUSTIN CHAPMAN.—It is signed by Mr. J. J. Flynn, of Murrumburrah, somewhere in the neighbourhood of the honorable gentleman's electorate. Besides that, we have the statement made by the members of the Commission appointed by

the Minister for Trade and Customs. He should have every confidence in the members of that Commission. Every other gentleman who has reported with regard to Bombala has testified to the same effect.

Mr. G. B. EDWARDS.—Is the Minister for Defence in order in discussing the relative merits of the two sites? The matter now before the House is the adoption of the report of the Committee.

Mr. SPEAKER.—The question under discussion is whether the report of the Committee shall or shall not be adopted; and on that question it is perfectly open for an honorable member to argue that the report should not be adopted, or that it should be returned to the Committee for further consideration, or any other matter relative to the motion.

Mr. G. B. EDWARDS.—Is it in order to discuss the sites?

Mr. SPEAKER.—Undoubtedly; the report bears directly on the question of Tumut versus Bombala.

Mr. AUSTIN CHAPMAN.—It seems strange that when an advocate for Bombala endeavours to give the House an ounce of fact those opposed to that site endeavour to apply the muzzle. I have not made any statement against any other suggested sites. Surely it is not necessary, in order to support one site to point out the demerits of others. I simply indicate what is to be said in favour of the site which I advocate, and honorable members vote with their eyes open. I have endeavoured to make only such statements as can be borne out by the report of the experts. What I have quoted from the correspondence in the *Sydney newspapers* can be borne out by the honorable member for Gippsland, who knows that at the present time there is an agitation to open up the great forests in the Bombala district for the purpose of obtaining mining timber. However, I do not intend to make another speech in favour of the merits of Bombala, but I do ask that the pair recorded in the name of the right honorable member for East Sydney shall be explained. Probably there is a satisfactory explanation to be given. I also desire to point out that if all the supporters of the Bombala site had voted for it to-night the division would have been a very close one indeed.

Mr. WATSON.—Many of the Tumut supporters were away.

Mr. AUSTIN CHAPMAN.—That is all very well. Why were some of the Bombala

supporters asked to stand out, when it was understood that there were to be no pairs? If there were to be pairs why should not the Bombala supporters, who were away, have been paired with Tumut supporters who were away? It is not fair to Bombala. I think this fact requires some explanation. I also desire to place it on record that with all this pairing there was only a difference of fourteen votes, not between Bombala and any particular site, but between Bombala and all the sites that were opposed to it—and that in a very thin House. It also has to be remembered that in the Senate an absolute majority of members voted for Bombala as their first choice against all other sites.

Sir WILLIAM LYNE.—A majority representing a minority of the people.

Mr. AUSTIN CHAPMAN.—If that be so, is it not the function of the Senate to see that minorities have their rights secured to them? Honorable members may laugh, but the representatives of Tasmania and Western Australia will hold with me when I say that their States are not to be down-trodden, but will insist that their claims shall receive consideration. That is why equal representation in the Senate was given to all the States. But I have only to answer for my own votes and speeches, and there is no occasion for me to question the votes and speeches of other honorable members; though on so important a question as is now before us, I am justified in thinking that the circumstances require that the pair recorded in the name of the right honorable member for East Sydney shall be explained.

Mr. SPEAKER.—I understand the honorable gentleman to refer to a vote that was not given. He cannot refer to votes that were not given. If he is discussing a vote that was given, I can permit him to proceed.

Mr. AUSTIN CHAPMAN.—I do not intend to take that line of argument, but I think I have shown that the right honorable member for East Sydney made a statement at Bombala which warrants us in believing that he would have voted for Bombala, and we ought to know, if it is possible to know, on what authority he was paired against Bombala. It might also be well that the House should be informed why other honorable members stood out when the division

was taken. In conclusion, I say with confidence, that it is impossible for the opponents of Bombala to secure an absolute majority of the House against that particular site, however some honorable members may wish to throw cold water upon it.

Mr. WATSON.—It can easily be done.

Mr. AUSTIN CHAPMAN.—I say that it cannot be done, and I make the statement with the fullest confidence, believing that Bombala will lead as the Capital site, when all the other proposed sites have been forgotten.

Mr. SYDNEY SMITH (Macquarie).—I have listened to the remarks of the Minister for Defence with regard to the pair recorded to the leader of the Opposition with a great deal of surprise. I accept the full responsibility for pairing the leader of the Opposition with the honorable member for Flinders. The right honorable member was unable to leave Sydney last evening, and he asked me especially to arrange a pair for him against the Senate's decision with regard to Bombala. Therefore, I fail to see why the Minister for Defence should make any complaint. If he looks at the record of the previous voting he will find that the leader of the Opposition voted for Lyndhurst right through. The Minister for Defence complains of the treatment which Bombala has received; but what about Lyndhurst? That site headed the list on every occasion except one, right up to the final vote, and it was only by a combination of the Minister's Bombala friends that Lyndhurst was rejected.

Mr. KINGSTON.—How many voted in favour of Lyndhurst?

Mr. SYDNEY SMITH.—On the first ballot the number of votes recorded for Bombala was 16, and there were 14 for Tumut, and 14 for Lyndhurst. On the next ballot there were 21 for Lyndhurst, 16 for Bombala, and 14 for Tumut. On the third ballot there were 23 for Lyndhurst, 17 for Bombala, and 14 for Tumut. On the fourth ballot there was 25 for Lyndhurst, 17 for Bombala and 17 for Tumut. On the fifth ballot, there were 24 for Lyndhurst, 21 for Tumut, and 16 for Bombala. On the next ballot, by a combination of the whole of the Bombalaites who voted in favour of Tumut—although they were just as strongly against Tumut as against Lyndhurst—Lyndhurst was defeated by 36 votes to 25. Even the Prime Minister, who had been a supporter of Bombala

right through, on the fifth and sixth ballots turned round and voted for Tumut—in favour of a site which he did not believe in. It shows the underground engineering that went on in connexion with the various sites. During the course of the debate, reference has been made to the fact that there was a strong combination of the New South Wales members in favour of Lyndhurst. But the fact is that if the New South Wales members had voted solidly for Lyndhurst that site would have been chosen. Lyndhurst would have had thirty-two votes as against twenty-nine for Tumut. But no less than seven New South Wales members—namely, the honorable member for Riverina, the Minister for Defence, the honorable member for Richmond, the honorable member for Cowper, the Minister for Trade and Customs, the honorable member for New England, and the honorable member for Bland, voted solidly against Lyndhurst. I cannot understand in the face of these facts any honorable member making the statement that there was a combination of New South Wales members to secure the selection of Lyndhurst. I am sorry, in the interests of the Commonwealth, that such a combination did not take place, because then I am satisfied that we should have secured a Capital site that in regard to accessibility, climate, and other advantages would have been the best place for the purpose.

Mr. WATSON.—Is the honorable member pleading for delay?

Mr. SYDNEY SMITH.—No; but I am showing the advantages of Lyndhurst, as I have a right to do. I do not desire to go into further details now, because I have already had an opportunity of pointing out the merits of the Lyndhurst site.

Mr. CROUCH.—How far was Lyndhurst behind on the first ballot?

Mr. SYDNEY SMITH.—It was only two votes behind the leading site. I think honorable members will admit that not a word can be said against the votes that were given for Lyndhurst. There was some twisting round with regard to the other sites, but the supporters of Lyndhurst voted solidly in an open and straightforward way. We could have manœuvred our votes if we had cared to do so; there is a way of manipulating these matters, and it was quite possible to strengthen the position of Lyndhurst. But we felt it was our duty to give a straightforward honest vote, and no one can reproach us in connexion with it.

Therefore, I regret that the Minister for Defence should have made any statement concerning the pair recorded in the name of the leader of the Opposition in the absence of that right honorable gentleman. I told the Minister for Defence that I had the authority of the leader of the Opposition to pair the latter against the adoption of the Senate's suggestion, and I cannot be blamed for not searching in a graveyard for a pair.

Mr. AUSTIN CHAPMAN.—And what about the honorable and learned member for Parkes?

Mr. SYDNEY SMITH.—I told the Minister for Defence in the most straightforward way that the leader of the Opposition and the honorable and learned member for Parkes were absent, and that I desired pairs for them against the adoption of the Senate's suggestion.

Mr. AUSTIN CHAPMAN.—Did the honorable member for Macquarie have the authority of the honorable and learned member for Parkes?

Mr. SYDNEY SMITH.—I had full authority to pair the right honorable member against the Senate's amendment on the question of site, and I accept the responsibility of the pairs arranged for the right honorable member for East Sydney and the honorable member for Parkes. I had authority to pair two other honorable members, and an honorable member offered to meet me; but, owing to the fact that he had not voted on a previous occasion, he asked to be relieved, and, under the circumstances, I withdrew my request. I regret very much that the question of pairs should be brought up in the House; it is not proper to endeavour to justify a case by introducing such matters. I advocate the Lyndhurst site, because I know that it possesses advantages which cannot be claimed for any other site. I contend that the Government are to blame for all the trouble that has arisen. Who is to blame for the absence of honorable members if not the Government? Why did the Government not take steps to obtain the necessary information at a time when honorable members were in full attendance? This matter should have been pushed on some months ago; and it was entirely in the hands of the Government. Of course I admit that honorable members ought to be present, but the Minister for Defence knows very well that a number of gentlemen made arrangements to leave for the

constituencies in view of the approaching elections.

Mr. SALMON.—That is no excuse.

Mr. SYDNEY SMITH.—And there is no excuse on the part of the Government for the delay which has taken place. If the Government were serious in the matter—which I question—a settlement ought to have been arrived at weeks ago. The delay has placed honorable members in a most unfortunate position; but I have no hesitation in saying that Lyndhurst can command the greatest number of No. 1 votes in this House.

Mr. WILKS (Dalley).—In my opinion Lyndhurst would have been a proper Australian selection, but as I cannot obtain my first choice, my second is Tumut. The question is whether we should have decision or delay and uncertainty.

Mr. MAUGER.—Or further inquiry.

Mr. WILKS.—That only spells delay.

Mr. KINGSTON.—It spells intentional delay.

Mr. WILKS.—I ask Ministers to assume their proper responsibility. No one will "own the child." Bombala is the child of the Minister for Defence, while as yet the Minister for Trade and Customs has not spoken.

Mr. KINGSTON.—The Prime Minister has spoken.

Mr. WILKS.—The Prime Minister all through has advocated negotiation; and I ask now whether the Government mean business. On two occasions the House has decided on Tumut, and while I should prefer Lyndhurst, I advocate decision and certainty as against delay and uncertainty. I am satisfied, not from hearsay, but from evidence afforded to-day, that Victorian electioneering organizations are already questioning candidates as to whether they are in favour of a "bush capital," and if the matter be postponed until after the elections I am prepared to see the next Parliament contain a strong phalanx of Victorian representatives in favour of further delay. The late Prime Minister, in introducing the subject to Parliament, said that he was pleased that he was now able to carry out his promise to New South Wales. I trust that the present Prime Minister will see that that promise is duly completed; and the only way is for the Government to take their proper responsibility. It has been suggested that there can be a conference of managers from each House; and as we have had enough of

the personal equation of Ministers, we now desire a collective voice and collective responsibility with a view to finality. If the Government will assume responsibility the matter will be decided this session; but if a settlement be postponed, next session will see the return of members for New South Wales pledged to prevent all business until the Capital site shall have been selected. On the other hand Victorians will be returned pledged to delay; and the result will be, as foreshadowed by the honorable member for Kennedy—a double dissolution, thus involving the whole of the people of Australia in the trouble. That is no wild dream or speculation. In the press of Melbourne there have appeared articles of jubilation at the selection of Bombala by the Senate, not because Bombala is desired as the Federal territory, but because its selection makes for delay and uncertainty. There was open jubilation because it was felt that the House of Representatives would adhere to Tumut, and cause a dead-lock, which would result in the postponement of a settlement. That is a most ignoble position to take up. Victoria is fighting for its own hand, and it will be found that New South Wales will fight as strenuously. It will be found that the New South Wales representatives returned to the next Parliament will not be puny and weak, but will take care not to allow any business to be transacted until this matter of the Federal Capital is settled. I ask the Prime Minister, who has expressed himself as so anxious not to irritate or annoy the Parliament or the people of New South Wales, to show his *bona fides* by carrying this matter to completion.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs).—There has been a good deal of undue heat on the part of leading members of the Opposition. Such heat is entirely unnecessary on this occasion, except it be for the purpose of airing a grievance, or grievances, prior to the elections.

Mr. McDONALD.—That remark cannot be applied to me.

Sir WILLIAM LYNE.—I am not referring to the honorable member for Kennedy, but to the honorable member for Macquarie, who has expressed the opinion that the Government is absolutely to blame for everything that has happened.

Mr. SYDNEY SMITH.—The Government are to blame for the delay.

Sir WILLIAM LYNE. — We cannot expect the honorable member for Macquarie to admit that anything is properly done by the Government. What more could the Government have done? The first series of proposed resolutions were moved by the late Prime Minister on the 23rd September, and these were carried and sent to the Senate. It is not the fault of the Government that they have not been carried by the Senate.

Mr. SYDNEY SMITH. — It is due to the neglect of the Government.

Sir WILLIAM LYNE. — The Government cannot dictate to the Senate how it shall vote. Some considerable time was necessarily occupied, but as soon as possible after the late Prime Minister had resigned, I took charge of the Bill. I do not think that honorable members opposite can complain of delay in this matter so far as the Government are concerned.

Mr. JOSEPH COOK. — Not since the proposed resolutions were submitted, but the matter ought to have been considered twelve months ago.

Mr. SYDNEY SMITH. — It should have been considered long ago.

Sir WILLIAM LYNE. — The honorable member for Macquarie, when in another sphere, had a magical way of doing things; indeed, it took him five years to do nothing. The present Government have been in office only a short period, and have had a great deal of work to do and have done it. Honorable members opposite blame the Government, not because there is any truth in the charges made, or because such action is considered fair or proper fighting, but because it is deemed to be politic, and useful to the Opposition. However, I do not think that the public agree with the Opposition, who are fighting such a decayed cause that they want something to revive it in the shape of an attack on the Government. The Minister for Defence read a letter from a gentleman named Mr. Flynn, whom I do not know, but who must have been drawing on his imagination. I repeat what I said before, namely, that on the plains of Monaro there are but few trees, in consequence of the bleak blizzard winds from the Kosciusko Ranges.

Mr. McDONALD. — Why do not trees grow on the Darling Downs, where there is the finest country in Australia?

Sir WILLIAM LYNE. — The Darling Downs is very good country, but it is subject to drought very often.

Mr. McDONALD. — There is nothing like it elsewhere in Australia.

Sir WILLIAM LYNE. — I have seen the Darling Downs, and a good many other downs, and the honorable member is quite wrong in that. On the question of the course to be taken by the Government, I think it is unreasonable to suggest that the question should at this stage be dealt with as a Government measure. Honorable members on both sides have said that this should not be a party measure. If the Government were to take it up as a Government measure that would at once make it a party measure of the most pronounced kind. Some honorable members have said that the Government did not accept their proper responsibility in the first instance, that they should have made it a Government measure, and should have selected a site, perhaps in defiance of the wish of the House. They have said all along that it is not a party measure, and members of different parties have voted together for different sites. We have agreed that it should be an open question, and it is not fair to expect the Government to make it a party measure.

Mr. THOMSON. — It must become at some stage a Government measure.

Sir WILLIAM LYNE. — In what position are we now? We have passed the Bill and sent it to the Senate; the Senate altered it and sent it back, and surely it will not be contended that the question has now advanced far enough to justify the Government in taking up the cudgels on behalf of the House of Representatives, making a party measure of it, and creating a conflict between the two Houses? The speeches which have been delivered to-night show that the matter is not ripe as a party measure in either one House or the other.

Mr. JOSEPH COOK. — A Government measure is not necessarily a party measure.

Sir WILLIAM LYNE. — The honorable member must know well that this cannot be accepted as a Government measure without being made a party measure, because, if the Government take it up as a Government measure, and are defeated upon it, they must go out of office.

Mr. KINGSTON. — Does the honorable gentleman hold that every Government measure is a party measure?

Sir WILLIAM LYNE.—No ; but every important and serious Government measure should be a party measure.

Mr. KINGSTON.—Many members of the Opposition are with the Government in this matter.

Sir WILLIAM LYNE.—I wish to say now that the voting which took place in the Senate showed ten for Tumut and nineteen for Bombala. The ten represented 1,682,239 persons in the Commonwealth, whilst the nineteen represented only 1,663,488, or about 20,000 less than the number represented by the ten. When the site was decided in this House, in the first instance, as between Tumut and Lyndhurst, the vote for Tumut represented 1,827,758 persons, whilst the Lyndhurst vote represented only 1,314,754. Tumut has therefore been supported in the votes which have taken place up to the present time by representatives of over half-a-million people of the Commonwealth than any other site; the numbers being 3,509,997 for Tumut, and 2,948,242 for Bombala.

Mr. JOSEPH COOK. — Whose figures are those ?

Sir WILLIAM LYNE.—They are figures taken from the divisions and votes by an officer in my Department.

Mr. SYDNEY SMITH.—Are they like the electoral divisions? If so, they are not worth much.

Sir WILLIAM LYNE.—If they are like the electoral divisions they can be relied upon. The honorable member cannot get away from them in that way, because he will have an opportunity to check the figures if he pleases. It is the intention of the Government that this measure when passed by the House of Representatives shall be sent on to the Senate again. I do not think it is quite certain, as has been stated, that the Senate will return the Bill in the form in which they previously returned it to the House of Representatives. I think there is something in the remarks of the honorable member for Bland, when he said that there are honorable senators who do not desire to create a dead-lock in this matter. When it is remembered that there has been a large majority in favour of Tumut in this House on two occasions, honorable senators will consider before they act rashly in a matter of this kind. However that may be, it seems to me that it is our clear duty to send this measure back to the Senate. The Senate may ask for a conference but I

must say that I fail to see how any real good could come out of a conference on the subject. However, that will be for the Senate to consider when the Bill comes before them again, as it probably will to-morrow. When the Bill is again returned to the House of Representatives, it will be time enough for the Government to decide whether they should make it a Government measure and a party measure or not.

Mr. JOSEPH COOK.—Not a party measure.

Sir WILLIAM LYNE.—It will become a party measure if it is made a Government measure.

Mr. G. B. EDWARDS.—It will be the fault of the Government if they make it so. This House does not desire to make it a party question.

Sir WILLIAM LYNE.—If it is made a Government measure honorable members must not forget that a majority of the members of the Government will have to sink their opinions. They do not desire to be called upon to do that, and if they are they will be made subservient to the interests of party. If that would not be making this a Government measure I do not know what would. Some honorable members do not appear to know what a party measure is. If I were the Prime Minister, and a measure of this kind were taken up by my Government. I should make it a party measure, and stand or fall by it. Once a measure of this kind is made a Government measure no good can be done with it unless it is also made a party measure. Is a Government in a matter of so much importance as this to be buffeted about from one side to another, having this and that part of their Bill destroyed? No Government would submit to anything of the kind.

Mr. G. B. EDWARDS.—Every Government is compelled to proceed with a decision of the House to bring it to some maturity.

Mr. FISHER.—This must be a party measure.

Sir WILLIAM LYNE.—It will perhaps be a party measure by-and-by ; but it is not one now. It has been once before the Senate and twice before the House of Representatives, and it will go before the other Chamber again. I think the Government can claim to have forced this matter forward more rapidly than some honorable members would have done if they had been in the same position. I altogether repudiate the statements made by honorable members questioning the *bona fides* of the

Government in this matter. No one can say that I have been backward in dealing with it. From the very onset, from the troublesome time when I had to bear the whole of the attacks made upon me for giving the members of the Federal Parliament an opportunity to visit the various sites, in order to prepare them for a consideration of the question, it cannot be said that I have shown any laxity in my desire to have the Capital site chosen as early as possible. If other measures of grave importance were in hand so that this question could not be taken up at the moment the reports of the Commissioners were received, that may have been unfortunate, but neither I nor the Government was to blame for it. The ex-Prime Minister, Sir Edmund Barton, was very anxious to have this matter settled, and he took the earliest opportunity afforded by the state of business in this House to endeavour to carry the matter through. I think that honorable members ought to be satisfied that the Government will do the best they can to bring this matter to a successful issue. Until the Bill is again dealt with by the Senate, it is quite impossible for us to say exactly what will be done.

Mr. WILKS.—If the honorable gentleman is fighting a lone hand, he should do what the ex-Minister for Trade and Customs did if he does not get his own way.

Sir WILLIAM LYNE.—I should if it were a party question.

Mr. THOMSON (North Sydney).—I cannot agree with the Minister for Trade and Customs that the methods adopted for dealing with this question have been the best, nor that the speed reached in dealing with it has been as rapid as it might have been. The matter has been gone into previously, and at this time I desire only to point out that the question appears to be getting into a very unsatisfactory position, which I for one do not desire it should get into. I have no desire to see it brought to the fighting stage when other important business of the Parliament may be constantly interfered with by the introduction of this question, when angry feelings may be aroused, and when Parliament may under stress have to deal with the matter, which may be much better dealt with in the absence of that stress. I desire to reply to the objections of the Minister for Trade and Customs to making this Bill what he calls a party measure, that there must be a

stage at which, if the Government are in earnest, it must become a Government measure. The Government are the leaders of this House, and whilst it might have been quite right, and I am not taking objection to it, for the Government to leave to the House in the first instance the selection of the site, after the site was selected by the House and inserted in the measure, I consider that the Government were bound to recognise the decision of the House as one to which they must adhere, and to subsequently deal with the Bill as a Government measure. If not, when are they going to deal with it as a Government measure? We know if this difference of opinion on the subject continues between the two Houses of the Parliament what the result will be. We have it laid down in the Constitution. To declare any joint dissolution the Governor-General has to act, and on whose recommendation is he going to act?

Sir JOHN FORREST.—Not at once.

Mr. THOMSON.—The right honorable gentleman means that whilst it is not considered a Government measure now it would be considered a Government measure if it were not settled in this Parliament.

Sir JOHN FORREST.—The Bill has to be passed twice by the House of Representatives.

Mr. FISHER.—It does not make any difference under section 57 of the Constitution whether a measure is a Government measure or not.

Mr. THOMSON.—It does not, except that the Governor-General has to be moved at a certain stage.

Mr. DEAKIN.—We have not reached that stage yet.

Mr. THOMSON.—That I admit; but the Governor-General has to be moved when we have reached that stage and naturally the only persons to move him are the Government because they are his only advisers. This measure must, at some stage, become a Government measure. It ought to have become a Government measure immediately the blank was filled.

Mr. SALMON.—The honorable member would make the Government a mere committee of the House.

Mr. THOMSON.—Did any one ask the Government to refer the selection of a site to the House? Of their own motion, Ministers decided to become a portion of the

Committee of the House—we are not complaining of that act—but when the House had given its decision in the manner provided by the Government, the Bill ought to have become a Government measure.

Sir JOHN FORREST.—Although, perhaps, all the Ministers had voted against the site selected?

Mr. THOMSON.—Certainly. The Government had only one of two courses to adopt—either to accept the responsibility of considering in Cabinet which site they would support, and, although Ministers might differ in opinion, coming to that corporate unanimity to which they have to come in other matters, or to take the position of members of the Committee and accept its choice of a site as the one which they would support. Every member, I am sure, expected that course to be taken. A complaint has been made of some warmth displayed by representatives of New South Wales. But, I would ask, is it not reasonable that there should be warmth displayed when such charges are levelled against New South Wales members as have been made by a portion of the Victorian press? What did a Melbourne newspaper say recently? It said—

There is not a senator who would trust the trial of a Victorian dog to the impartiality of the New South Wales representatives.

This is a nice statement for the *Age* to make. It accused the New South Wales members of voting for Lacomalac for one reason only—that it was the nearest site to Sydney—and then it accused Victorian members of neglecting the interests of the Commonwealth and the State in not voting for Albany, because it was the site nearest to Melbourne—for a Victorian town, as it was described. What did the *Age* go on to say? It said—

A divergence of opinion between the two Houses will secure a further opportunity for inquiry, and, above all, for delay. It will be impossible at this late period of the parliamentary session to adjust any disagreement between the two Houses, and this will insure just what ought to happen—that the selection of a Federal Capital shall be left to a future Parliament, one which will take a higher view of its duty in the matter than that which operates with the present New South Wales opposition. In time, when we have broken down the unreasonable jealousy of the mother State, and when the Commonwealth is financially in a position to turn its thoughts to the establishment of a Capital city, we may repeal the fettering conditions of the 125th section, and leave Parliament free, as it ought to be, to take the very best site available wherever it may be found.

What does that mean? It means that the objection of a portion of the press, which influences public opinion largely in this State, is that the bond shall be departed from—that New South Wales, after giving what she agreed to give, after accepting the extra taxation which she objected to accept in the first instance, is to be robbed of what was given to her as a supposed equivalent. I think it is time for New South Wales members to show heat—at any rate it is excusable—when they are subjected to that sort of criticism by one of the strongest opponents of any settlement of the question at this time. Another very astonishing thing is that a number of members who have raised objections to the selection of a site at the present time, because of the expense involved, have voted for the most expensive site in the whole of those submitted to the Commission of Experts, and the site placed last by the Commissioners whom Parliament appointed to advise it. An expenditure of £2,450,000 is attached to Bombala in connexion with the construction of railways.

Mr. KINGSTON.—That is if the Commonwealth constructed the railway which is contemplated by Victoria.

Mr. THOMSON.—That expenditure is involved whether the railways are constructed by the Commonwealth or by the States.

Mr. SALMON.—At one time or other.

Mr. THOMSON.—We cannot see into the future; but so far each State has refused to construct a railway, and if either saw good reason for its own purposes to do so, no doubt it would have proceeded. The interest on that amount would represent from £80,000 to £85,000 per year, and there is nothing more certain than that those lines would not pay working expenses for many years to come. Yet those who on the plea of economy said “delay selecting a site” selected a site which would necessitate by far the heaviest expenditure by the Commonwealth or the States. There is also proposed an expenditure at Eden—which I shall not debit to the site, because it is by no means certain that Eden would be included—of £1,028,000 for the cost of two breakwaters. I do not wish to discuss the merits of the sites—I have not done so hitherto—but I cannot help replying to some of the statements which have been made by honorable members and which are being made in the press. The *Argus* also gives a view of this matter, which is



not accurate. On the 16th October it said—

The conflict of opinion arose from the difference of numerical representation which New South Wales has in the two Houses. In the House of Representatives, where that State has twenty-six members, their preference for Tumut, as against Bombala, prevails. In the Senate, where each State is represented by six members, the preference of New South Wales loses its controlling power, and Bombala secures a large majority.

That statement is absolutely inaccurate. The two sites chosen have not been selected by New South Wales members at all. New South Wales has been absolutely in the hands of the other States in this choice. In the Senate Bombala had no New South Wales supporters, while in this House Tumut had four New South Wales supporters in the first ballot and three more in the last ballot, making seven in all. So let it not be said in either case that the selection has been due to New South Wales members.

Mr. KINGSTON. — They had an equal voting power with every one else.

Mr. THOMSON.—The newspaper from which I quoted states that the difference in selection is due to the difference in the representation of New South Wales in the two Chambers. There were only seven honorable members who voted in the last ballot for the choice of this Chamber. If those seven members had voted on the other side, it would have led to the selection of another site.

Mr. KINGSTON.—If the seven members had given a vote to Lyndhurst it would have won.

Mr. THOMSON.—Yes. The scale was turned in favour of Bombala, not by the votes of two or three New South Wales members, but by the votes of the representatives of other States.

Mr. KINGSTON.—If New South Wales members had stuck to Lyndhurst it would have won.

Mr. THOMSON.—Tumut was far more the choice of the twenty-nine representatives of other States than of the seven representatives of New South Wales. I am not objecting to the other States having their full say in the selection of the site, but considering that New South Wales has had so small a voice in the matter, I would appeal to all sections of the House to give some consideration to State feeling, and the least consideration they can give is to do as

they have done—to uphold the compromise site which has been selected. But the action of honorable members will not secure the adoption of that site, unless the Government are prepared to accept their responsibility, and I submit that if they do not take that course, it will show that they are not in earnest in their proceedings. I hope that the difficulties and dangers which I foresee may be avoided. The Commonwealth has enough necessary and unavoidable difficulties to face without our adding one which is unnecessary and avoidable, and if we do not arrive at a means of solving this question at an early date it will become a burning question to the Parliament, and will—very unfortunately—interfere with the work that we ought to be performing, and I am afraid with the respect that our proceedings, if properly conducted, ought to command from the people of Australia.

Mr. KINGSTON (South Australia).—I do not know that any one who really considers the question which we are now discussing can over-estimate its importance, and I say unhesitatingly that I sincerely desire that before we separate, and this Parliament terminates, some conclusion may be come to as regards the selection of the Capital site. Though my preference is undoubtedly Bombala, I should have been content if the other branch of the Legislature had assented to the proposition which recommended itself to the good sense of this House. I have not at any time, either as the representative of a State or personally, viewed this matter with any prejudice. All I desire is to come to a right conclusion on the subject. I wish for the selection within New South Wales, and during this Parliament, of the best site available. New South Wales is undoubtedly entitled to so much. No effort should be spared to give her during the existence of this Parliament the full benefit of the bargain which was made in reference to the Capital site. That bargain imposes upon us the obligation to select a Capital site within New South Wales. It may be within any part of New South Wales, either on the border or elsewhere, so long as it is not within 100 miles of Sydney. Having participated largely in the Federal movement, and having been present at and a member of the Premiers' Conference which agreed to the compact which was subsequently indorsed by the peoples of the various States, I claim to know what real-

was intended. There was no intention to give any particular part of New South Wales any particular interest in this matter. It was stipulated as clearly as could be that a certain part of that State was to be excluded, but that the Federal Parliament was to have the fullest power to determine a site anywhere else within its borders.

Mr. JOSEPH COOK.—Was anything said about putting the Federal Capital on the border?

Mr. KINGSTON.—We all know what was suggested at the time, and what has been continually suggested. One of the earliest gatherings in connexion with Federation was held at Albury, and the talk was of Albury being the Federal Capital. Naturally, attention has been directed to the position of Albury as half way between Sydney and Melbourne. But I think that Bombala was also mentioned at the Premiers' Conference. These matters were in our minds. The Premiers were, so to speak, bargaining on the subject. The chief item of interest was the position of the Capital. It was discussed mainly between the representatives of the two States which, in the natural order of things, were most interested, which had, as it were, the chief claims to the selection of the Capital. It was an arrangement made between Victoria and New South Wales, and indorsed by the remaining States. But nothing was said or dreamt of about excluding a border site such as Albury or Bombala.

Mr. JOSEPH COOK.—Was anything said about including such a site?

Mr. KINGSTON.—The matter was left at large. All that was agreed upon was that the site should be within New South Wales, but not within 100 miles of Sydney.

Mr. THOMSON.—Both Tumut and Bombala are near the border.

Mr. KINGSTON.—Yes. I would be no party to an arrangement which "kept the word of the promise to the ear and broke it to the hope." But nothing of the sort suggested was intended. I do not believe that the leader of the Opposition would support such a suggestion for a moment. He has not hitherto mentioned it, and he is not one to forget a point which could be made on behalf of the State over whose destinies he so long presided, and which, with his fellow members, he so adequately represents. He would, on the contrary, have spoken from the fullness of his knowledge. It is

because the honorable member for Parramatta has not had an opportunity to become precisely acquainted with what happened at the Premiers' Conference that he has given expression to the suggestion that there was an intention to secure for Sydney the trade of the Federal Capital. There was no such intention. The utmost liberty was conceded on both sides. If the Federal Parliament chose a site within 105 miles of Sydney, its decision would hold good, and if it chose a border site its decision would equally hold good. The one arrangement would be as honorable and as permissible under the compact made and ratified by inclusion in the Constitution as the other. I thoroughly sympathize with the criticisms to which the honorable member for North Sydney has subjected those who urge the plea of delay in order practically to enforce a denial of the rights of New South Wales. I shall be no party at any time to anything in the nature of cheating that State out of its undoubted rights in this matter. There is the bond. We are honorable men, and I hope that neither because of journalistic promptings or for any other reason shall we be induced to follow a line of action which will expose us to shame, as the practical repudiation of the undoubted rights of New South Wales will do. Let us select the site at the earliest moment, and make the best selection we can under the circumstances. I rely upon the promise of the Government, because when we spoke of the matter before we proceeded to the consideration of the question in detail, it was stated that they would spare no pains to bring about an agreement between the two Houses on the subject before the session terminated. I do not like to give way to the other House. But I am a strong believer in the advantages of the Bombala site, partly because of its port, and partly because of its climate. I have listened with amusement to the suggestion that it is too cold. Of what part of Australia can the general complaint be made that it is too cold? I wish that a vote could have been taken on the subject on a day like last Sunday week. The suggestion that Bombala is too cold would then have been repudiated as absurd. Australians require cold. They are generally suffering from too much heat. Let us in this world, when we have a chance, try to obtain a moderately temperate climate, and not be frightened by the suggestion that a certain climate is likely to make us shiver. I should like to get

to some place which has such a climate. One can keep out of the cold by ordinary measures, but one cannot live in refrigerators to keep out the heat. At least we should try to obtain a salubrious climate with a moderate temperature. I am satisfied that in the district to which reference has been made we can get what we want, and we ought to take it.

Mr. JOSEPH COOK.—The honorable and learned member has been describing the climate of Lyndhurst.

Mr. KINGSTON.—I have listened attentively to many descriptions of climates and sites, and I can say that I am absolutely unprejudiced, because I have not seen any of the places referred to. But I have read a good deal about them, and I know that Mr. Oliver, who reported in favour of Bombala, is a trusted servant of the New South Wales Government, and his opinions should have considerable weight with those who represent that State. I am prepared to indorse his view, particularly as it accords with my original idea with regard to the locality. I know that the Government have many difficulties to contend with, and I sympathize with them. But I am half inclined to think that a time arrives, in connexion with all matters, when those who occupy the Treasury Benches should assume the responsibility of their occupation and make a choice. The Government have various considerations to study in this matter. Here we have a conflict between the two Houses. The Senate favour Bombala, and I am inclined to think that if honorable members in this House could be again polled that site would have an equal chance here.

Mr. WILKS.—We have already had two chances.

Mr. KINGSTON.—Yes, and Lyndhurst was rejected. Bombala occupied the foremost place at the first ballot, when we had an opportunity of judging of the unbiased opinions of honorable members. However, it is difficult to arrive at the true opinion of the two Houses. I do not expect to draw the Government. I liked their idea of a joint sitting when they first proposed it. I liked it specially as a member of this House, although I ventured to express a doubt whether the Senate would view the proposal with equal favour. They did not do so. Would they do so now? Is it not worth trying? I hope something will be done. I take it that the Government recognise that

we ought to settle the question this session. I have said that more than once; but I think that we cannot be too much impressed with the idea. At present the matter is a small one, but it is gradually increasing in importance, and unless it is promptly dealt with it may grow into a troublesome, festering sore. I am familiar with the history of it. I remember that in the old days of the 1891 Convention, Sir George Dibbs said, amongst other things, that he did not consider that the fiscal issue was the lion in the path of Federation. As regards that lion, at any rate, we have met and conquered it. I say, with a full absence of Ministerial responsibility, that we have obtained protection, and that it has, in my opinion, come to stay. However, I do not wish to discuss that subject. Sir George Dibbs said that he was going to throw a bombshell into the camp, and he did so by raising the issue of the Federal Capital. He moved that Sydney should be the Capital, and there was trouble at once. The members of the Convention then resolved that the question of the Capital site was a proper one to be dealt with by the Federal Parliament, and I am sorry that that conclusion was not adhered to. I venture to think that, if the matter had been left perfectly open in the way then proposed, our discussion to-day would have been by no means confined to two sites in New South Wales.

Mr. JOSEPH COOK.—We should have been considering Ballarat.

Mr. BROWN.—New South Wales would not have been considered then.

Mr. KINGSTON.—I do consider New South Wales. I am sure that no one can say that at any time during my political career I have exhibited myself in the character of a parish or purely local politician. I have endeavoured to avoid anything of the kind, and I believe that I have been successful. At the same time, now that the honorable member for Parramatta has mentioned the matter, I may confess that I have always had a sneaking regard for the location of the Federal Capital in the neighborhood of Ballarat. Such a site would be central, and the land would be suitable. However, that cannot be now, because an agreement has been entered into with New South Wales. Now that we find that the two Houses are opposed to each other, I put it to the Prime Minister whether the time has not arrived when the weight of the

Ministry should be thrown into one scale or the other. Shall we not remain at issue after the close of this Parliament if we are not careful. Do we wish to be troubled with this matter at the Federal elections? I do not. I do not know that this will be a burning question in the constituency which I aspire to represent; but I am thinking of others. I ask, "Would our difficulties be lessened by passing this troublesome question over to the next Parliament, instead of dealing with it now?" I am inclined to think that the gulf between us would grow wider and wider. I do not know what form of procedure can be adopted to insure a solution of the question, unless the Government take upon themselves the responsibility of deciding which is the best site, and putting the whole weight of their influence into the advocacy of that site, and, if necessary, using their full constitutional powers to bring about an agreement upon the subject. As an advocate of Bombala, I have listened with some impatience to the criticisms directed to the number of persons who were represented by the senators who recorded their votes in favour of that site. I say that that is not the test which should be applied, in order to judge the weight of resolutions arrived at by the Senate. The idea is opposed to the constitutional principle that each State is entitled to equal representation in point of numbers, absolutely irrespective of population. It seems to me that in this matter of the decision of the Federal Capital site we should rather look to the constitution of the present Government, and to the votes recorded by Ministers. The Minister for Trade and Customs pointed out that the number of people represented by the senators who voted for Bombala, was equivalent to only three-fourths of the number represented by those who voted for another site. If we apply the same test to the constitution of the Ministry, and to the votes recorded by Ministers, we find that the majority is three to one in favour of Bombala. The votes recorded by Ministers show that they are almost unanimously in favour of Bombala as compared with the other sites. Under these circumstances, is not their duty clear? Here is the position: The Prime Minister, the Minister for Home Affairs, the Minister for Defence, and the Postmaster-General are in favour of Bombala. Thus, even in this House, we have four Ministers in favour of that site, as

*Mr. Kingston.*

against two who support other sites. Then the only two Ministers in the Senate are in favour of Bombala. Therefore, six out of eight Ministers favour that site. It seems to me to be an undesirable innovation that at all times this question should be treated as other than a Government matter. The time must come in the ordinary course of affairs when Governments must assume responsibility for the measures which they introduce and advocate, and when they must feel that the right course to adopt is to give effect to the weight of their great majority.

*Mr. THOMSON.*—They referred the matter to the House.

*Mr. KINGSTON.*—That was only one way of obtaining the sense of the House on the subject. Of course, the Government might have recognised the necessity for a united policy in this matter, and have made the Bill a Government measure. They have, so far, bowed to the decision of the House, and, as a Government, have been content to subordinate the weight of six votes to two.

*Mr. THOMSON.*—The right honorable member is wrong in his figures. One of the members of the Government in the Senate voted in favour of Tumut.

*Mr. KINGSTON.*—No; I have just refreshed my memory upon the subject.

*Mr. WILKS.*—The Attorney-General voted for Tumut.

*Mr. KINGSTON.*—I am delighted to be corrected. I was misled by referring to the wrong division. However, the fact remains that five Ministers out of eight are in favour of the selection of Bombala. It seems to me that we cannot continue very much longer in this position. The Government must declare themselves. Upon a question of this importance, in regard to which it is desirable that a conclusion should be arrived at, we should have the advantage of the united assistance of the Ministry. I do not say, at the present moment, that I shall support whichever site they may recommend, but I shall be much inclined to do whatever I can to assist to remove for all time from bitter debate into peaceable regions this all-important question, which every honorable member desires to see settled before we go to the country.

Question resolved in the affirmative.

**Resolved** (on motion by Mr. DEAKIN)—

That the honorable and learned member for Indi, the honorable member for Bland, and the Minister for Trade and Customs, be appointed a committee to draw up reasons for the House of Representatives disagreeing with the amendments of the Senate.

The Committee presented the following report :—

As to Amendment No. 1—

Because the House is of opinion that Tumut is the more suitable locality.

As to Amendment No. 2—

Because the House considers it most desirable (1) that the Federal territory should have important river frontages, and (2) that the choice of the actual site should be fixed within a reasonable area and at an altitude to insure favorable conditions.

Report adopted.

**ADJOURNMENT.****ELECTORAL ROLLS: LETTER DELIVERY.**

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. ISAACS (Indi).—I wish to call the attention of the Government to the question of the present condition of the electoral rolls. I know that I shall be pardoned for referring to a matter of such intense importance to the whole country. I do so, because considerable comment upon it has appeared in newspapers which circulate within my own electorate, and because letters which I have received from some of my constituents convince me that a great deal yet remains to be done before the electoral rolls can be placed in a satisfactory state. There is no doubt that mistakes have occurred. Of course, I recognise that the difficulties which confronted the Department were almost insuperable. Such a tremendous change was being effected in our electoral system that it was almost impossible to avoid errors. But the time within which they can be corrected is extremely short, and therefore I deem it to be my duty to again call attention to the question. There is one matter in particular which strikes me as being capable of amendment. Under present arrangements the Revision Court for any electorate can sit in one town only. I am afraid that it will be impossible for the Revision Court sitting in any one town to deal satisfactorily with the requirements of a whole electorate. The number of

anomalies which exist are great. We cannot expect men and women to travel from distant quarters of a large electorate to one town only.

Mr. TUDOR.—They need not appear in person.

Mr. ISAACS.—But their claims have to be decided judicially, and I find upon reference to sections 77 and 82 of the Electoral Act that the Court must be satisfied that applicants who desire to have their names inserted upon the rolls are entitled to exercise the franchise. Certainly some information will require to be given before that tribunal can satisfy itself that the names of those who claim the right to vote at the coming elections have been improperly omitted. I do not think that the Court in a perfunctory fashion will grant all applications which may be made to it. While I am satisfied that it is not necessary for every applicant to attend in person, it is undoubtedly an obstacle that a person residing at any considerable distance from the town in which the Court meets does not know what objections may be raised to his or her claim, and is unable to answer any such objection because of the travelling that would be necessary to enable that to be done. In the past every facility has been given for the holding of Revision Courts. They have even sat at night in order that the workers might attend and see that mistakes which had been made were corrected. At present electors in the country experience very great difficulty indeed in obtaining their rights.

Sir JOHN FORREST.—I do not see where the difficulty comes in. Any one can get his name on the roll if he wishes to do so.

Mr. ISAACS.—If a person resides 80 miles or 100 miles from the town in which the Revision Court is held, he experiences considerable difficulty.

Sir JOHN FORREST.—If he sends in his application he can secure the insertion of his name upon the roll.

Mr. ISAACS.—The Act does not say that. It provides that the Court must be satisfied that his claim is a just one. Some evidence must be given in support of it, and if objections are raised they must be combated. I do not think that the Revision Court is a mere registration court which will grant the application of every person who chooses to ask for the insertion of his name upon the rolls. It is a tribunal whose

function it is to mete out justice. It is possible that the names of some persons have been improperly placed upon the rolls, or that the names of others have been improperly omitted. It is a court of justice, and as such should have proper materials before it on which to arrive at a decision. I am afraid that we are, perhaps, treating the matter a little too lightly. Many great issues hang upon it, and complaints are already being made that people cannot travel the great distances—because they are great distances—between their homes and the Revision Courts, or cannot see their way to be properly represented there.

Mr. SALMON (Laanecoorie).—With regard to the matter brought forward by the honorable and learned member for Indi, I should like to state that it appeared to me last week that a very grave injustice would be done to a large number of persons by the arrangements which had been made. I waited upon the Chief Electoral Officer, however, and was assured by him that local courts would in addition be held wherever necessary.

Mr. ISAACS.—When was that notification given?

Mr. SALMON.—Only last week.

Mr. KENNEDY.—A different statement was made to me to-day.

Mr. SALMON.—There is another matter relating to the Postmaster-General's Department, to which I desire to draw attention. I find that in Victoria a new regulation has been brought into force, which provides that where arrangements are made for delivery by letter-carrier, no letters shall be delivered at the post-office. I am told that the regulation has been introduced for revenue purposes, inasmuch as any one who desires to obtain his letters at a post-office may do so on paying a rental of one guinea or two guineas per annum for a box. I would point out that in Victoria a recent disarrangement of the railway service has taken place, and that a large number of country districts are now served by trains which carry mails and leave on the return journey soon after their arrival. Thus, unless business people in these districts are able to obtain their letters at the post-office as soon as they are sorted, they are unable to catch the return mail. It is a matter of the utmost importance to

them, and I consider that it is unnecessary that such an arbitrary regulation should be enforced in the smaller centres of population as rigidly as at present. In the ordinary course of events, many people are unable to pay the fees demanded for the use of boxes.

Mr. KIRWAN.—A man might also be a stranger in the town.

Mr. SALMON.—Quite so. In the country districts, the postal walks are very much larger than are those which have to be traversed by letter-carriers in large centres of population. In some cases it takes a letter-carrier four hours to complete his walk, and consequently a number of people are unable to obtain their correspondence in time to answer it by the return mail, although the letters are actually in the possession of the postal officials. They are not permitted to intercept the letter-carrier. He is compelled to deliver them at the address given on the envelope, and many people are put to much loss and inconvenience through the application of a regulation, which, if it ever existed in the past in Victoria, was more honoured in the breach than in the observance.

Mr. KENNEDY (Moir).—I wish to indorse the remarks which have been made by the honorable and learned member for Indi, with regard to the position in which many electors are likely to find themselves at the ensuing elections. We have been told by inspired newspaper paragraphs, as well as on the floor of the House, that the rolls are open to inspection at post-offices throughout the Commonwealth, and that forms are available for those who find that their names are not on the rolls and desire to have the omission rectified. I submitted to-day to the Minister for Home Affairs a letter, which set forth that at one of the post-offices an elector inspected the rolls for a division numbering 2,000 electors, and found that, in the first instance, there were only six application forms available. The postmaster could not say whether more would be forthcoming. We know that if the average elector can obtain a form on which to make his application he will use it, but that as a rule he does not care about writing letters to officials. Consequently unless forms are available at all post-offices many electors may miss the opportunity to be enrolled. I understand that the Revision Court will practically be the central electoral office in each

State—that the Revision Court in each electorate will be merely a court of registration. Applicants for enrolment will state their case, the necessary inquiries will be made through the central office by certain officials, and the work of revision will actually be done in that office, the supplementary lists being forwarded to the revision courts.

Mr. ISAACS.—That might be right or wrong.

Mr. KENNEDY.—Quite so. Many people do not conceive of the difficulties which electors will experience in attending or being represented at the Revision Courts that have so far been appointed. In my electorate, for example, it will be necessary, in many instances, for an elector to absent himself from his home for three days in order to attend the court, while in other cases it will be impossible for electors to attend. There is another matter to which I desire to draw attention. The way in which the rolls have been grouped round polling booths is a revolution in the conditions which have hitherto prevailed in Victoria. I am not going to find fault with the system, inasmuch as provision is made in the Act to enable all persons to record their votes. The point is, however, that if a man goes to a polling booth, and finds that he is not on the rolls for that particular division, he may be disfranchised unless the returning officer or his deputies are advised to inform electors in such a position that they may vote there under certain conditions. I trust that the Minister for Home Affairs will take steps at an early date to have a short code of instructions issued to returning officers, and particularly to deputy returning officers.

Sir JOHN FORREST.—They will receive detailed instructions, which are now being prepared.

Mr. KENNEDY.—We have been told of much that is to be done, but has not yet been carried out.

Sir JOHN FORREST.—This is being done.

Mr. KENNEDY.—Having placed my view of the situation before the Minister, I am prepared to accept his statement, and for the present to leave the matter in his hands.

Sir PHILIP FYSH (Tasmania—Postmaster-General).—In answer to the honorable member for Laanecoorie, I would point

out that, although there may be a regulation which renders it desirable that all persons to whom letters are addressed should have a postal-box, it is unnecessary for them, in occasional circumstances, to rent one. If a man while at No. 16 met a postal officer with letters addressed to him at No. 26, he would be entitled to receive them on application; or, if he applied at the post-office for his letters, and was well-known to a postal official there, they would be delivered to him. That would occur in country districts, but not in the metropolis, where the postal officials would hardly be likely to know the applicant, and would not be entitled to deliver letters to him. In such circumstances the individual would be able to obtain his letters from a box at the post-office; but, undoubtedly, a person applying for letters at a country post-office, and being known to the postal officials, would receive them. If any regulations be against that, such regulations may be amended.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—I am much obliged to the honorable and learned member for Indi and to the honorable and learned member for Moira for their suggestions. I can assure them that they are very welcome, and that they will receive attention. At the same time, the difficulties are very great, and the time is very short. In fact, notwithstanding all the trouble and care that I hope will be taken, I do not anticipate that everything will be done as well as we should all desire, because the time is not sufficient. But we will make the best efforts possible. In regard to the Revision Courts, I quite see the force of the statement that one court will not be sufficient for such large areas as are contained in some of the electorates; and I only hope that all the means that are being taken by individual persons, by honorable members, by the municipal authorities, and by the Revision Courts, will suffice to bring the rolls into something like proper order. I believe that will be the case; but it must be admitted that if the elections are to take place early—and I am not advised as to when they will take place—the time is very short indeed for such an immense work as is involved in the framing of the electoral rolls and the revision of them, so as to make them as accurate as they ought to be.

Question so resolved in the affirmative.

## Senate.

*Wednesday, 21 October, 1903.*

The PRESIDENT took the chair at 2.30 p.m., and read prayers.

### FEDERAL CAPITAL SITE.

Senator Lt.-Col. GOULD.—I desire to ask the Vice-President of the Executive Council, without notice, whether the Government have had any communication with the Government of New South Wales as to the area which the latter would be willing to grant for a Federal Capital site?

Senator PLAYFORD.—I am not aware that there has been any communication of the kind. If my memory serves me aright, there has been a statement made by the Prime Minister in another place to the effect that the Premier of New South Wales is prepared to give an area; but I think it is limited to 100 square miles.

### REFLECTIONS ON PARLIAMENT.

Senator HIGGS.—I desire to ask the Vice-President of the Executive Council, without notice, if he has read the following telegram in the *Melbourne Argus* of the 21st inst.:—

#### POLITICIANS ARRAIGNED.

#### LOW STANDARD OF PUBLIC LIFE.

#### CHARGES OF BRIBERY AND CORRUPTION.

Sydney, Tuesday.—The low standard of political life was a matter which was brought prominently before the Congregational Union of New South Wales to-day. The Rev. W. Morley read a paper on the duty of Congregationalism to the States. He asked what was there to fight for in seeking to recover their ideal to the State? They had the utter demoralization of politics and politicians in both the State and Federal Parliaments. The hope that federation would call into public life a nobler set of men had not been realized, and when they thought of the men that, to a large extent, formed the personnel of the legislative bodies in Australia, they were ready almost to despair. But still sadder than that was the fact that the type of men to which he had referred was the deliberate choice of the people. The duty of Congregationalists was to tell men who had ability and Christianity to serve the people in Parliament that they must do their duty to the State. The Rev. W. Mathison, chairman of the union, in delivering an address, made reference to the bribery and corruption in public life.

I also desire to ask the Vice-President of the Executive Council will he make inquiries as to whether the Revs. W.

Morley and W. Mathison are correctly reported? Will he invite the reverend gentlemen to give specific instances of bribery, corruption, or utter demoralization of members of the Commonwealth Parliament? And, further, will he invite the Revs. Morley and Mathison to name the country whose standard of public life is higher than that of the Commonwealth of Australia?

Senator PLAYFORD.—I cannot answer the questions. All I can say is that if the reverend gentlemen made a charge of bribery and corruption in connexion with the Commonwealth Parliament, it is utterly untrue, so far as I know.

### SENATOR HIGGS.

Senator PULSFORD.—I desire to ask the Vice-President of the Executive Council, without notice, if he is aware that in the Legislative Assembly of New South Wales a statement has been made that Senator Higgs is mad.

The PRESIDENT.—Does the honorable senator seriously ask that question?

Senator PULSFORD.—I do, sir.

Senator PLAYFORD.—It strikes me that the gentleman who made the statement is madder.

### ADDRESS TO THE GOVERNOR-GENERAL.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—The Governor-General will have left Australia when the new Parliament meets, and it has been thought advisable by the Government to ask each House to vote an address to His Excellency indicative of their appreciation of the services which he has rendered to the Commonwealth during his term of office. I beg leave to move—

That the following address be presented to His Excellency the Governor-General:—

“MAY IT PLEASE YOUR EXCELLENCY,

We, the members of the Senate in Parliament assembled, desire to express to Your Excellency our deep sense of the services rendered by you to the people of the Commonwealth during your term of office as Governor-General, and our sincere regret at your impending departure from Australia.

The high duties whose discharge you are about to relinquish carried with them many obligations especially onerous in these the early days of our national existence.

Your Excellency's position has been arduous, but large as have been its demands, you have,



with the devoted assistance of Her Excellency, maintained its dignity most amply; fulfilling all public and social responsibilities with a tact, ability, and courtesy which have won the respect and esteem of the whole community.

In offering to Lady Tennyson and yourself our heartfelt wishes for your health and happiness, we feel confident that we are giving expression to the universal feeling of the people of Australia."

The motion expresses all I could say, or that it is necessary to say, on the subject, and I content myself with submitting it to the Senate.

Senator Lt.-Col. GOULD (New South Wales).—I have much pleasure in seconding the motion. I am quite sure that it will be a matter of gratification to Lord Tennyson to know that during his term of office as Governor-General there has been a universal feeling of satisfaction with the way in which he has discharged his duties. The proposed address speaks for itself; I shall follow the example set by Senator Playford, and content myself with this indorsement of his remarks.

Senator MCGREGOR (South Australia).—On behalf of the party I represent I have much pleasure in supporting the motion. We believe that His Excellency has carried out his duties in an able manner, and with other members of the Senate we wish him God speed.

Question resolved in the affirmative.

### PERSONAL EXPLANATION.

Senator HIGGS (Queensland).—In the Legislative Assembly of New South Wales yesterday an endeavour was made to show that I reflected upon its Premier. I think that a misunderstanding has arisen through the brief report which was published in the newspapers. My statement was made in reply to an interjection. I said—

I do not want to say anything harsh, but I am inclined to say that the Premier of New South Wales—in this connexion—

That is in connexion with the selection of the seat of government—

is a mere "fly on the wheel." The Federal Parliament has the Constitution, and so long as we abide by that Constitution we are superior to the Government of New South Wales or any State Parliament.

I had no desire to disparage the Premier of New South Wales or his position. I would add that if we went outside the terms of the Constitution—

The PRESIDENT.—The honorable senator must not argue the question. He can only explain how he has been misrepresented, misreported, or misunderstood.

Senator HIGGS.—I only made that remark to show that I did not desire to disparage the position of the Premier of New South Wales. I may further say, since Senator Pulsford has so kindly and courteously brought up another matter, that in all probability the reason why Mr. Crick made that observation concerning my self—

The PRESIDENT.—The honorable senator is now arguing the question.

Senator HIGGS.—I wish to explain how the honorable gentleman came to make this reflection, and the explanation is that during the debate on the subject of ratifying the Eastern Extension Telegraph Company's agreement, I said that it was to the everlasting disgrace of Mr. Crick that he surrendered the rights of the people of New South Wales by signing an agreement with that company.

The PRESIDENT.—Order. The honorable senator is arguing the question.

### SUSPENSION OF STANDING ORDERS.

*Resolved* (on motion by Senator PLAYFORD)—

That the Standing Orders be suspended to enable any message from the House of Representatives, transmitting any Bill or returning any Bill not finally agreed upon, to be at once considered and all consequent action taken.

### PATENTS BILL.

Bill returned from the House of Representatives with the following message:—

MR. PRESIDENT,

The House of Representatives returns to the Senate the Bill intituled "A Bill for an Act relating to Patents of Inventions," and acquaints the Senate that the House of Representatives does not insist on Nos. 56 and 79 of its amendments to which the Senate has disagreed, and has amended No. 19 as shown in the annexed schedule.

The House of Representatives requests the reconsideration of the Bill by the Senate in respect to amendment No. 19, and the further amendment thereon.

F. W. HOLDER,  
Speaker.

House of Representatives,  
Melbourne, 21st October, 1903.

## RECRUITING OF KANAKAS.

Senator HIGGS asked the Vice-President of the Executive Council, *upon notice*—

1. Has the Government observed the following paragraph in the *Brisbane Courier* of the 9th October:—"Inquiries show that, in consequence of the order to desist from landing or recruiting in the Solomons, there is a check on the return of the islanders to those places, the licences will probably be given to go to the Hebrides for the present, and consequently only 'boys' for those islands will be returned by the outgoing vessels. It is not known which will be the next ship, but 280 boys are known to be awaiting their return to the islands. This number will be increased by those on short agreements, or walking about?"

2. Are the statements contained in this paragraph true?

3. Who is bearing the expense of feeding kanakas awaiting return to the islands?

4. In what house or houses are the said kanakas residing?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2. I have no information, but will make inquiries.

3. and 4. I have no information on these matters. A letter was sent to the Premier of Queensland on the 1st October, asking for information in regard to statements in the press to the effect that recruiting from and landing at the Solomon Islands had been discontinued, but I am so far without a reply.

## BRITISH AGREEMENT WITH FRANCE.

Senator STANFORTH SMITH asked the Vice-President of the Executive Council, *upon notice*—

Is it the intention of the Ministry to cable congratulations to the British Government upon their agreement with France to refer, for diplomatic settlement, certain questions to the Hague Arbitration Tribunal; and expressing a hope that this action will be the inauguration of a policy whereby the pronouncements of justice will replace the arbitrament of war?

Senator PLAYFORD.—The answer to the honorable senator's questions is as follows:—

It is not considered necessary.

## VACANCIES IN THE POSTAL DEPARTMENT.

Senator DE LARGIE asked the Vice-President of the Executive Council, *upon notice*—

1. Are vacancies in the Postal Department supposed to be gazetted, so that applications may be received from officers competent to fill vacancies?

2. Were other officers given an opportunity to apply for the position of stamper as gazetted on 8th August, and was not Letter Carrier Cameron appointed over the head of senior officers in the Perth Post-office. If such opportunity was not given, why was it not so given?

Senator PLAYFORD.—The following are the answers to the honorable senator's questions:—

1. Yes; except in cases where there is no doubt as to the person who is entitled to be promoted.

2. No; Letter Carrier Cameron was not placed over the heads of senior officers. He was the officer best suited at the salary available for the position. In some of the States the positions of letter carrier and stamper are equivalent, and officers are interchangeable between the two offices.

## PACIFIC CABLE.

Senator HIGGS asked the Vice-President of the Executive Council, *upon notice*—

1. Has he read the following cablegram which appeared in the daily press of 14th October, 1903:—"Pacific Cable. The All-red Line Conference in London. — London, Tuesday Night.—At the instance of Mr. Chamberlain, a Conference in reference to the Pacific cable between Canada and Australasia is to be held in London. Representatives of Great Britain, Canada, Australia, and New Zealand, who are partners in the line, will discuss the terminal charges and the desirability of providing a second Pacific cable. Another question which will be considered will be the necessity for an all British owned cable from England to Canada?"

2. Are the questions mentioned in the cablegram the only questions to be considered at the Conference?

3. Will not the proposed Eastern Extension Agreement be discussed at the Conference?

Senator PLAYFORD.—The answers to the honorable senator's questions are as follow:—

1. Yes.

2 and 3. The Government has not yet received any reply to its inquiries of the Colonial Office as to what subjects it is proposed to discuss at the Conference.

## PAPER.

Senator PLAYFORD laid on the table the following paper:—

Regulations under the Commonwealth Electoral Act.

## PATENTS BILL.

*In Committee* (Consideration of House of Representatives' message):

Clause 28A—

Applications for patents may be lodged at the Patent Office immediately after the Commissioner is appointed, notwithstanding that this

Act has not then commenced, and all applications so lodged shall have priority according to the time when they were so lodged, and the lodging of an application under this section shall have the like effect as the lodging of an application after the commencement of this Act, but any patent granted pursuant to the application shall be dated as of the day of commencement of this Act. Until forms are prescribed applications shall be in such form as the Commissioner directs.

Applications made under a State Patent Act may be lodged as prescribed before the commencement of this Act as applications under this Act.

*Senate's Message.*—Disagrees to insertion of clause.

*House of Representatives' Message.*—Clause insisted on, with an amendment, omitting the words "according to the time when they were so lodged," lines 5 and 6, and inserting in lieu thereof the words "as prescribed."

Senator DRAKE (Queensland—Attorney-General).—I think that the present position of this Bill can be very easily explained. There is only one point of difference remaining between the two Houses. That has relation to the clause affecting applications for patents being lodged immediately after the Commissioner is appointed. The House of Representatives has agreed with the Senate upon every other matter in the Bill. The reason why they disagreed with us in regard to this clause is that it is represented, on behalf of the inventors, that they are very anxious at the earliest possible moment to be able to make application for registration under the new measure. By so doing they will, of course, save the higher fees that they would have to pay for registration to the Patents Offices of the States. The opposition made by the Senate to the clause was that it might lead to difficulties in connexion with priority. The House of Representatives still continues to think that this clause should be inserted, but they propose to alter it by striking out the words "according to the time when they were so lodged," and substituting the words "as prescribed." The clause will then read in this way—

Applications for patents may be lodged at the Patent Office immediately after the Commissioner is appointed, notwithstanding that this Act has not then commenced, and all applications so lodged shall have priority, as prescribed, and the lodging of an application under this section shall have the like effect as the lodging of an application after the commencement of this Act, but any patent granted pursuant to the application shall be dated as of the date of the commencement of this Act. Until forms are prescribed, applications shall be in such form as the Commissioner directs.

Senator Lt.-Col. GOULD.—The amendment means—"Do as you like by regulation,"

though you cannot do it by Act of Parliament.

Senator DRAKE.—It may mean that an application may be made to the Commissioner or to the States, and then it is left to be prescribed by regulation how priority shall go. The sole object of the provision is that during the time that may elapse—probably it will be only a short time—before the Act is brought into operation by proclamation, applicants may have an opportunity of securing the advantage of lower fees for a patent throughout Australia. I am informed that the inventors and their representatives are anxious for this.

Senator PEARCE.—In Victoria only.

Senator PLAYFORD.—In my own State also; I have seen several of them.

Senator DRAKE.—Probably the patent agents in Victoria are representing inventors in other States, and are therefore naturally anxious at the earliest possible moment to secure the advantage of the lower fees.

Senator Lt.-Col. GOULD.—How are the Government going to appoint a Commissioner under an Act before that Act is brought into force?

Senator DRAKE.—That can be done. The Commissioner can be appointed some little time before the Act comes into operation by proclamation. We can by proclamation state that the measure shall come into force at a particular date.

Senator Lt.-Col. GOULD.—The Government are going to appoint a Commissioner under an Act that will be non-existent at the time when he is appointed.

Senator DRAKE.—The Act will be in existence, but the proclamation will state when it comes into operation; and the Commissioner can be appointed before that date. It is to give the representatives of the inventors the earliest opportunity of making application for patents under the Commonwealth Act, under which the fees will be so very much lower, that this provision is inserted; and should any question arise as to the priority of an application for a patent to the Commissioner or to any Deputy Registrar, it will have to be settled by regulation. That is the only way by which we can do it. If we insist upon our disagreement with this clause it will mean that inventors will not have the advantage which the Bill will secure to them. It does not appear to be a very great matter, but the inventors and their representatives seem to think a great deal of it. As this is the only difference that

remains between the two Houses in reference to the Bill, I trust that the Committee will accept the proposal now made as a compromise. I move—

That the Committee do not insist on the disagreement to clause 28A, and agrees to the amendment of the House of Representatives.

Senator PEARCE (Western Australia).—It seems to me that the House of Representatives has overlooked the reason given by the Senate for disagreement to this clause.

Senator DRAKE.—We sent reasons.

Senator PEARCE.—But they seem to have been disregarded. We did not say that we objected to providing in the Bill that applications should have priority according to the time when they were lodged. The ground of our objection was, first of all, that under this clause the inventor is given absolutely no advantage whatever. Senator Drake speaks of giving inventors an early opportunity of availing themselves of the new measure. It does not give them one single day's advantage, because not a single section in the Bill will come into effect before the Act is proclaimed, and the applications which are made to the Commissioner then will have to be dealt with in their order of priority.

Senator DRAKE.—They will have the advantage of the lower fees.

Senator PEARCE.—They can pay the lower fees if we do not pass this clause. But the point is that if they do make application they will receive no guarantee of protection whatever. Suppose I have invented an article, and that, in order to protect it in Australia, I take advantage of this clause and go to the Commonwealth Commissioner. Nothing that the Commissioner can do can protect me in any one single State of the Commonwealth. The State Patent Offices will take no cognizance of this measure until it is proclaimed. Suppose an inventor sends in his application to the Commissioner before the Act is proclaimed. Another man can take that same invention, go to a State Patent Office, lodge his application, and if there is not a prior application in that office he can obtain a patent for it in that State.

Senator PLAYFORD.—He has to wait for a considerable time.

Senator PEARCE.—But he may obtain his patent before this measure is proclaimed. What will happen is that a man who has a patent and wants to protect himself will proceed to make application at a State

Patent Office for a patent that will cost him £1. I should like to remind honorable senators that we have passed another clause that deals with the same position. I allude to clause 6A. There is also another clause which says that on the proclamation of this measure all the proceedings pending under every State Act passes under this Act. If I, as an inventor, wish to guard myself, and I have put in an application in a State for a patent no other person can subsequently put in an application which will stand before mine. I have priority. But if, on the other hand, any other person wishes to get ahead of me in any other State I have my remedy in this way: I can object to a patent being granted on the ground that he is not the actual inventor, and the proof is that I have made application in another State, which will be sufficient to put the other applicant out of court.

Senator DRAKE.—It may be a very expensive process.

Senator PEARCE.—But it is a real protection which this clause does not give. The clause gives no protection against fraud. If a fraudulent person wishes to make an application for a patent, and he makes a declaration that he is the real and actual inventor, that record in the Commonwealth Patent Office does not protect the real inventor. But if the fraudulent person wishes to impersonate the inventor in any other State of the Commonwealth, the real inventor has the protection of the State patent law, by which the fraudulent person can be made to prove that he is the actual inventor; and that prior application is proof that the person who made it is the actual inventor. An inventor has all the protection that is necessary under the States patent laws, and this new clause gives him no additional protection. I wish to point out another defect of the clause. We are going absolutely to rob every State Patent Office in Australia of any business right up to the time of the coming into operation of this measure. And why? The measure will necessarily lead to an immediate centralization of all the patents business in one office in Melbourne. Naturally, the Melbourne patent agents are eager for the measure to come into operation, because it will bring new business to them.

Senator DRAKE.—How does the honorable senator know that the Commissioner is to be located in Melbourne?

Senator PEARCE.—We know that the Government are not going to establish six different Patent Offices. There will be only one Commissioner, and all applications from all parts of Australia will come to his office, whether it be in Melbourne or Sydney. That is the reason why the Melbourne agents are anxious for this clause; but I undertake to say that the patent agents of the other States are not so keen about it. They recognise that it will rob them of all business up to the time of the coming into operation of the Commonwealth Act. I think we ought to insist upon our disagreement with this clause. It confers no advantage, and it is, indeed, rather to the disadvantage of every State Patent Office.

Senator Lt.-Col. GOULD (New South Wales).—I think that the Attorney-General must recognise that there is a great deal in the argument adduced by Senator Pearce in regard to this clause.

Senator DRAKE.—It is only a matter of a very short time before the Act will be brought into operation.

Senator Lt.-Col. GOULD.—I think there is provision that when the measure comes into active operation persons will have an opportunity of lodging their applications in the various States Patent Offices. So that I dare say that the difficulty with regard to centralization will be got rid of. The Bill is necessarily one which makes for centralization. There must be a head office somewhere; but there are provisions in the measure to enable applications to be lodged in the several States, so that there will be nothing unfair in connexion with the patent agents of the different States. Until the Act comes into force, applications may be lodged with the Commissioner. We are told that this Act will not come into force until a date to be declared by proclamation. It may be within the power of the Government, by the exercise of executive authority, to appoint some person whom they will call the Commissioner of Patents before the Act comes into force; but I point out that that Commissioner will have no authority under the Act until it is proclaimed. It is proposed to provide under this clause that applications may be lodged at the Patent Office before the Bill actually becomes law, and that these applications shall be as good as if they were lodged after the Bill became law. But any applicant may make an application for a patent in a State Patent Office,

and he will have priority so far as the State is concerned. Suppose some person takes advantage of the information published in the States records, and makes use of a patented article in another State, it will be no longer novel in that State, and cannot be the subject of a patent. That is one of the difficulties we shall be getting into. Under the last two lines of the clause it is provided that—

Applications made under a State Patent Act may be lodged as prescribed before the commencement of this Act as applications under this Act—

Is not that very much mixed?

Senator DRAKE.—The honorable and learned senator is making a mistake when he says that the Act will not be law. It will be law; but the operation of the Act will not have commenced—that is the only difference.

Senator PEARCE.—No advantage can be conferred under the Act until it is proclaimed.

Senator DRAKE.—Yes.

Senator Lt.-Col. GOULD.—It is provided that this Act shall commence on a date to be fixed by proclamation. It requires not merely the approval of Parliament, but an act of the Executive to breathe life into it, and it can have no effect until it becomes law as the consequence of that act of the Executive. It can have no force, and it must be as if it did not exist.

Senator MCGREGOR.—No; it is in suspense all the time, until it is proclaimed.

Senator PEARCE.—Suspended animation.

Senator Lt.-Col. GOULD.—It is an Act of the Parliament, but it is to become law only when the Executive breathes the breath of life into it. To me it is undesirable that we should attempt to deal with something that is to take place anterior to an Act becoming law, and then try to protect what we have done under the Act itself. In my opinion, it would be better for the Executive to proclaim the Act the day after it receives His Excellency's assent, and to appoint an acting Commissioner for the time being, and allow applications to be lodged under the provision of the law itself. If this course were adopted it would save a world of trouble and difficulty of interpretation, because difficulty of interpretation will certainly crop up under a clause of so extraordinary a character. I think that Parliament should not pass a clause which has a tendency to cause confusion and difficulty to intending patentees. It is not our

desire to harass them, but to give them every possible assistance. It is proposed here to make provision that applications lodged with the Commissioner before the proclamation of the Act shall be given priority "as prescribed;" but at the same time the States' patents laws are not repealed, and inventors may lodge applications for patents under those States laws.

Senator MCGREGOR.—The Commonwealth Act will be in force before any patent can be granted under a State patent law.

Senator Lt.-Col. GOULD.—We have no knowledge as to when the Commonwealth Act will be brought into force. If a man applies in South Australia for a patent under the State law on the 1st January, and another man lodges an application for a patent for a similar invention in the Commonwealth Patent Office on the 2nd January, and the Commonwealth Act does not come into force for fourteen or twenty-one days afterwards, which of these men will be entitled to priority? I submit that the man who lodges his application in the State Patent Office will be entitled to priority so far as the State is concerned; and I point out that under this Bill any man who obtains a patent under a State Act is entitled, if no valid objection is raised, to have his patent extended to the whole of the Commonwealth.

Senator MCGREGOR.—That is quite right.

Senator Lt.-Col. GOULD.—I quite agree with the honorable senator, but I am pointing out the difficulty into which we may get under this clause. A has got a patent granted in New South Wales, and B has made an application for a similar invention in the Commonwealth Patent Office, and, on the question of priority, it must be clear that, if an applicant is to safeguard himself, he must lodge his application in a State Patent Office as well as in the Commonwealth Patent Office.

Senator PLAYFORD.—If we pass this clause we shall obviate the necessity for that.

Senator Lt.-Col. GOULD.—The passing of this clause will not obviate the necessity for that.

Senator PEARCE.—In the case the honorable and learned senator has mentioned, A would have priority for a patent in the State, and B would have priority for the rest of the Commonwealth.

Senator Lt.-Col. GOULD.—That is so. Under this clause one would get priority in the State and the other would have priority

in the rest of the Commonwealth. But I again remind honorable senators that, under a provision of this Bill, a man who secures a patent in any one of the States is entitled to have it extended to all the other States, and I say that to entirely safeguard his application the applicant must lodge his application in a State Patent Office and in the Commonwealth Patent Office as well. That will only be given intending patentees a great deal of extra trouble; but, so far as I can see, it will be the only course which they can adopt to render their applications perfectly safe, so far as the whole Commonwealth is concerned. The Government have a right to assume the responsibility in connexion with this matter. We are at the flag end of the session; honorable senators do not desire that we should lose the Patents Bill, nor do they desire to cause possible loss to applicants by objecting to these proposals, and, although I have a very strong objection to this clause, which I consider will be a blot upon the Bill, I am not prepared to go so far as to continue active opposition to it.

Senator KEATING (Tasmania).—With regard to the objection raised by Senator Gould as to the operation of the Act, I think there would be much to be said against the procedure adopted by the Government, if the circumstances were not as they are. It seems to me to be absolutely necessary that we should have this legislation in form for some time before we appoint the Commissioner and other officers who are to administer the Act. If the honorable and learned senator's suggestion, that the Act should be brought into operation contemporaneously with the appointment of the Commissioner, were adopted, it is quite possible that the Commissioner would not be able to administer an Act containing such far-reaching provisions, because, upon the proclamation of the Commonwealth Act, the Commonwealth Patent Office will take over the whole of the administration of the States Patent Offices.

Senator Lt.-Col. GOULD.—But the honorable and learned senator must see that an application lodged will be safe, even though it is not immediately dealt with.

Senator KEATING.—I am speaking now of the effect of the method adopted by the Government. According to Senator Gould, this legislation will not take effect until certain action is taken by the Executive.

The honorable and learned senator's objection, it seems to me, is that, as soon as the Act comes into operation, it will have a retrospective effect with regard to applications made previously. That is not an objection which would justify us in destroying our patents legislation for this session. The inconvenience so caused will be comparatively slight, in comparison with the advantages which we hope to gain by appointing a Commissioner at such a time that he will be enabled to get a good grip of the requirements of the legislation which he will have to administer.

Senator PEARCE.—The omission of this clause will not affect the power of the Government to appoint a Commissioner before the proclamation of the Act.

Senator KEATING.—Certainly not. But I am dealing with the objection raised by Senator Gould, and I think the inconvenience to which he refers will be comparatively slight, and is an inconvenience to which we must submit to overcome the difficulties of the situation. As to the objection raised by Senator Pearce, which is to some extent indorsed by Senator Gould, the honorable senator is confusing the proposed new clause with a clause designed to confer upon applicants patent rights. This clause is designed to do nothing of the kind.

Senator PEARCE.—I never assumed that it was.

Senator KEATING.—It is simply designed to enable any person who wishes to obtain a patent for an invention to take either or both of two courses. He can go to a State Patent Office and make an application for a patent, and he can rest upon that and upon this legislation in the hope that the patent he obtains from the State Patent Office will be ultimately extended to the whole of the Commonwealth; or he may, if he choose, before this Act is proclaimed into operation, make application to the Commonwealth Patent Office for a patent to apply to the whole Commonwealth. Senator Gould has given an instance in which this might work inconveniently. He has pointed out that if A applies on 1st January in a certain year at a State Patent Office for a patent in respect of a certain invention, he secures priority for his application in that State Patent Office, and, under this legislation, the patent which he obtains may afterwards be extended to the whole of the Commonwealth. The honorable and learned senator then assumes that on the 2nd of January,

B lodges an application in the Commonwealth Patent Office under this new clause to secure priority for the whole of the Commonwealth. But this does not mean that he is to get patent rights, but that his application for a patent shall be first considered. In dealing with the application, the Commissioner will have to consider every objection which A may bring forward as a person who has made an application prior to that lodged by B in the Commonwealth office. The Commissioner has to decide whether B is the actual inventor, the assignee, nominee, or legal representative of the actual inventor; whether the alleged invention is novel, or whether it has been in use by the public for some considerable time. All these are matters which the Commissioner and examiners will have to determine as between A and B. The converse would apply in the case of applications lodged with the State Patent Office. Suppose B applies on 2nd January in the Commonwealth Patent Office before this legislation comes into actual operation, and he knows that A has previously lodged an application in the State Patent Office, it will be his manifest duty, if he desires to protect himself against a claim for priority on the part of A, to go to the State Patent Office and lodge his objection to a patent being granted to A.

Senator MILLEN.—Suppose the applications are lodged simultaneously?

Senator KEATING.—If the question is only one of the time at which applications are lodged, it may be easily determined. If the applications are simultaneous, in the settlement of the question as to who shall be granted the patent, the Commissioner and examiners must fall back upon the other conditions, and decide as to who is the original inventor, and which invention is novel.

Senator PEARCE.—The honorable and learned senator has not noticed that under the other part of the clause applications made under a State Patent Act may be lodged as prescribed before the commencement of this Act as applications under this Act.

Senator KEATING.—The whole clause is designed to give applicants an alternative. They may lodge their application in the Commonwealth Patent Office, or in a State Patent Office. It is pointed out that

whilst an applicant who lodges his application in the Commonwealth Patent Office may be entitled to priority so far as regards the Commonwealth, a rival lodging an application with a State Patent Office may be entitled to priority so far as regards the State in which he applies.

Senator PEARCE.—The application in the State office by the new clause is extended to the Commonwealth.

Senator KEATING.—I have already admitted that, and I point out that the whole of the difficulty that will arise in the hypothetical cases submitted will be settled by the action of the parties themselves. If Senator Pearce were to apply to a State Patent Office for a patent in respect of an alleged invention, he would be entitled under the second part of this clause to have his patent extended to the whole of the Commonwealth, provided he succeeded in getting a patent from the State Patent Office. If after his application was lodged Senator McGregor were to lodge an application for a patent for a similar invention at the Commonwealth Patent Office, he would be entitled under the first part of the clause to priority "as prescribed" when the Act came into operation. He would be entitled to priority of consideration, but he would not necessarily be entitled to the grant of a patent. Both honorable senators would see that each was taking action calculated to prejudice the claim of the other, and they might be relied upon in their own interests to take such steps as would enable the proper authorities of either the State or the Commonwealth Departments to decide which was entitled to patent rights in either the State or the Commonwealth. So far as I can see, the whole of the difficulties which have been suggested as likely to arise under this clause will be solved by the action of the parties interested. By extending facilities for the consideration of applications, we do not affect the granting of patent rights, and the parties interested may be left to take such a course as will secure their own rights. If honorable senators will reflect that this clause is not one which binds the Crown in any way to grant a patent, but a clause which only provides for priority of consideration in certain circumstances, they will see that it is designed simply to extend facilities to applicants, but giving them nothing absolutely—neither provisional protection nor a grant of letters patent.

Senator PEARCE.—In the one case there is a possibility of getting something, but in the other case there is no possibility of getting anything.

Senator KEATING.—If there is an application to the Commonwealth office for a patent in respect to the same invention, we may trust the real inventor to take such action in regard to the State administration as will prevent his rival from over-reaching him. The more we extend these facilities the greater convenience we provide for the public, but the greater range of facilities the more difficult and complicated may be the questions which may arise as between parties. I think that honorable senators will recognise that it is only a question of competition between rivals, and that for its determination plenty of machinery is provided in the State law until this Bill comes into full operation. When honorable senators recognise that that is all which the clause is intended to provide for, they will see that, in the working of the Act, there will be no difficulties of the character which have been referred to by Senators Pearce and Gould.

Senator CHARLESTON (South Australia).—Last week, after a very hasty consideration, I thought that the advantage would be in favour of the maintenance of the clause, but during a recent visit to Adelaide it was pointed out to me by several patent agents that it might prove to be very detrimental to those who are anxious to acquire patent rights from the Commonwealth office, and to-day I received the following telegram from three leading firms of patent agents in that city:—

Section 28A will concurrently allow Federal applications and States applications. In six or seven separate State Patent Offices, which of them would take precedence? We fear much litigation and conflict must result. Section 6A, following Canada, Germany Confederations, renders 28A unnecessary. Please show to senators.

These gentlemen have given very great thought to this subject, and evidently they fear that if the clause is passed as it stands it will cause great confusion and anxiety and may lead to very great litigation. The word "priority" has been understood by those gentlemen to mean that the applicants should have the first claim; but Senator Keating has pointed out that what it means is that they shall not have a prior claim to protection, but merely priority as to consideration.



Senator DRAKE.—The remarks of Senator Gould seem to point to the advisability of the Act being brought into operation as speedily as possible, as, no doubt, it will be; but I still think it may be necessary to appoint a Commissioner a short time before it comes into operation, in order to make the necessary preparations. It is true that during the intervening period there will be a balance of advantage and disadvantage. Suppose that it were enacted that until the Act really came into operation no inventor should have the opportunity of making an application for a Commonwealth patent, the result would be, I think, not that they would go to the separate State offices, but save up applications for the particular day when it would come into operation, and then there would be such a rush of applications that the same difficulty would arise in deciding questions of priority. What the clause seems to aim at is to prevent that confusion from arising by allowing a man to put in his application as soon as it is ready, and the Commissioner to take charge of it so that on the day on which the Act does come into operation it is there for consideration. The order in which applications will be considered will be settled by regulations.

Senator MCGREGOR (South Australia).—No one has shown what disadvantage will arise from the enactment of this clause. I can see a great deal of advantage in its retention, but Senator Pearce cannot show that it will create any disadvantage. The only advantage which it gives is to extend the opportunity of making applications, and as soon as the Act comes into full operation the provision is exhausted. A feeling seems to exist in the minds of some honorable senators that dozens of persons will be lodging applications for a patent in respect to the same invention. I do not anticipate anything of the kind being done. A difficulty can only arise in a case where two persons have applied for a patent in respect of the same invention, and there is machinery in the Bill to investigate all these applications. The authorities will decide which is the actual inventor, and although the applications might have been lodged at the same moment that person will get the patent. If the clause is passed as it is, I feel sure that any one who has an opportunity of making an application to the Commonwealth office will not go to the State office. Of course, if it should be more convenient to a person to apply

through the State office, he can do so. In either case, the applicant is only protected in regard to his application.

Motion agreed to.

Resolution reported; report adopted.

#### RULES PUBLICATION BILL.

Bill received from the House of Representatives and (on motion by Senator DRAKE) read a first time.

Senator DRAKE (Queensland—Attorney-General).—I move—

That the Bill be now read a second time.

I think that there will be no difference of opinion about this small Bill which is of a legal nature. It is entirely in the direction of carrying out a wish which has very often been expressed by honorable senators, that the public should have an opportunity of considering rules which are made under the authority of an Act of Parliament before they really come into force. It will be remembered that most statutes contain a provision that rules may be made to come into operation as soon as they are published, but that afterwards they shall be laid on the table of either House for a certain number of days. This Bill provides that in all those cases a notification must be given within sixty days of an intention to introduce such rules; during that period any person may obtain a copy of the rules, and any suggestions which are made by any person interested will be considered by the rule-making authority. That will be a considerable advantage, because afterwards it will be impossible for any one to say that no opportunity was given to the public to see what the rules were before they came into operation. We are following the lines of the Imperial Act of 1893. The second part of the Bill provides for the proper publication of rules. Very often regulations are made and gazetted and laid on the table of either House, and afterwards it is very difficult for a person to find the *Gazette* in which they were published. Following the English practice, it is proposed in this Bill that the rules so made shall be published yearly in book form. I hold in my hand a copy of the English rules and orders for 1902, as published under the authority of the Rules Publication Act of 1893. Where it is absolutely necessary that a rule should come into operation before the expiration of the sixty days, it is provided that rules may be made under the Act, so that they shall only have force until such time as the ordinary rules,

with regard to which notice must be given, can obtain the force of law.

Senator Lt.-Col. NEILD.—Clause 2 refers to rules, regulations, or by-laws made under any Act; but the rest of the Bill seems to relate to rules of court.

Senator DRAKE.—Any rules which are made under the authority of an Act of Parliament, and which are to come into operation before they are laid on the table of either House, are the rules to which the Bill refers.

Senator Lt.-Col. GOULD (New South Wales).—So far as I have been able to follow the explanation of the Attorney-General, it would appear to me to be a step in the right direction to enact a provision whereby rules and regulations may be considered before they are approved, and the public may have an opportunity of obtaining a copy of any rules or any regulations. A great deal of difficulty and inconvenience is invariably experienced by persons who seek to find out what rules and regulations have been made under an Act of Parliament. But taking the measure as the honorable and learned senator has explained it, it appears to me that we may very well accept it, especially as it is by no means legislation of an experimental character, but merely follows the rules set out by the Imperial Parliament. But there is one matter about which I should like to have some explanation. I find that the heading of this Bill is entirely different from the headings of Bills which generally come up from another place. This Bill is headed as follows:—

This Bill originated in the House of Representatives; and having this day passed, is now ready for presentation to the Senate for its concurrence.

The Bill to amend the Public Service Act is headed differently. It is headed—"As received from the House of Representatives, and read a first time, 15th October, 1903." I think that this is an entirely new departure. Under whose authority it has been taken, I do not know. But it is not a matter which we should pass over without comment.

Senator DRAKE.—We adopt the same form when we send a Bill to the House of Representatives.

The PRESIDENT.—The reasons why the words quoted by Senator Gould are placed upon the front of this Bill are these: This is one of the last days of the session, and in

order to save time this Bill was printed by the House of Representatives; and it has printed on it their certificate. It is true that that is not ordinarily done. But we always receive the same certificate, and we always send the same certificate on Bills which are transmitted from the Senate to the House of Representatives. Here is the certificate placed upon the Bill relating to patents and inventions which originated in the Senate—

This Bill originated in the Senate; and having this day passed is now ready for presentation to the House of Representatives for its concurrence.

So that there is really no new procedure whatever. The only reason why this certificate appears upon the forefront of the Bill is that to save time the Bill has been printed by the House of Representatives, and we have it before us with the certificate of the Clerk of the House upon it.

Senator Lt.-Col. GOULD (New South Wales).—I thank you, Mr. President, for the explanation, which, of course, I am quite prepared to accept. I am glad to know that this Bill has been received in the ordinary way in which messages from the House of Representatives are received. After the explanation I have no more to say, but it seemed to me to be a point that called for some remark. I am glad that any misapprehension which might exist has been removed. I have only to add that I recognise that the Bill is a good one, and I am quite sure that honorable senators will not occupy very long in discussing it.

The PRESIDENT.—Perhaps I may be permitted to make a remark before the Bill is read a second time. It is this: A question arises upon this Bill as to what ought to be the power of the Senate. I have only just seen the measure, but, speaking subject to correction, it seems to me that, although the regulations alluded to in it are to be laid before Parliament, there is no power given for Parliament to interfere with them. In clause 3, sub-clause (3), it is provided that such regulations shall be laid before Parliament. When they are laid before Parliament, what has Parliament to do? In many measures which we have passed it was provided that the regulations should be laid before both Houses of Parliament, and that if before a certain date either House passed resolutions disagreeing with them, they should cease to have the effect of law.

Senator DRAKE.—That has been done under exceptional circumstances, but this is the usual course.

The PRESIDENT.—I do not think it is the usual course. This Parliament has only been in existence three years, and we have to determine what ought to be the usual practice. Ought Parliament to give power to the Executive or to some authority outside Parliament to make regulations under an Act of Parliament, and not reserve to Parliament itself an opportunity to review those regulations? I can see no power which is given by this Bill to review the regulations made under it. It is quite true that they must be laid before Parliament, and Parliament may discuss them, but Parliament cannot amend them. Parliament should have that power, and that is a question that ought to be considered.

Senator Lt.-Col. NEILD (New South Wales).—I think that the Senate is indebted to you, sir, for drawing attention to a palpable omission.

Senator DRAKE.—It is not a palpable omission; it is the usual practice which we have adopted with regard to nearly all our Acts.

Senator Lt.-Col. NEILD.—I have to draw attention to the fact that the Senate spent a considerable amount of time in arranging for the right of parliamentary intervention in connexion with all regulations that may be framed under the Defence Bill. It will be recognised that, as far as that measure is concerned, the regulations are of more importance than the Bill itself, which is merely a framework upon which to hang regulations. The regulations are of all importance. I do not know how far this Bill will affect other measures which we have passed, or will affect the right of Parliament to review regulations made under them. We now have an opportunity of drawing attention to that matter, and in Committee I hope the Bill will be so amended in this particular as to obviate any chance of Parliament being deprived of the opportunity of considering and amending regulations. As we have been careful to provide for this right in many measures which we have passed, it will be a deplorable thing if by passing this Bill we limit our right to correct any regulation that is disapproved of, or to render our disapproval of no avail.

Senator DRAKE.—Does the honorable senator suppose that this Bill makes an alteration in what we have already passed?

Senator Lt.-Col. NEILD.—I am merely raising the question.

Senator BEST.—This Bill is merely an enabling measure.

Senator PLAYFORD.—Parliament can always interfere with regulations if it likes.

Senator Lt.-Col. NEILD.—It seems to me that there is very little use in deliberately passing a Bill which secures to ourselves certain conveniences, and then passing another Bill which limits our right. I may point out, for instance, that section 220 of the Customs Act provides that the Government are to make regulations; and section 271 provides that all such regulations shall be published in the *Gazette*; shall have effect from a later date, be laid upon the table of both Houses of Parliament, and, if either House of Parliament passes a resolution within fifteen days of the laying of the regulations upon the table disallowing any one of them, such regulation shall cease to have effect.

Senator DRAKE.—This Bill does not make the slightest difference to that provision.

Senator Lt.-Col. NEILD.—There is a similar provision embodied in the Defence Bill.

Senator DRAKE.—This Bill makes no difference to that.

Senator Lt.-Col. NEILD.—I am not contesting the opinion of the Attorney-General; but when a high legal authority like the President differs from the honorable and learned senator I have a right to doubt which of the two eminent lawyers is correct. If there is a doubt about the point I shall have much pleasure in assisting to amend the Bill in Committee; but so far as concerns its second reading, I shall give it my support.

Senator DRAKE (Queensland—Attorney-General).—I cannot help thinking that there has been some misapprehension with regard to the provisions of this Bill. The President's remarks have given rise to misapprehension, because some honorable senators have gathered from them that the Bill makes some alteration with regard to the period or the circumstances in accordance with which regulations have to be laid before Parliament. That is not so. Each Act of Parliament contains its own provisions with regard to laying regulations before Parliament. Senator Neild has alluded to the Defence Bill. That Bill contains provisions as to the circumstances

under which regulations are to be considered by Parliament. If an Act says that regulations are to be laid upon the table within fourteen days after the meeting of Parliament, that will be done. If an Act says that regulations shall not be valid if either House of Parliament passes a resolution disapproving of them, that has effect. Not the slightest alteration is made in any law with regard to those matters. But there are certain regulations which take effect before they are laid upon the table of Parliament, and this Bill deals with them. Clause 6 refers to the regulations that may be made under this Bill; and in order to prescribe the particular class of regulations that have to comply with the conditions of this Bill, those regulations will have to be laid before both Houses of Parliament within thirty days after the making thereof.

Question so resolved in the affirmative.

Bill read a second time.

*In Committee :*

Clauses 1 and 2 agreed to.

Clause 3—

(3) The statutory rules to which this section applies do not include any statutory rules if they or a draft thereof are required to be laid before the Houses of Parliament for any period before the rules come into operation.

Senator Sir RICHARD BAKER (South Australia).—I do not think I have made myself properly understood in reference to the matter to which I have previously alluded. I quite agree that this is a very good Bill. What I object to is that it does not go far enough. We have no settled practice in reference to rules and regulations. Our Constitution has only been in force three years, and we have passed several laws which contain sections with regard to regulations. In some of those Acts Parliament itself provided what should be done with the regulations. For instance, the Public Service Act contains such a provision. In some of our Acts we have provided that the regulations shall be laid before Parliament, and that if any of them are disagreed with by either House they shall cease to have force and effect. What I wish to call attention to is that it is desirable to have one course of procedure in reference to all rules made by the Executive in pursuance of Acts of Parliament. If we lay down that procedure we ought to regulate it under this Bill. Why should we have a different course of

procedure, and different circumstances arising in connexion with rules made in pursuance of the Public Service Act, and rules made under the Audit Act? I venture to submit that clause 3 is the proper clause upon which to raise this question. Clause 6 refers to another set of rules or regulations for carrying this Bill into effect, and I put that on one side as having nothing to do with the point I raise. I say that it will save a lot of time and trouble hereafter in the passing of Acts of Parliament if we have one settled course of procedure as to what shall happen when the Executive passes rules in pursuance of an Act of Parliament. Ought we not to lay it down in this Bill, that in all cases the Legislature should have some control over these rules? I do not desire to infringe the Standing Orders by referring to what has taken place this session, but I may, perhaps, be permitted to remind honorable senators that we have had a long debate in reference to regulations published under the Public Service Act, and during the course of that debate, it transpired that whilst the Senate might express an opinion, we had no right to negative any rules passed under the Public Service Act with which we disagreed. Ought we not to have such a power? Having legislative power in this Senate, ought we not to provide for carrying it into effect, and not hand it over to the Executive? I admit that regulations will have to be framed by the Executive in a great many instances. It is only right and proper that we should not go too much into detail, and that we should leave such matters of detail to the Executive, but ought we not to reserve to ourselves the right to say that any regulations framed by the Executive under an Act of Parliament, are such as we did not contemplate, and that we therefore desire to negative them? If honorable senators agree that we should have that right, now is the time to take action.

Senator DRAKE (Queensland—Attorney-General).—I have heard some honorable senators applaud the suggestion of Senator Baker that Parliament should have more control over regulations made by the Executive, but I hardly think that these honorable senators can approve of the present proposal that there should be one hard and fast rule made with regard to all regulations, whether comparatively important or unimportant. The principle upon which he has acted hitherto seems to me

to be the correct one. We have dealt with the power of the Executive to make regulations under each separate Act which we have considered. Senator Neild, speaking only a few moments ago, with reference to the Defence Act, referred to the special precautions taken in connexion with that Act on account of the immense importance of the regulations made under it. Surely honorable senators when passing an Act should be able to judge its importance, and should be able to decide whether regulations made under it should be subject to the power of Parliament to confirm, to negative, or to amend? In each case in which we grant the power to make regulations, we can decide the conditions under which they shall be made. We can do that in considering every Bill separately, as has been the practice hitherto. It would be a fatal mistake for the Senate to lay down a hard and fast rule with regard to all regulations, so that regulations which might be of a comparatively unimportant character should be required to be laid upon the Table for the same length of time, and be subject to the same precautions as regulations under another Act, which might be as important, if not more important than the Act itself. I think we have been going upon right lines in the past in dealing with each case separately, and it would be a great mistake to introduce into this Bill a hard and fast rule, governing regulations made under every Act of Parliament. I remind honorable senators that this Bill deals with rules of Court, as well as with regulations, made by the Executive in connexion with Government Departments, and one practice ought not to be made applicable to different rules. Let each case be judged on its own merits in accordance with the practice of the past, and if it is found, upon consideration, that any provision, with regard to regulations, has not been made sufficiently stringent, let the Act under which these regulations are made be amended so as to make the provision more effective with respect to the regulations governing that particular matter. I ask honorable senators not to deal with the question in this Bill.

Senator Lt.-Col. GOULD (New South Wales).—In reference to the remarks made by Senator Baker, I may say that I have always contended for the right of Parliament to disallow and disapprove of regulations made under any Act if they see fit. I know that in many cases that provision has been

made; but I think that the provision has depended as much upon the temper of the House at the time as upon the importance of the subject dealt with. I think that nearly every Bill introduced by the Government has been introduced without the provision giving Parliament power to disallow regulations made under it. I find, on referring to the Customs, Excise, and Distillation Acts, that provision is made enabling either House of Parliament to pass a resolution at any time within fifteen sitting days after the regulations have been laid before the House, disallowing such regulations, and that upon the passing of such a resolution, the regulations disallowed shall cease to have effect. I think that right should be given to Parliament with regard to all regulations made under any statutory power. It must not be forgotten that these regulations become the law of the land until the Executive repeals them, or Parliament alters the law, and Parliament, in some instances, has no power by resolution to do anything. The disadvantage is that whatever Parliament may desire to do, while a regulation remains in force, persons bound by it may be submitted to pains and penalties, or may be compelled to perform duties which may be very obnoxious to them. A number of our Acts contain no provision controlling regulations, and amongst them I may mention the Commonwealth Public Service Act and the Post and Telegraph Act. Those are Acts of primary importance, and the fact shows that Parliament has not exercised a wise discretion in controlling the power of the Executive to issue regulations under important Acts. I think it would be well to make some provision requiring that all regulations made under an Act of Parliament shall be laid upon the table in both Houses, and shall cease to have effect if Parliament disapproves of them. I think it would be far better to have one general law dealing with the subject than to have a special provision in connexion with each particular Act.

Senator DRAKE.—What about rules of Court?

Senator Lt.-Col. GOULD.—They are in a different category altogether.

Senator DRAKE.—They are included in this Bill.

Senator Lt.-Col. GOULD.—I know that they are dealt with in this Bill; but they are in a different category from rules made by Executive authority, and, as a general rule.

regulations so made should be open to disallowance by Parliament. If they are of no importance, no one will worry about them; but if they are of great importance, Parliament will be given an opportunity to interfere, and to see that the regulations framed are such as will be satisfactory. If Senator Baker considers this matter of sufficient importance to justify him in submitting an amendment, which will make this rule applicable to regulations under all Acts of Parliament, I shall be willing to support him. I think it is a wise principle to adopt. It would save Members of Parliament from a great deal of unpleasant contention with Ministers, which it is just as well we should avoid if it is possible to do so in some amicable and friendly manner.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That the words "before the rules come into operation" be left out.

I should be glad if upon this point I were listened to with some little care. I submit the amendment because this clause, if passed in its present form, will apply to every Act which has recently been mentioned. Both the Defence Act and the Customs Act give to either House of Parliament the right of disallowance in respect of regulations which may be framed under them; but this particular clause is so drawn that if the words which I propose to leave out are retained, this Bill will not exclude those Acts, but will include them, because they do not require that regulations made under them shall be laid before Parliament before they take effect. Regulations made under the Acts take effect immediately they are promulgated. They are, therefore, not within the operation of this Bill, and I object to that, because it muddles up the question of the effectiveness of one Act as against another, and we shall have one Act conflicting with another.

Senator DRAKE.—There is no conflict whatever.

Senator Lt.-Col. NEILD.—The Attorney-General will perhaps see that there is a conflict in this way: We have passed a Customs Act and a Defence Act, in which it is specially laid down that, although the Executive may frame regulations, Parliament has the right of veto with respect to those regulations.

Senator DRAKE.—But the regulations come into operation before they are laid on the table.

Senator Lt.-Col. NEILD.—I do not know that I make myself clear, but it is very clear to me that we have passed two measures which give the Senate and the House of Representatives the right of veto in respect of regulations made under those Acts, although those regulations may be in full force at the time when the veto is applied.

Senator PLAYFORD.—They are not included.

Senator Lt.-Col. NEILD.—They are included, because they come within the limitation of sub-clause 3 of this clause. Acts excluded by this third sub-clause are Acts the regulations under which require to be laid before Parliament before they come into operation. The regulations under the Customs Act and the Defence Act come into operation before they are laid before Parliament.

Senator Lt.-Col. GOULD.—The honorable senator will need to strike out the whole of sub-clause 3 to secure what he desires.

Senator Lt.-Col. NEILD.—As I find there is so much interruption, I shall not bother myself any more about it.

Senator DRAKE.—I hope I have not offended the honorable senator.

Senator Lt.-Col. NEILD.—No; but I find it quite impossible to maintain an argument upon an abstruse point when there is so much interruption.

Senator DRAKE.—When it is provided by an Act of Parliament that regulations made under it have to be laid on the table of either House before they come into operation, it is presumed that the public will be given an opportunity through their representatives of considering them. This Bill is intended only to deal with rules and regulations which come into force before they are laid on the table of either House of Parliament. In order to insure that the public shall be given an opportunity of knowing what they are before they are enforced, this Bill provides that at least six days before the making of any statutory rules, notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, shall be published in the *Gazette*.

Senator Lt.-Col. GOULD.—Even if under an Act power is reserved to Parliament to disallow regulations, this Bill will apply to

them if they come into force before they are laid upon the table of either House.

Senator DRAKE.—That is so. Where regulations come into force before they are laid upon the table of either House it is provided in this Bill that they shall be published for at least sixty days before they can be enforced, that the public may know what is proposed, and that persons interested may be able to discuss them.

Senator Lt.-Col. GOULD.—I presume that this will not interfere with the right of disallowance of regulations given under various Acts.

Senator DRAKE.—Not in the slightest degree.

Senator Lt.-Col. NEILD.—I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Senator WALKER (New South Wales).—I move—

That the following new sub-clause be added :—

“(4.) Either House of Parliament may by resolution negative any rule or rules, and thereupon such rule or rules shall have no force or effect provided that such resolutions shall be proposed within thirty days after the rule or rules have been laid before the Houses of Parliament.”

That amendment will, I think, to some extent meet the views of Senators Baker and Neild.

Senator DRAKE.—I should like, Mr. Chairman, to ask your ruling as to whether the amendment proposed can be put. This is a Bill for the publication of statutory rules, and it deals with that subject only. How can the honorable senator drag in a clause which would practically repeal portions of nearly all the statutes we have passed this session. In nearly every statute we have passed this session there is a provision with regard to the method of laying upon the table of either House of Parliament regulations promulgated under it. Senator Walker now proposes an amendment which will alter all those Acts. We have considered this matter separately in connexion with each of those Acts. Sometimes we have proposed that regulations shall lay upon the table in either House for a longer, and at other times for a shorter, period; and now, by this amendment, the honorable senator proposes to make an alteration in all those Acts. I submit that the amendment is not within the scope of the Bill.

Senator Sir RICHARD BAKER.—The Attorney-General has advanced an argument

which I might have advanced. The honorable and learned senator has stated that we have provided in all the Bills we have passed what statutory powers Parliament shall retain over regulations. I have made a suggestion with the object of avoiding the necessity for considering this matter in connexion with every Bill that is brought before us. Surely it is better to have one rule laid down in a particular Act, dealing with this subject, rather than that Parliaments should have to discuss, perhaps for hours in connexion with each Bill that is introduced, whether the rules to be framed under it shall be laid before Parliament for fifteen days, thirty days, or two months?

Senator DRAKE.—Why not judge each case on its merits?

Senator Sir RICHARD BAKER.—My object is to avoid the necessity for discussing in connexion with every Bill, the conditions under which any regulations framed under it shall have force and effect. If the Attorney-General desires that the provisions of this clause should not apply to Acts which we have already passed, I should not have the slightest objection. I am looking to the future and not to the past. I am having regard to the large number of Bills which will be passed under the Federal Constitution, and I wish to avoid the necessity of discussing on each the term during which the regulations shall lie on the table of Parliament—of discussing whether a resolution of both Houses, or of only one House shall be required, or whether the regulation shall have force and effect without a resolution of either House, and other similar questions which have taken up so much of our time. There ought to be one simple rule.

The CHAIRMAN.—As to the point of order, I think the amendment is relevant to the subject-matter of the Bill, and consequently I must receive it.

Senator PLAYFORD (South Australia)—Vice-President of the Executive Council).—I am certainly of opinion that this Bill is not the proper measure for a proposal of the kind submitted by Senator Walker. Legislation of so general a character dealing with all matters relating to regulations, and introducing a uniform practice, ought to be by means of a separate Bill. The amendment before us will interfere with measures already passed, such as the Patents Act, in which the period fixed is fifteen days.

Some Acts prescribe a longer period and some a shorter period, and others provide that regulations cannot be nullified without the consent of both Houses.

Senator Lt.-Col. NEILD.—The Chairman has already ruled that the amendment is in order, and the Vice-President of the Executive Council is distinctly challenging that ruling.

Senator PLAYFORD.—I am not challenging the Chairman's ruling, but simply pointing out that this is not the Bill for Senator Walker's amendment, which would have the effect of repealing provisions in a number of other Acts. We ought not to deal with such matters by a hard-and-fast rule. There are regulations of such importance that they ought not to be annulled by a simple resolution of one House, and there are other regulations of not so much importance which might very well be left in the discretion of either branch of the Legislature. My own opinion is that cast-iron rules and regulations are bad—that it is a great deal better to deal with each case on its merits. No doubt these regulation provisions entail considerable discussion, but the time spent is certainly not wasted, and it is a great deal better to adopt that plan than any cast iron rule.

Senator WALKER (New South Wales).—I shall be quite willing to accept a suggestion to make the period fifteen sitting days.

Senator DRAKE.—The matter had better be dealt with on some other occasion.

Senator WALKER.—I shall have to press the amendment, but I am quite willing to make the time fifteen sitting days, and I ask leave to alter my proposal so as to provide for that period.

Amendment amended accordingly.

Senator Lt.-Col. NEILD (New South Wales).—It seems that, perhaps unintentionally, the Vice-President of the Executive Council has just made a speech in direct opposition to the principles enunciated by the Attorney-General when introducing the Bill. What is the object of a Bill unless it be to provide for uniformity of practice? That was the view presented by the Attorney-General, and it is a view with which I am in agreement. But the Vice-President of the Executive Council argues eloquently for chaos—he objects most strenuously to any cast-iron rule. The honorable gentleman has used the phrase “cast-iron rule” so frequently as to be almost guilty of “tedious

repetition.” I cannot agree with both Ministers, who are directly opposed to each other. The object of the Bill is to introduce some established practice as contended for by the Attorney-General, as against the haphazard practice advocated by the Vice-President of the Executive Council, and, having regard to the exigencies of public business, I must give my support to the Attorney-General, and consequently to the amendment, which is in favour of some settled uniformity. Senator Playford wishes to have a cheerful uncertainty.

Senator PLAYFORD.—No.

Senator Lt.-Col. NEILD.—The honorable gentleman wishes to legislate for a cheerful uncertainty in matters of this kind.

Senator PLAYFORD.—For a glorious variety.

Senator Lt.-Col. NEILD.—Then I must support the Attorney-General as against the Vice-President of the Executive Council with his “glorious variety.”

Senator DRAKE.—I am inclined to think that Senator Neild is joking, because there is no conflict between my colleague and myself. We are dealing with the publication of regulations before they come into force; and that has nothing whatever to do with the provision in the various Acts as to the term during which regulations shall lie on the table of Parliament. I cannot think that Senator Walker is quite serious in proposing this amendment; at any rate, I hope he will not succeed, because his proposal would only lead to unnecessary delay. Senator Walker, first of all, proposed that the period should be thirty days, and then suddenly he reduced it to fifteen sitting days.

Senator WALKER.—The Vice-President of the Executive Council drew attention to the fact that fifteen sitting days is the period fixed in other Acts.

Senator DRAKE.—Doubtless Senator Walker's intention was to reduce the period from thirty days to fifteen; but, on the suggestion of some other honorable senator, he added the words “sitting days,” which would really extend the period of thirty days to forty-five or sixty days. In the Customs Tariff Act, the Defence Act, the Public Service Act, and the Patents Bill, we carefully considered in each case what provision ought to be made to safeguard the regulation-making power. Senator Walker, however, proposes to make a hard-and-fast rule, which is not desirable, especially as we are dealing, not only with



regulations under Acts of Parliament, but with rules of Court. These rules of Court sometimes deal with insignificant matters, and have to be drawn up by the Judges in a few minutes, in order, perhaps, to deal with some special point which has arisen. Yet it is proposed that these rules shall lie on the table of Parliament for fifteen sitting days, which may mean five weeks. Surely the honorable senator does not want to press his amendment with regard to rules of Court which may be passed in recess.

Senator Sir RICHARD BAKER (South Australia).—I think that, perhaps, the better course would be for Senator Walker to withdraw his amendment. The whole of this discussion has been most unsatisfactory, owing to the fact that the Government sprang a surprise on us in asking us to consider and pass a Bill which we had not seen until a moment or two before. Under the circumstance it is not surprising if senators have got a little astray. The Attorney-General, when he makes fun of fifteen sitting days as the time during which rules and regulations may be negatived by either House, must recollect that that is his own Ministerial proposition.

Senator DRAKE.—In the case of the Defence Bill.

Senator Sir RICHARD BAKER.—Such a proposal must be equally absurd in the instance in which the Government fathered it as in the present instance. However, I admit that we do not thoroughly understand the Bill. At any rate, I am sure I do not understand the Bill, because I have not read it, and I do not know who has. Perhaps we might allow the measure to pass, because I do not suppose it can do much harm in its present state. But notwithstanding what Ministers have said, this discussion will bear fruit, and before long there will be a Bill laying down some course of procedure as to regulations made in pursuance of an Act of Parliament. Such a Bill would, I feel sure, shorten debate, and be most beneficial in many ways. It would enable honorable senators and the general public to know what their rights are; there would be a certain time within which action would have to be taken to be effectual. At the present time each particular Bill contains within itself its own procedure, whereas a uniform practice would be advisable. I suggest that Senator Walker should withdraw his amendment.

Senator BEST (Victoria).—I may be forgiven for leaving the Chair for the purpose of saying a word or two in support of the suggestion that the amendment be withdrawn. This is a proposal of such serious moment, and one which would be productive of so much confusion in the future, that I hope that the Senate will hesitate before giving it their approval. To some extent the amendment has special reference to rules of Court; and it practically means that legal practitioners may for five or six months, when Parliament is in recess, work under rules which, within fifteen sitting days after Parliament meets, may be disallowed. Under such circumstances, according to the amendment, everything done under the rules during the five or six months would be null and void.

Senator Lt.-Col. GOULD.—I do not agree with the honorable and learned senator.

Senator BEST.—The words used in the amendment are that, in case of disallowance, the rules "shall have no force or effect provided such resolution shall be proposed within fifteen sitting days after the rules have been laid before Parliament." That means that what had been done in the meantime would be rendered useless and void. I do not deem it my duty to deal with the Bill immediately before us or with the question of the necessity for uniformity; but I suggest that the amendment would not achieve the object desired by Senator Walker. On the other hand, it would be productive of much confusion in the direction I have indicated.

Senator Lt.-Col. GOULD (New South Wales).—The addition of one or two words would get rid of the objection raised by Senator Best. It might be provided that if any rules be disallowed by Parliament, they shall thenceforth have no effect. I find that under the Electoral Act, in regard to the Rules of the High Court, the provision is made :—

The Justices of the High Court, or a majority of them, or until the High Court is established the Governor-General may make Rules of Court not inconsistent with this Act for carrying this part of this Act into effect, and in particular for regulating the practice and procedure of the Court, the forms to be used, and the fees to be paid by parties.

Every Rule of Court made in pursuance of this section shall be laid before the Senate and the House of Representatives within forty days next after it is made if the Parliament is then sitting, or if the Parliament is not then sitting, the

within forty days after the next meeting of the Parliament; and if an address is presented to the Governor-General by either House of the Parliament within the next subsequent forty sitting days of the House praying that any such rule may be annulled, the Governor-General may thereupon annul the same—

So far, that follows the proposal made by Senator Walker; but the provision proceeds—

and the rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which have in the meantime been taken under it.

The addition of similar words to the amendment before us would get rid of Senator Best's objection. Practitioners know that rules, like Acts of Parliament, may be altered at any time; and it is for them to keep their eye on legislation. It may be as well under the circumstances for Senator Walker not to persist with his amendment, which, however, lays down a principle that I hope will be accepted by Parliament at an early date. If each Act has to be looked up in regard to regulations, an element of uncertainty is raised in the minds of the general public. But if we have a standard rule under which a certain course of action has to be taken, the public can easily find out whether a regulation is or is not in force. A regulation ought to take effect from the date on which it is passed by the proper authority, except, of course, in special cases, while the disallowance of a regulation should only take effect from the date on which it is disallowed, and anything done previously should be perfectly valid and of full effect.

Senator PULSFORD (New South Wales). For a long time I have had a strong feeling that we have far too much government by regulation, and that any step which can be taken to bring any regulations that are framed under the review of Parliament is very desirable. But I do not see how we can so legislate in a Bill which simply orders the publication of regulations. I agree with the statement of Senator Baker, that this debate will bear some fruit in the future. I should be very glad if the members of the Government would bear in mind this discussion, and give effect to the evident desire of honorable senators by seeing that all regulations should come, in some form or other, before the Parliament.

Senator DRAKE.—This is a big step in that direction.

Amendment, by leave, withdrawn.

Clause agreed to.

Clauses 4 and 5 agreed to.

Clause 6—

1. The Governor-General may make regulations for carrying this Act into effect.

2. All such regulations shall be notified in the *Gazette*, and notwithstanding anything hereinbefore contained shall thereupon have the force of law.

Senator DRAKE.—During the passage of the clause through the other House, the words "notwithstanding anything hereinbefore contained" were inserted under the misapprehension that there was something contrary to this provision in a former part of the Bill. I move—

That the words "notwithstanding anything hereinbefore contained," lines 4 and 5, be left out.

Amendment agreed to.

Clause, as amended, agreed to.

Senator DRAKE.—I move—

That the following new clause be inserted.—  
"5A. Any printed paper, purporting to be a copy of statutory rules made by a rule-making authority, and to be printed by the Government Printer, shall in all Courts within the Commonwealth be evidence that such statutory rules have been duly made by the rule-making authority and are in force."

Senator Lt.-Col. GOULD.—If the term "*prima facie* evidence" were used it would be left open to a person to show that the evidence was not correct, but if it is made absolute evidence it cannot be disputed.

Senator DRAKE.—The new clause is similar to a provision which was enacted in the State Laws and Records Recognition Act as follows:—

Where by any State Act power to make by-laws or regulations is conferred upon any person or body any printed paper purporting to be such by-laws or regulations, and to be printed by the Government Printer of the State, or by the authority of the Government of the State, shall in all Courts within the Commonwealth be evidence—

We had better allow the new clause to remain as it is, because all evidence is subject to disproof. It would be rather antiquated to put in the words "*prima facie*." Senator Gould has used the word "evidence" as if it meant "conclusive evidence," whereas it only means evidence which is capable of being rebutted.

Proposed new clause agreed to.

Title agreed to.

Bill reported with amendments; report adopted.

## SEAT OF GOVERNMENT BILL.

Bill returned from the House of Representatives with the following message:—

MR. PRESIDENT,

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to determine the Seat of Government of the Commonwealth*," and acquaints the Senate that the House of Representatives has disagreed to the amendments made in such Bill by the Senate.

The House of Representatives has amended the words proposed to be omitted by Amendment No. 2 by altering the word "shall" in line 12 of the Bill to "should."

The reasons for disagreeing to the Amendments of the Senate are shown in the annexed Schedule. The Amendment now made in the words proposed to be omitted by Amendment No. 2 is also shown therein.

The House of Representatives desires the reconsideration by the Senate of the Bill in respect of the said Amendments.

F. W. HOLDER,  
Speaker.

House of Representatives,  
Melbourne, 21st October, 1903.

*In Committee:*

Clause 2—

It is hereby determined that the Seat of Government of the Commonwealth shall be at or near Tumut, and the territory granted to or acquired by the Commonwealth within which the Seat of Government shall be should contain an area of not less than one thousand square miles, and shall extend to the River Murray and the River Murrumbidgee.

Provided that the site shall be within a distance of twenty-five miles from Tumut, and at an altitude of not less than fifteen hundred feet above the sea.

*Senate's Amendments.*—Leave out "Tumut" and insert "Bombala"; after "miles," line 6, leave out remainder of clause.

*House of Representatives' Message.*—Amendments disagreed to with an amendment.

Senator DRAKE (Queensland—Attorney-General).—The other House has declined to accept our amendment, for this very simple reason—

Because the House is of opinion that Tumut is the more suitable locality.

I presume that the majority of honorable senators amended the clause because they thought that Bombala was a more suitable locality than Tumut. It is rather unfortunate, when we are making these efforts to fix on a place as the site of the Federal Capital, there should be such a clearly-marked division of opinion between the Houses. It brings about a difficulty which certainly was not anticipated. Having started the year before last with eighteen sites, apparently the number is reduced to two. I have not the slightest doubt that either

Bombala or Tumut would be admirably suited for the purpose. We may comfort ourselves with the reflection that the disagreement between the Houses being narrowed down to two sites looks like an approach to finality.

Senator Lt.-Col. GOULD.—Another Parliament may decide on another site.

Senator DRAKE.—The question is whether, although we seem to be near the end of the session, it is not worth while to make another effort to get this question settled. My desire that the question should be settled by this Parliament is, as I have said all along, very strong.

Senator MILLEN.—That has been made manifest during the last three years.

Senator DRAKE.—It has been manifested during the last three years. I have allowed no opportunity to go without endeavouring to bring about a settlement of the question. Although I have my individual preference for a site, I would sooner vote for the site that I put second on the list than leave the question unsettled, because from what I saw during my visit to New South Wales, and what I have read, I am convinced that that State presents more than two sites which are admirably suited for the purpose. I think it would be better for us to choose one of them than to leave the matter unsettled. The question now is whether anything can be done towards bringing about a settlement. As a representative of the Government, there is only one thing for me to do, and that is to move—

That the Senate's amendment to leave out "Tumut" and insert "Bombala" be not insisted on.

That is the only way in which I can see at the present time we can bring about a settlement.

Senator MCGREGOR.—Stick to the Senate.

Senator DRAKE.—I dare say that a majority of honorable senators will vote for Bombala, as they did before. The Bill will go back to the other House, and I suppose that a majority of its members will vote, as they did before, for Tumut, and then we shall get no settlement.

Senator MILLEN.—Do I understand from that remark that the Bill will then be dropped for this session?

Senator DRAKE.—I cannot tell my honorable friend what is going to happen. The present is quite sufficient to occupy my

limited capacities, and I leave the future to prophets, of whom, no doubt, he is one of the chief. It is hard to find a middle course in the circumstances, and unless one House is willing to yield a point it will be impossible for the Houses to come into agreement. I hope that the matter will be considered carefully, and that it may not be beyond the ingenuity of the Senate to devise some means by which the Houses may be brought into accord.

Senator STANIFORTH SMITH (Western Australia).—I am exceedingly disappointed that there is every prospect of no finality being reached on this subject this session. The Attorney-General has stated that it has been made manifest that no fault lies with the Government. If we review the action of the Government for the last two or three years, what do we find? When this Parliament first assembled, we had before us the report of Mr. Oliver giving the fullest information with regard to several suggested sites. The Government allowed that report to lie upon the table of the two Houses for a year and a half.

Senator DRAKE.—Did they not furnish copies of the report to Members of Parliament?

The CHAIRMAN.—The honorable senator is wandering from the proposal before the Committee. It is a question of insisting or not insisting upon the Senate's amendment. His remarks appear to me to be irrelevant.

Senator STANIFORTH SMITH.—Eighteen months after that, it occurred to the Government for the first time that another expert inspection was necessary, and they appointed a Royal Commission for the purpose. No opportunity was furnished by the Government to consider the Federal Capital sites until the last days of this Parliament were reached. Then the question was placed before us in the shape of a Bill, which afforded us the first opportunity of legislating.

The CHAIRMAN.—Is the honorable senator urging reasons relating to the question before the Chair?

Senator STANIFORTH SMITH.—In the face of these facts the Government say that no blame is attributable to them.

The CHAIRMAN.—That is clearly not the question before the Committee. The honorable senator must see that I have allowed him some latitude. He must

confine himself to the question whether the Senate's amendment shall be insisted on or not.

Senator STANIFORTH SMITH.—The people of New South Wales realize that we cannot come to any definite settlement this session. There is in the Senate an absolute majority who are pledged to the Bombala site, and there is in the House of Representatives a majority in favour of Tumut. The people of New South Wales have to a certain extent become embittered by what they regard as a breach of the spirit of the Constitution in not selecting the Federal Capital site in the first Parliament of the Commonwealth. Although I deprecate the feverish anxiety into which they have worked themselves, I believe that it was the intention of the framers of the Constitution that the Federal Capital should be selected within the first three years. What is the present position? We have practically narrowed down the sites to two. The House of Representatives, by an overwhelming majority, has selected Tumut; the Senate has, by a larger proportionate majority, decided on Bombala. It seems to be impossible this session to arrive at finality. At the proper stage I intend to propose that after the word "Tumut" the words "or Bombala" be added. The clause will then read—

It is hereby determined that the Seat of Government of the Commonwealth shall be at or near Tumut or Bombala, and the territory granted to or acquired by the Commonwealth within which the Seat of Government shall be, should contain an area of not less than one thousand square miles.

If that amendment is not carried, we shall, next session, be no further forward than we were when we first assembled in this Parliament, and we shall have to go through the whole dreary business of selecting a site. It is probable that twenty new sites will be proposed in the meantime. The next Parliament will have to consider those sites. Probably commissioners will have to be appointed to report upon them. We shall have the same trouble, the same irritation, the same expense as we have had this session. Probably by the end of next session no finality will be reached. But this session we have got a step forward. We originally had ten or fifteen sites to consider. We have reduced them to two. Surely we have power to decide that the site ultimately selected shall be one of these two sites.

**Senator Higgs.**—Because this Parliament cannot make up its mind, is it to bind the next Parliament?

**Senator STANIFORTH SMITH.**—Each House of this Parliament can make up its mind, but the two Houses cannot decide upon one of the two sites. If my amendment is adopted, we can at the beginning of next Parliament in January decide upon which of the two sites shall be chosen. But if we arrive at a dead-lock between the two Houses, and do not adopt the compromise which I recommend, an enormous amount of time will be taken up next session in going through practically the same work as we have already done. I am afraid that some of the representatives returned from New South Wales will feel that they must obstruct business, and oppose other measures until what they believe to be absolutely the spirit of the Constitution is carried out. We should legislate in such a way as not to injure, but absolutely to promote the Federal feeling, by which alone our Commonwealth can be a success; and I believe that if we can definitely reduce the sites to two, we shall have taken a considerable step forward. Of course those who do not wish to have the Federal Capital selected as soon as possible, will vote against my amendment; but those who earnestly desire to arrive at finality, as soon as we can reasonably do so, will vote for it. Another difficulty is this: It is impossible for any reasonable man to accept the proposal of the House of Representatives in favour of Tumut. I will briefly give my reasons for saying so: Mr. Oliver, the Commissioner appointed by the New South Wales Government, reported that of all the sites at Tumut, the one called Gadara was the best fitted to be the site of the Federal Capital. But the Commissioners appointed by the Commonwealth Government reported that in their opinion the site called Lacmalac was the best site in the neighbourhood of Tumut. The House of Representatives have practically said that neither of those two sites is suitable. They have practically thrown the reports of the Commissioners into the waste-paper basket, and have decided upon a site called Batlow. Both Mr. Oliver and the Commonwealth Commissioners inspected that site, but neither of them thought it worth while to mention it as suitable for the Federal Capital. Very few members of the Senate have seen it.

**Senator MILLEN.**—The House of Representatives has not selected Batlow

**Senator STANIFORTH SMITH.**—But they have said that both Gadara and Lacmalac are impossible. Is it reasonable to ask honorable senators to vote for a site which they have not seen, and which has not been reported upon? If my amendment is carried, we shall be able to obtain the fullest information with regard to all the sites. Up to the present we have only had reports with regard to a vague locality.

**Senator Higgs.**—Does the honorable senator propose to appoint Commissioners?

**Senator STANIFORTH SMITH.**—No; but I propose to reduce the number of the sites to two, and in the meantime we can obtain such information as will enable us to come to a decision.

**Senator Lt.-Col. GOULD.**—We cannot prevent the next Parliament from deciding in favour of Albury, or Lyndhurst, or any other site.

**Senator STANIFORTH SMITH.**—We cannot prevent the next Parliament from amending any Act that we pass. But the present position is this: The New South Wales members want Lyndhurst; they have no chance of getting it. The Victorians want Albury; they have no chance of getting it. If they are reasonable people, they will see that the choice lies between Bombala and Tumut. If they are unreasonable the whole matter will have to be gone into over again; but their wishes cannot be attained in the end in any case. There may be sites around Tumut about which we have had no reports which may be eminently suitable for the Federal Capital; but on the information before us, it is impossible to expect us, as reasonable men, to select either of them. I think I have made the point clear. Only two Tumut sites have been reported upon, namely Gadara and Lacmalac. It is not proposed to accept either of them. But the House of Representatives ask us to accept a vague area, fifteen or twenty miles south of Tumut, at an altitude which absolutely precludes either Gadara or Lacmalac being chosen. It is impossible to ask us to vote for a site at Tumut which has never been reported upon. I do not say that there are not sites at Tumut which would be admirably suited for a Federal Capital, but we have not the information we require. We can get a report from the Commissioners as to the accessibility, means of communication, topography, and water supply of these

two areas. Dealing with the question of water supply, it is said that an admirable gravitation scheme might be adopted at Tumut, which would give an illimitable supply of fresh water. Such a scheme might be possible in connexion with the sites at Lacmalac and Gadara, but it might not be possible in the case of the Batlow site.

Senator LT.-COL. GOULD.—And it might be.

Senator STANFORTH SMITH.—It might be; but we require definite information on the point. We should know definitely that the required conditions can be fulfilled, and such a report as I suggest would give us the information.

Senator HIGGS.—But I thought the honorable senator had made up his mind about Bombala.

Senator STANFORTH SMITH.—If we deal with these two areas it will be possible for the Commissioners to consult the residents and ascertain from them what they would require for their land, and we should then get some idea of the cost of resumption. They might also consider what would be the absolutely necessary minimum expenditure that the Commonwealth would be called upon to make for the first ten years, if either of these sites were selected, and that would be information which should be satisfactory to a great many of our carping critics who are at present opposed to any selection of a Federal Capital site. With such valuable information we should be able to give an intelligent vote upon these two sites. If my amendment is lost, I shall vote for the Bombala site, which I have seen, in preference to sites at Tumut which I have never seen, and which have never been reported upon. We have the power in this Bill to say that the Federal Capital site should be selected at Tumut or Bombala, and that will mean that we have reduced the possible sites to two. Some honorable senators will say that this will not bind the next Parliament; but no Bill we pass will bind the next Parliament. The next Parliament will be able to bring in a Bill to amend any Act we pass.

Senator HIGGS.—No amending Bill will be required in this case.

Senator STANFORTH SMITH.—The next Parliament cannot possibly propose the selection of a site, such as Albury, without the introduction of a Bill to repeal some portion of this Bill, if we decide to pass it.

My proposal will enable the people at the next election to concentrate their attention upon two sites, and to say which of those sites they prefer.

Senator PLAYFORD.—As a people they will have no knowledge of the sites.

Senator STANFORTH SMITH.—The people of the Commonwealth will not read reports upon fifteen sites, but if we reduce the number of possible sites to two they will be able to form an intelligent judgment as to which is the better site.

Senator MILLEN.—The honorable senator says that the reports are incomplete, and they cannot be completed before the election.

Senator STANFORTH SMITH.—The reports are not complete, but some further reports may be obtained and published before the election bearing directly upon those two sites, and the correspondence appearing in the newspapers will afford them some information. If my proposal is adopted we shall, next session, have an opportunity, with additional information, to select a site as soon as Parliament meets. I believe that until this question is settled we shall have no end of trouble. The people of New South Wales—and I shall be obliged to sympathize with them to a great extent—will feel that we have not carried out the spirit of the Constitution, and they will not be inclined to assist us to pass other legislation until we have passed legislation which they believe to be absolutely necessary.

Senator DOBSON.—That is not correct. I do not believe that the New South Wales people will ever take up such a position.

Senator STANFORTH SMITH.—I hope that the people of New South Wales will not take any drastic steps in connexion with this matter. I think that we should select the Capital site as soon as possible; and instead of throwing away the labour and expense incurred this session, in view of the fact that there is a deadlock between the two Houses, we should select two sites, and next session, with the additional information which I think we should obtain, we shall be able to decide between them. If both Houses could decide upon one site, the decision would be irrevocable, and if we can decide upon two sites, we shall limit the selection to those two sites, and next session we shall be able to decide which is the better of the two.

Senator MILLEN (New South Wales).—Senator Smith has laid it down that any one who desires the settlement of this question must necessarily vote for his amendment. At the risk of being included in the opposite camp, I feel called upon to oppose it until I have heard some more substantial reason in its favour than any which have been advanced. I ask honorable senators what practical good can come of the adoption of this amendment? The honorable senator who has moved it claims that this will enable us to reach finality. What finality can be reached by a mere registration of the fact which is already known to every one that a dead-lock exists between the two Houses, and that we have whittled the number of possible sites down to two?

Senator STYLES.—We have done that already.

Senator MILLEN.—That is already done, and it will not be done any more effectually by Senator Smith's proposal to pass an Act of Parliament recording the fact that the two Houses have made a different choice. The honorable senator has said that, if we adopt this amendment, we shall avoid a repetition of the worry and work we have had this session. Will we? He speaks of an amending Bill being necessary in the next Parliament, but an amending Bill will not be necessary. A Bill will be necessary to determine which of these two sites shall be selected for the Federal Capital; and that will open up all the flood-gates of discussion upon this question again. No future Parliament will be restrained in any way by anything which we may do now, but it will have thrown upon it the work which this Parliament has been unable to accomplish. The next Parliament will not be restrained by the knowledge of the fact that we have passed an Act to show that, out of nine sites, we have managed to reduce the selection to two. The whole question will be re-opened, unless the Government are prepared to inform us that they will force it to a conclusion this session.

Senator STANFORTH SMITH.—If we select one site the matter can be re-opened by the next Parliament.

Senator MILLEN.—No; if one site is definitely selected the Government will be in a position to negotiate with the Government of New South Wales, and, probably, before

the meeting of the next Parliament, they would be able to secure the transfer of the territory. No future Parliament would, in such a case, be likely to disturb what had been done. It is quite impossible for us to reach finality by the passing of this amendment. I admit that we shall be as far removed from finality if this Bill is allowed to drop, but it would be reducing the proceedings of Parliament to a farce to ask us to pass a Bill, merely to register the fact that the two Houses of the Federal Parliament are unable to agree as to which of two sites is the better. It is far better that the Senate, if honorable senators are so inclined, should adhere to its previous determination, and allow the matter to stand over until the new Parliament meets.

Senator HIGGS (Queensland).—I agree with Senator Millen. It is a great waste of time to proceed with Senator Smith's amendment. The Constitution says that the Parliament must select a site. By proposing that the words "or Bombala" should be inserted, we shall not give the Government an opportunity of making a selection between the sites.

Senator DRAKE.—It is not the Government, but Parliament, that has to determine the site of the seat of government.

Senator HIGGS.—Are we not begging the question? One House or the other ought to take the responsibility of shelving this Bill, if we cannot come to an agreement. Senator Drake has moved that the Senate do not insist upon their amendment, substituting Bombala for Tumut. Let us vote upon that question, and if we still insist upon Bombala as the site of the Federal Capital, the Bill can be sent back to the House of Representatives, and that House may, if honorable members are prepared to do so, take the responsibility of shelving the Bill. If the House of Representatives is not prepared to accept that responsibility they can again return the Bill to the Senate; and, if we are still of the same mind, we can shelve it. But we ought not to attempt to give any one the idea that the Government have done their utmost in trying to settle the question of the site this session. The Government will not have gone to that length until they have forced the Senate to shelve the Bill. I take it that this proposal of Senator Smith's is an easy way out for somebody. It will enable some persons to pose before the public as having endeavoured to settle the question of

the seat of government of the Commonwealth. Assuming that Senator Smith's amendment is carried, and the words "or Bombala" are inserted in the Bill, the amendment may be accepted in another place, the Bill may pass and receive the Governor-General's assent, and how much further shall we have advanced in the selection of the Federal Capital site.

Senator DRAKE.—We shall have cut down the number of possible sites to two.

Senator MILLEN.—We have cut them down to two already.

Senator HIGGS.—Some honorable senators seem to think that we have cut down the number of possible sites to two, but when next session the Government bring forward a Bill for the selection of the Federal Capital site, containing this reference to the two sites of Tumut and Bombala, some new member of the Parliament, who may believe that the people of New South Wales prefer that Lyndhurst should be selected, can propose a new clause to give effect to their wishes.

Senator SMITH.—He could not do that without introducing an amendment of this Bill.

Senator HIGGS.—He might move that so much of this Act should be repealed as would prevent the selection of Lyndhurst as the seat of government of the Commonwealth.

Senator STANFORTH SMITH.—He could not do that without the introduction of an amending Bill.

Senator HIGGS.—It would not be a very difficult matter for him to introduce an amending Bill.

Senator MILLEN.—An amending Bill would not be necessary. The Government would bring in their Bill definitely fixing either Bombala or Tumut as the seat of government, and all that would be required then would be to move a motion omitting the word Bombala or Tumut, as the case might be.

Senator HIGGS.—That is the honorable senator's view, but the view I take is that the best method of procedure to adopt would be to move that so much of the Act should be repealed as would prevent the selection of Lyndhurst, and then the whole of the discussion would have to be gone over again. I favour the selection of Lyndhurst, and if Lyndhurst is not to be selected I prefer to vote for Tumut.

Senator MCGREGOR.—No wonder Crick passed the remark he did.

Senator HIGGS.—I will not discuss that point now. I have read of a German professor who was of opinion that this particular planet is the lunatic asylum of the universe; and judging by the proceedings of several public bodies, one can quite understand such an idea being entertained. I do not think there is any business in Senator Smith's amendment which asks us to behave like an ostrich and put our heads in the sand. It will be far more open-minded and candid to adhere to our amendment as to Bombala, and allow the other Chamber to do as it pleases. Do not let us have any alternative choice, because Parliament, either this session or in some other future session, must make a selection.

Senator PULSFORD (New South Wales).—If it is the desire of the Senate that the Government should have a certain number of sites to select from, I should like to increase that number by the addition of Lyndhurst, by moving that the amendment be amended by the insertion of the word "Lyndhurst" after the word "Tumut."

The CHAIRMAN.—I desire to inform honorable senators what is before the Committee. First there is a motion by the Attorney-General to the effect that amendment number 1 be not insisted on. That, of course, covers the whole; but as Senator Smith desires to move that "Tumut" be retained and "or" inserted before "Bombala," it is necessary that I should split up the question. I propose putting the question "That so much of the amendment as omits 'Tumut' be not insisted on." The effect of that, if carried, will be to protect Senator Smith, and enable the word "or" to be inserted between "Tumut" and "Bombala."

Senator STEWART.—I should like to have your ruling, Mr. Chairman, as to whether these amendments are in order. This is a Bill to fix a certain place as the site of the Capital; it is not a Bill to name certain places, one of which may at some other time be chosen as the Capital. It appears to me that the amendments are altogether outside the scope of the Bill.

The CHAIRMAN.—The amendment which I have before me at present is certainly not out of order.

Senator HIGGS.—If the motion to insist on our amendment be carried, I desire to move that the area shall extend to the River Murray and the River Murrumbidgee.



The CHAIRMAN.—That can be dealt with afterwards.

Senator PEARCE (Western Australia).—I am strongly in favour of Bombala, and I advise all who are of the same mind to vote for the amendment which, if carried, will mean that in the opinion of the Senate the Federal Capital should be either at that place or at Tumut. I believe that six out of the eight Ministers are in favour of Bombala, and they will take it that the Senate is handing over to them the power to make a choice. I take it that the majority of the Ministers will select Bombala, and thus my end will be achieved in a round-about fashion.

Senator MCGREGOR (South Australia).—I do not altogether agree with the method which it is intended to adopt in putting the question. I have consistently voted in favour of Bombala, and now we are asked to vote on a question which will have the effect of retaining Tumut.

Senator DAWSON.—That is with a view to insert other words.

Senator MCGREGOR.—But suppose that after we have voted in favour of retaining Tumut, we find that there is not support sufficient to carry the proposal to insert the word "or" before "Bombala." Under the circumstances the supporters of Bombala would look like a lot of fools—they would be badly "sold." If the Chairman looks at the matter from that point of view he may be able to devise some way which will place those honestly in favour of Bombala in a different position.

Senator Lt.-Col. NEILD (New South Wales).—A distinct difficulty will present itself if the amendment be carried. If we retain "Tumut" and insert "Bombala," or retain "Bombala" and insert "Tumut"—it does not matter which—and even if we put aside the amendment which Senator Pulsford has indicated, we shall further on be faced with the difficulty that in the Bill there are clauses about frontages which cannot apply to the whole of the sites.

Senator PLAYFORD.—These clauses can be excised.

Senator Lt.-Col. NEILD.—But what is the use of our passing motions to excise clauses when we know that those motions will not be accepted by another place. It would be infinitely better to take a division, and have done with the matter for the present session. There is not a member of either House who expects anything to

come of the Federal Capital proposals this session; and it is merely beating the air to attempt an impossibility in the way proposed. If we have Bombala retained how can there be the frontages specified in the Bill?

Senator STANFORTH SMITH.—Let those clauses be taken out.

Senator Lt.-Col. NEILD.—I have already said that the other House would not accept the excision, and to pass the amendment would be an empty demonstration, meaning nothing.

Senator DAWSON (Queensland).—It appears to me that we are discussing two rather different questions at the one time. Senator McGregor has raised the point as to the order in which the questions shall be put; and I quite realize his difficulty as a supporter of Bombala. If the motion, as proposed by the Attorney-General, be put, the Bombalaites will find themselves badly "sold;" and that is hardly fair. The best method would be to put the amendments first, leaving the original proposition to the final vote, in case a final vote is necessary. Speaking generally, the representatives of New South Wales have revealed this afternoon a characteristic not hitherto observable. They seem to have a lurking suspicion, that if they can only stall off any action of a definite character, they have a chance of restoring Lyndhurst as one of the selected sites. I have been fighting all I know in order to satisfy their demand for some finality before this Parliament is dispersed. We have had continuous struggles in this and the other Chamber, and the fact stands unmistakably revealed, that the choice lies between two places, neither of which is Lyndhurst.

Senator HIGGS.—Tumut was nearly "out of it" in the other House.

Senator DAWSON.—The fact remains that Tumut was decided on on the first occasion in another place, and Lyndhurst had not a million to one chance in the Senate, Bombala being a long way ahead with almost two to one in its favour. On the second vote in the other Chamber, Lyndhurst was "nowhere," and Tumut won by nearly a two-to-one majority; and that is how the matter stands now. Two votes in the other House and one vote in the Senate show distinctly that the contest is between Bombala and Tumut. So far as I understand, Senator Smith desires to comply with the demand of the New South

Wales people, that Parliament shall do something of a definite character.

Senator MILLEN.—Is the amendment of a definite character?

Senator DAWSON.—It certainly is as definite as anything which could be done under present circumstances. The nine sites are whittled down to two.

Senator MILLEN.—That has been done already.

Senator DAWSON.—That has not been done. If we send back a message insisting on retaining Bombala the Bill will be dropped without any definite determination being arrived at. But if we accept Senator Smith's amendment there will be an Act of Parliament—quite a different thing from a Bill which has been dropped—showing an agreement between the two Houses on two sites, as against the others rejected. There is a difference between our agreeing on accepting two sites, and rejecting the whole of the other sites, and our accepting no site at all and retaining the whole of the sites. An old Minister of the Crown like Senator Gould must know the difference between an Act of Parliament and a Bill that has been dropped; and there is an essential difference between dropping the Bill and our accepting Senator Smith's amendment, which as a Tumutite I intend to support. The course of making a definite choice this session has very great advantages which honorable senators ought not to overlook. One advantage is, that by selecting two sites, we relieve the New South Wales Government of their obligations to the Commonwealth as to the seven other sites, in regard to which the State Government can carry on their ordinary transactions in lands. But if the Bill be dropped, the obligation of the New South Wales Government to keep the area open for selection by the Commonwealth, will remain; and such a position would be very unfair to the New South Wales people. I should like to draw Senator Millen's attention to the fact that neither the Premier nor the leader of the Opposition in New South Wales are wedded to any particular site, but both are quite willing to leave the matter to the judgment of the Federal Parliament, the members of which have unmistakably said that there are only two sites possible of acceptance, namely Tumut and Bombala. There is no evidence to support the idea that there is any chance of Lyndhurst being reinstated. For their own sakes, and for the sake of

their State and the Commonwealth, I ask the representatives of New South Wales to make up their minds definitely as to which of the two places selected they are prepared to accept as the Federal Capital site?

Senator HIGGS.—The honorable senator cannot make up his own mind, and yet he wants to bind the next Parliament.

Senator DAWSON.—I certainly have made up my mind. In view, however, of the fact that the Houses do not agree, it is proposed to retain the two sites; and in the meantime to obtain the fullest information to enable us to determine which is the better of the two, instead of going over the whole business from A to Z again. It could be done at very little expense and in a short period, and honorable senators, when they had to choose one of two, would be able to come to a better decision than they would if they had to select one of nine, with all the conflicting interests of one kind and another. I would strongly urge honorable senators who desire to arrive at a settlement of this question, to vote for the amendment. The area of the Federal territory is a very big question between the contending parties in both Houses. I believe Senator Millen has said that we cannot come to a definite conclusion on that point without negotiating with the Government of New South Wales. But how can the Commonwealth Government negotiate with that Government unless we first determine on a particular locality in which to place the Federal Capital? I submit that during the next few months the Commonwealth Government could negotiate with the State Government on that point, if it were definitely stated in the Act that the field of choice had been narrowed down to two places. In that case it would be no trouble to the State Government to give the Commonwealth Government an idea of how much territory it would be willing to cede, and the probable cost of land resumptions. But that information could not be given in respect of nine places. If honorable senators are anxious for the Federal Government to enter into negotiations at once with the State Government with a view to coming to a definite decision, they cannot do better than accept the amendment.

The CHAIRMAN.—In view of the objections which have been made, and the difficulties which may arise, I think that we should, and can simplify the matter. The plan I propose to adopt will not, perhaps, be the neatest, but it will

afford a means to get a straight vote. The Attorney-General has asked the Committee not to insist on its amendment to omit "Tumut" and insert "Bombala." If that motion were carried, it would deprive Senator Smith of an opportunity to move an amendment, but the Attorney-General has agreed to withdraw his motion. When it is withdrawn, Senator Smith can move to insert the words "or Tumut" after the word "Bombala," and on the question for the insertion of those words we can have a straight vote.

Senator Lt.-Col. GOULD (New South Wales).—I am just as anxious as any honorable senator that finality shall be arrived at ; but I cannot see how it can be reached under this proposal. It is perfectly true that, if the Senate determined to say "Bombala or Tumut," it would be an indication to the other House that it would be content with the selection of one site or the other. But in the next Parliament, when a choice had to be made between Tumut and Bombala, no honorable senator could be precluded from proposing any other place in lieu of Tumut or Bombala. If we were to pass the Bill in the proposed form, we should be virtually saying to the Government—"We desire you to gather more information in regard to two sites." But it has been asserted that full information has not yet been gathered in regard to all sites. Lyndhurst has been mentioned as the site for which unquestionably New South Wales members have shown a distinct preference.

Senator HIGGS.—And they know most about it I should imagine.

Senator Lt.-Col. GOULD. — Whether Lyndhurst should be the site or not is a matter for the Parliament to determine. But why should we only instruct the Government to get further information in regard to Tumut and Bombala, and neglect all the other sites, when we know that there is a strong feeling amongst a section of Members of Parliament in favour of Lyndhurst?

Senator DAWSON.—Have not both Houses rejected Lyndhurst?

Senator Lt.-Col. GOULD. — Suppose that instead of adopting the suggestion of Senator Smith, we adhered to our choice of Bombala, and the other House adhered to its choice of Tumut. There would be no reason to prevent the Government from making further inquiries in regard to the merits of the places which are more popular

than others. It would be very much more satisfactory to Members of Parliament generally if further inquiries were made in regard to Lyndhurst as well as in regard to Tumut and Bombala. Do not limit the inquiries of the Government to two sites, but give them an opportunity to inquire regarding a third site if they think that it is sufficiently good to be inquired about.

Senator DAWSON.—Somebody might come along and suggest the addition of Dalgety.

Senator O'KEEFE.—And of Albury.

Senator Lt.-Col. GOULD.—No action which may be taken in this Parliament will prevent a member of the next Parliament from proposing Albury or Dalgety as the site of the seat of government. Is it to be said that the inquiry made so far absolutely concludes the discussion of the merits or demerits of all sites other than Bombala and Tumut?

Senator STANFORTH SMITH.—There are only two sites on which the Houses cannot agree.

Senator Lt.-Col. GOULD.—Cannot the honorable senator see that when this matter comes up for consideration in the next Parliament it will be open to any one to propose another site in place of Bombala or Tumut?

Senator DAWSON.—If we were to fix upon one site, the same thing would apply.

Senator Lt.-Col. GOULD.—No. The probability is that the Government would approach the State Government and endeavour to make an arrangement to carry out the wish of this Parliament, and I take it that no very great difficulty would be experienced afterwards. Of course, some persons might be dissatisfied with the site chosen ; but they would be voted down, on the ground that in the previous Parliament the two Houses had decided on a site, and that the Government had carried out that decision. Why should not the Commonwealth Government be left in a position to make full inquiries in regard to the sites, and to say to the State Government—"We desire to have an opportunity of taking an area of 1,000 square miles in whatever locality the Parliament may determine to place the seat of government"? The objection to the cession of 1,000 square miles would be as strong against Lyndhurst as against either Tumut or Bombala. It is merely a matter of principle with the State authorities. The State Parliament can have no desire to say that it will grant only 100 square miles here, but 1,000

square miles there. Its desire is to leave the selection of the most suitable site to the Federal Parliament, and to decide afterwards what area of Crown land shall be granted. I take it that if the State Parliament is prepared to accede to our request for an area of 1,000 square miles, it will be given just as readily at Bombala as at Tumut, and just as readily at Tumut as at Lyndhurst, or any other site. Possibly some middle course may be adopted between the two Governments. But we should not register our inability to agree with the other House by passing a Bill which could have no binding effect, because it would not prevent the adoption of another site if it commanded a majority of the votes in each House of the next Parliament.

Senator DOBSON.—May I ask, sir, if you have finally disposed of the point of order raised by Senator Stewart? We are dealing with a Bill to determine the seat of government, and unless it determines that question it will be absolutely useless. I can understand the reason which induces Senator Smith to desire to insert the words "or Bombala," but I would point out to you, sir, that under the Constitution we have no power to pass a Bill to select two sites for the seat of government. Suppose that a similar Bill were submitted to the next Parliament. I presume that an honorable senator would be allowed to propose the insertion of another site. I hold that a dying Parliament has no constitutional power to pass a Bill saying that from one or two sites the seat of government must be chosen by its successor.

Senator STANFORTH SMITH.—Is the honorable and learned senator arguing against the ruling of the Chairman?

Senator DOBSON.—I desire to ascertain whether, if the Chairman has given a ruling, he will not reconsider the matter. Suppose that the amendment of Senator Smith were carried, would the choice of a site by the next Parliament be confined to a choice between Bombala and Tumut? I cannot see that it would; because a dying Parliament has no right to determine that the seat of government shall be in one place or another.

The CHAIRMAN.—I intimated to the Committee that, in my opinion, the amendment which is about to be proposed for the insertion after the word "Bombala" in the clause as amended by the Senate of the words "or Tumut," is a regular amendment.

The object of this Bill is to determine the seat of government of the Commonwealth, and clause 2 says—

It is hereby determined that the Seat of Government of the Commonwealth shall be at or near Tumut.

It is proposed by one honorable senator to amend the clause as returned to us by the House of Representatives by inserting after the word "Tumut" the words "or Bombala," and another honorable senator desires to insert also the words "or Lyndhurst."

Senator DOBSON.—That is not determining the seat of government.

The CHAIRMAN.—I think that the amendment will be in order.

Motion, by leave, withdrawn.

Motion (by Senator STANFORTH SMITH) proposed—

That the Senate's amendment to leave out "Tumut" and insert "Bombala," be amended by inserting after the word "Bombala" the words "or Tumut."

Senator WALKER (New South Wales).—I have listened to the debate and have come to the conclusion that the better plan, if we do not wish delay to take place, is to accept the proposed amendments of Senators Smith and Pulsford. If the Bill were passed it would be distinctly declared that the value of the land would be its value as on the 1st January, 1903.

Senator PEARCE.—Why does the honorable senator propose to put in Lyndhurst?

Senator WALKER.—Because it is better to have three sites to choose from.

Senator STYLES.—And 'Armidale, too!

Senator WALKER.—I know that certain honorable senators would like to see the settlement of this question postponed for all time.

Senator DE LABGIE.—That is what the honorable senator is doing.

Senator WALKER.—I am not. If we do not pass this Bill the value of the land will rise against us. The measure will prevent more being paid for the land than it was worth on the 1st January, 1903.

Senator MILLEN.—Nothing that can happen now will affect the value of the land last January.

Senator WALKER.—But if the Bill does not pass, the people will ask for the price of the land at its value in January, 1904. In the other House in the last division there were, including pairs, thirty-nine members in favour of Tumut, and only twenty-five for Bombala. Of the

thirty-nine supporters of Tumut twenty were not residents of New South Wales. That proves that Tumut is the favorite site with twenty members who have no direct interest in New South Wales. Therefore, it cannot be said that Tumut was merely the choice of the New South Wales representatives. I think we ought to adopt Senator Smith's amendment, and also Senator Pulsford's, so that when the Bill goes back to the other House we shall, at all events, know that there is no necessity to ask the New South Wales Government to reserve more than three sites, and shall have the assurance that the land will be acquired at its value as on the 1st January, 1903.

Senator HIGGS (Queensland).—I do not dispute the ruling of the Chairman, but I will ask honorable senators to listen to the definition of the word "determine," as given by *Chambers's English Dictionary*. Determine means—

To put terms or bounds to ; to limit, or fix, or settle the form or character of ; to influence ; to put an end to ; to define ; to come to a decision ; to resolve.

Are we coming to a decision, or resolving upon the site for the seat of government of the Commonwealth, when we add the words "or Bombala"? As one of those who favour Lyndhurst as being a site fairer to Queensland, and as being more in keeping with the idea of establishing the seat of government of the Commonwealth somewhere about the centre where population will be in future, I hope that we shall have an opportunity when information is being sought regarding two sites to obtain information regarding Lyndhurst. We have lately been informed by the newspapers that certain residents in the Tumut district are prepared to submit two sites which are about 2,000 feet above the level of the sea, and which, in their opinion, are superior to the Lacmalac site.

Senator DAWSON.—They said that if we wanted a site 1,500 feet above the sea level they were prepared to indicate two.

Senator HIGGS.—If that be the case regarding Tumut we can surely imagine that the people in the Lyndhurst district may be able to indicate sites in their neighbourhood that may be well suited to be the seat of government of the Commonwealth. Senator Dawson has said that Lyndhurst is not in the running. I ask him to turn to *Hansard* for 8th October, page 5935. He will there see that in the first ballot Bombala secured

16 votes ; Tumut, 14 ; Lyndhurst, 14 ; Albury, 7 ; Armidale, 6 ; Lake George, 2 ; Orange, 2. On the second ballot, Lyndhurst secured 21 votes ; Bombala, 16 ; Tumut, 14 ; Albury, 5 ; Armidale, 2.

The CHAIRMAN.—The honorable senator is hardly in order in referring to Lyndhurst and giving details.

Senator HIGGS.—I am simply indicating the position occupied by Tumut and Bombala in comparison with Lyndhurst, and showing why I supported Lyndhurst in preference to Bombala. In the third ballot Lyndhurst secured 23 votes ; Bombala, 17 ; and Tumut, 14. In the fourth ballot Lyndhurst secured 25 votes ; Bombala, 17 ; and Tumut, 17. So that if some of the Albury supporters had voted for Bombala, Tumut would not have been chosen. The contest would have been between Lyndhurst and Bombala. It must not be contended, therefore, that Tumut is, in the opinion of the members of the House of Representatives, so much superior to Lyndhurst as the Federal Capital site.

Senator STANFORTH SMITH.—Why did not the members of the House of Representatives insert Lyndhurst when the Bill went back to them?

Senator HIGGS. — If the honorable senator will turn to the particulars of the election of the Pope, he will see how calculations concerning elections are upset. On the first ballot the present Pope only secured five votes, but in the last ballot he secured fifty. If we had had the joint sitting of the two Houses, which was favoured by some honorable senators who support Bombala, Lyndhurst would undoubtedly have secured a majority. If we do not intend to make a selection this session, we ought not to endeavour to bind the next Parliament ; and, if information regarding Bombala and Tumut is asked for, the supporters of Lyndhurst have the same right to ask for further information in favour of that site.

Senator STEWART (Queensland). — I am rather surprised to find a level-headed man like Senator Smith asking us to stultify ourselves by suggesting such an amendment as he has proposed. This is a Bill to determine the seat of government of the Commonwealth. Parliament has arrived at the position that it is unable to fix the seat of government. One House has selected one site and the other House another. Senator Smith proposes an amendment

which is intended to bind the next Parliament to two sites. But if we cannot fix the site ourselves, why should we seek to impose conditions upon a future Parliament which will have to determine the matter? I can understand Senator Dawson's position. He wishes to narrow down the choice. He desires that every site shall be thrown overboard except Tumut and Bombala. If I cannot get Bombala I am not quite sure what site I shall vote for. I should not like to be bound down to Tumut. It is extremely probable that a better site than Tumut may be suggested. The most decent way out of the difficulty would be for honorable senators to vote straight. There is something crooked about this proposal. Senator Smith is usually straight and above board, but this amendment looks like the result of a combination between him and Senator Dawson to blot out all sites except Tumut and Bombala. It would be much better not to leave the way open for other sites to be suggested.

Senator STANFORTH SMITH.—What is the use of slinging a dead cat over the wall?

Senator STEWART.—It is much safer to throw a dead cat over a wall than a live one. A live cat might scratch and bite, but a dead one could not. Honorable senators ought to vote straight either for Bombala or Tumut, and that is what I intend to do.

Question—That the Senate's amendment to leave out "Tumut" and insert "Bombala" be amended by inserting after the word "Bombala" the words "or Tumut"—put. The Committee divided.

Ayes	...	...	10
Noes	...	...	14

Majority	...	4
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## AYES.

Dawson, A.	Playford, T.
De Largie, H.	Smith, M. S. C.
Drake, J. G.	Walker, J. T.
McGregor, G.	
O'Keefe, D. J.	Teller.
Pearce, G. F.	Keating, J. H.

## NOES.

Baker, Sir R. C.	Neild, J. C.
Barrett, J. G.	Pulsford, E.
Best, R. W.	Reid, R.
Charleston, D. M.	Stewart, J. C.
Dobson, H.	Styles, J.
Gould, A. J.	
Higgs, W. G.	Teller.
Mackellar, C. K.	Millen, E. D.

## PAIRS.

Saunders, H. J.	Fraser, S.
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Question so resolved in the negative.

Motion negatived.

Senator PULSFORD.—In view of the result of the division, I shall not propose an amendment with regard to Lyndhurst.

Motion (by Senator DRAKE) put—

That the Senate's amendment to leave out "Tumut" and insert "Bombala" be not insisted on.

The Committee divided.

Ayes	...	...	9
Noes	...	...	15

Majority	...	6
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## AYES.

Dawson, A.	Neild, C.
Drake, J. G.	Pulsford, E.
Gould, A. J.	Walker, J. T.
Higgs, W. G.	Teller.
Mackellar, C. K.	Millen, E. D.

## NOES.

Baker, Sir R. C.	Pearce, G. F.
Barrett, J. G.	Playford, T.
Best, R. W.	Reid, R.
Charleston, D. M.	Smith, M. S. C.
De Largie, H.	Stewart, J. C.
Dobson, H.	Styles, J.
McGregor, G.	Teller.
O'Keefe, D. J.	Keating, J. H.

## PAIRS.

Saunders, H. J.	Fraser, S.
Glassey, T.	Symon, Sir J. H.

Question so resolved in the negative.

Motion negatived.

Senator DRAKE.—The next amendment stands in much the same position as the last; but an amendment has been made by the House of Representatives in the words proposed to be omitted. I move—

That the Senate's amendment to leave out all the words after "miles," line 6, be not insisted on, and that the amendment made by the House of Representatives thereon be agreed to.

We should not, I think, in dealing with what is a consequential amendment, assume that the amendments which we have already made are bound to be accepted.

Senator MILLEN.—The Senate having disagreed to one amendment should disagree to them all.

Senator DRAKE.—The Committee may do so on division. The Government having proposed that the Committee should not insist upon the first amendment are consistent in proposing that the Committee should not insist upon the other. I have moved that the Senate do not insist upon the first amendment, and the proper course for me

now to take is to move that the Committee do not insist upon the second, though there may be a majority against me.

Senator MILLEN (New South Wales).—The Committee having agreed to stand by their previous determination, we shall reduce the whole thing to an absolute farce if we do not take the same course with respect to subsequent amendments.

Senator DRAKE.—Then the Committee can divide upon this motion.

Motion negatived.

Resolutions reported ; report adopted.

## APPROPRIATION BILL (1903-4)

(No. 2).

Bill received from the House of Representatives, and (on motion by Senator PLAYFORD) read a first time.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I move—

That the Bill be now read a second time.

Honorable senators know the history of the trouble in connexion with the first Appropriation Bill. At the instigation partly of the Joint Committee of the two Houses, and partly of the House Committee of the Senate, the salaries of four of the Senate officers were increased. The House of Representatives struck out these increases, and when the Bill came to the Senate, it was returned to the House of Representatives with a request that the amounts be reinstated. In preference to reinstating the amounts, which might have given rise to discussion relating to constitutional points, it was thought advisable by the Government that the measure should be quietly laid aside, and another Appropriation Bill introduced. In the second Appropriation Bill the House of Representatives has given effect to the desire of the Senate as to the increased salaries. That is the only difference between the first Bill and the second.

Senator MILLEN (New South Wales).—I do not propose to detain the House at any length, seeing that this Appropriation Bill is an old friend on new paper. But I think it undesirable that the matter should be allowed to pass without emphasizing in some way the position which the Senate has evidently determined to take up with regard to Bills of this character. Prior to the establishment of Federation, it was a much-debated point as to what part the Senate

would play in Commonwealth legislation, and widely different opinions were expressed. I wish to emphasize the fact that by the action it has taken in the present instance, and the action it has taken at other times, the Senate shows that it does not intend to take the position of a second Chamber as ordinarily understood in the States. I make these remarks because, in spite of all that has been said, there is a widely-spread impression outside that the Senate is only a sort of glorified Legislative Council. I think that the sooner the electors, in their individual capacity, and the States understand properly the functions of this Chamber, the better it will be for the working of future legislation.

Senator Lt.-Col GOULD (New South Wales).—I am glad to find that the other Chamber has recognised, especially so far as the salaries of our own officers are concerned, that the Senate ought to be its own master. Whatever one House may determine in regard to the salaries of its servants should not be interfered with by the other House. If the House of Representatives fixes certain salaries for the officers there employed, we ought to be very chary of attempting to interfere, because the members of another place ought to be the better judges of what is a fair remuneration. On the other hand, whatever we may determine in regard to the salaries of our officers should be treated in exactly the same way by the House of Representatives. This, I am glad to say, has been recognised by the House of Representatives on the matter being brought under their notice. I should like, however, to know why it has been deemed necessary to introduce another Bill to deal with a matter of the kind, instead of returning the original Bill with our requests acceded to.

Senator PEARCE.—It does not matter how we "get there," so long as our requests are granted.

Senator Lt.-Col. GOULD.—It is perfectly plain that under the Constitution we have the right to make such requests as we think fit in reference to Bills which we cannot amend. We recognise that this Appropriation Bill is a measure which we cannot amend; but we claim that we have the right to make requests which should be acceded to, if they are approved by the other House. The old fashion in regard to a Legislative Assembly and a Legislative Council with reference to amendments which were suggested by the latter, and which the former

which is intended to bind the next Parliament to two sites. But if we cannot fix the site ourselves, why should we seek to impose conditions upon a future Parliament which will have to determine the matter? I can understand Senator Dawson's position. He wishes to narrow down the choice. He desires that every site shall be thrown overboard except Tumut and Bombala. If I cannot get Bombala I am not quite sure what site I shall vote for. I should not like to be bound down to Tumut. It is extremely probable that a better site than Tumut may be suggested. The most decent way out of the difficulty would be for honorable senators to vote straight. There is something crooked about this proposal. Senator Smith is usually straight and above board, but this amendment looks like the result of a combination between him and Senator Dawson to blot out all sites except Tumut and Bombala. It would be much better not to leave the way open for other sites to be suggested.

Senator STANFORTH SMITH.—What is the use of slinging a dead cat over the wall?

Senator STEWART.—It is much safer to throw a dead cat over a wall than a live one. A live cat might scratch and bite, but a dead one could not. Honorable senators ought to vote straight either for Bombala or Tumut, and that is what I intend to do.

Question—That the Senate's amendment to leave out "Tumut" and insert "Bombala" be amended by inserting after the word "Bombala" the words "or Tumut"—put. The Committee divided.

Ayes ...	...	...	10
Noes ...	...	...	14
Majority ...	...	...	4

## AYES.

Dawson, A.	Playford, T.
De Largie, H.	Smith, M. S. C.
Drake, J. G.	Walker, J. T.
McGregor, G.	Teller.
O'Keefe, D. J.	Keating, J. H.
Pearce, G. F.	

## NOES.

Baker, Sir R. C.	Neild, J. C.
Barrett, J. G.	Pulsford, E.
Best, R. W.	Reid, R.
Charleston, D. M.	Stewart, J. C.
Dobson, H.	Styles, J.
Gould, A. J.	Teller.
Higgs, W. G.	Millen, E. D.
Mackellar, C. K.	

## PAIRS.

Saunders, H. J.	Fraser, S.
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Question so resolved in the negative.

Motion negatived.

Senator PULSFORD.—In view of the result of the division, I shall not propose an amendment with regard to Lyndhurst.

Motion (by Senator DRAKE) put—

That the Senate's amendment to leave out "Tumut" and insert "Bombala" be not insisted on.

The Committee divided.

Ayes ...	...	...	9
Noes ...	...	...	15
Majority ...	...	...	6

## AYES.

Dawson, A.	Neild, C.
Drake, J. G.	Pulsford, E.
Gould, A. J.	Walker, J. T.
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Question so resolved in the negative.

Motion negatived.

Senator DRAKE.—The next amendment stands in much the same position as the last; but an amendment has been made by the House of Representatives in the words proposed to be omitted. I move—

That the Senate's amendment to leave out the words after "miles," line 6, be not insisted on, and that the amendment made by the House of Representatives thereon be agreed to.

We should not, I think, in dealing with what is a consequential amendment, assume that the amendments which we have already made are bound to be accepted.

Senator MILLEN.—The Senate having disagreed to one amendment should disagree to them all.

Senator DRAKE.—The Committee may do so on division. The Government having proposed that the Committee should not insist upon the first amendment are consistent in proposing that the Committee should not insist upon the other. I have moved that the Senate do not insist upon the first amendment, and the proper course for me



now to take is to move that the Committee do not insist upon the second, though there may be a majority against me.

Senator MILLEN (New South Wales).—The Committee having agreed to stand by their previous determination, we shall reduce the whole thing to an absolute farce if we do not take the same course with respect to subsequent amendments.

Senator DRAKE.—Then the Committee can divide upon this motion.

Motion negatived.

Resolutions reported ; report adopted.

## APPROPRIATION BILL (1903-4)

(No. 2).

Bill received from the House of Representatives, and (on motion by Senator PLAYFORD) read a first time.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—I move—

That the Bill be now read a second time.

Honorable senators know the history of the trouble in connexion with the first Appropriation Bill. At the instigation partly of the Joint Committee of the two Houses, and partly of the House Committee of the Senate, the salaries of four of the Senate officers were increased. The House of Representatives struck out these increases, and when the Bill came to the Senate, it was returned to the House of Representatives with a request that the amounts be reinstated. In preference to reinstating the amounts, which might have given rise to discussion relating to constitutional points, it was thought advisable by the Government that the measure should be quietly laid aside, and another Appropriation Bill introduced. In the second Appropriation Bill the House of Representatives has given effect to the desire of the Senate as to the increased salaries. That is the only difference between the first Bill and the second.

Senator MILLEN (New South Wales).—I do not propose to detain the House at any length, seeing that this Appropriation Bill is an old friend on new paper. But I think it undesirable that the matter should be allowed to pass without emphasizing in some way the position which the Senate has evidently determined to take up with regard to Bills of this character. Prior to the establishment of Federation, it was a much-debated point as to what part the Senate

would play in Commonwealth legislation, and widely different opinions were expressed. I wish to emphasize the fact that by the action it has taken in the present instance, and the action it has taken at other times, the Senate shows that it does not intend to take the position of a second Chamber as ordinarily understood in the States. I make these remarks because, in spite of all that has been said, there is a widely-spread impression outside that the Senate is only a sort of glorified Legislative Council. I think that the sooner the electors, in their individual capacity, and the States understand properly the functions of this Chamber, the better it will be for the working of future legislation.

Senator Lt.-Col GOULD (New South Wales).—I am glad to find that the other Chamber has recognised, especially so far as the salaries of our own officers are concerned, that the Senate ought to be its own master. Whatever one House may determine in regard to the salaries of its servants should not be interfered with by the other House. If the House of Representatives fixes certain salaries for the officers there employed, we ought to be very chary of attempting to interfere, because the members of another place ought to be the better judges of what is a fair remuneration. On the other hand, whatever we may determine in regard to the salaries of our officers should be treated in exactly the same way by the House of Representatives. This, I am glad to say, has been recognised by the House of Representatives on the matter being brought under their notice. I should like, however, to know why it has been deemed necessary to introduce another Bill to deal with a matter of the kind, instead of returning the original Bill with our requests acceded to.

Senator PEARCE.—It does not matter how we "get there," so long as our requests are granted.

Senator Lt.-Col. GOULD.—It is perfectly plain that under the Constitution we have the right to make such requests as we think fit in reference to Bills which we cannot amend. We recognise that this Appropriation Bill is a measure which we cannot amend; but we claim that we have the right to make requests which should be acceded to, if they are approved by the other House. The old fashion in regard to a Legislative Assembly and a Legislative Council with reference to amendments which were suggested by the latter, and which the former

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Barrett, J. G.	Pulsford, E.
Best, R. W.	Reid, R.
Charleston, D. M.	Stewart, J. C.
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would play in Commonwealth legislation, and widely different opinions were expressed. I wish to emphasize the fact that by the action it has taken in the present instance, and the action it has taken at other times, the Senate shows that it does not intend to take the position of a second Chamber as ordinarily understood in the States. I make these remarks because, in spite of all that has been said, there is a widely-spread impression outside that the Senate is only a sort of glorified Legislative Council. I think that the sooner the electors, in their individual capacity, and the States understand properly the functions of this Chamber, the better it will be for the working of future legislation.

Senator Lt.-Col. GOULD (New South Wales).—I am glad to find that the other Chamber has recognised, especially so far as the salaries of our own officers are concerned, that the Senate ought to be its own master. Whatever one House may determine in regard to the salaries of its servants should not be interfered with by the other House. If the House of Representatives fixes certain salaries for the officers there employed, we ought to be very chary of attempting to interfere, because the members of another place ought to be the better judges of what is a fair remuneration. On the other hand, whatever we may determine in regard to the salaries of our officers should be treated in exactly the same way by the House of Representatives. This, I am glad to say, has been recognised by the House of Representatives on the matter being brought under their notice. I should like, however, to know why it has been deemed necessary to introduce another Bill to deal with a matter of the kind, instead of returning the original Bill with our requests acceded to.

Senator PEARCE.—It does not matter how we "get there," so long as our requests are granted.

Senator Lt.-Col. GOULD.—It is perfectly plain that under the Constitution we have the right to make such requests as we think fit in reference to Bills which we cannot amend. We recognise that this Appropriation Bill is a measure which we cannot amend; but we claim that we have the right to make requests which should be acceded to, if they are approved by the other House. The old fashion in regard to a Legislative Assembly and a Legislative Council with reference to amendments which were suggested by the latter, and which the former

thought desirable, but which it was held that the Legislative Council had no right to make, was to adopt the very course which has been adopted on the present occasion—namely, to lay the Bill aside, and introduce another measure containing the requested amendments. In this way a Legislative Assembly held that they were initiating the Bill of their own suggestion, and not at the suggestion or at the request of the other Chamber. Unless there is some very good reason why it was necessary to lay the original Appropriation Bill aside, I do not regard the introduction of the new Bill containing the amendments as the victory which Senator Millen seems to think has been achieved. If the Legislative Council of Victoria, or the Legislative Council of New South Wales, had an Appropriation Bill before it, and it was thought that the Legislative Council's servants ought to be paid a different remuneration to that provided, and the Council so amended the Bill, it would be laid aside and another submitted. In the House of Lords such amendments are made by writing them in red ink, and then a similar course is pursued. Whether we are to regard the introduction of a second Bill as a recognition of the right of the Senate to make amendments in a Bill of the kind—

Senator PULSFORD.—We cannot make amendments in a Bill of the kind.

Senator Lt.-Col. GOULD.—Whether the second Bill is to be regarded as a recognition of our right to make requests in a Bill of the kind, I cannot say. Of course, there may be some very good reason for the course adopted. It has been suggested to me that possibly it was stated in another place that certain sums of money had been voted, and that it was necessary to make some amendment in order that the full amount could be dealt with in Committee. I am not prepared just now to say whether the end could have been gained without the introduction of another Bill. At any rate, I think we ought to have some explanation.

Senator PEARCE.—The substantial fact is that we made requests which have been acceded to.

Senator BEST.—What more can we do?

Senator Lt.-Col. GOULD.—I admit that we can do no more, except consider what our position is. The only thing we could do would be throw out the Bill, but I do not think we would be so foolish as to do that. It is all very well to say that the Bill gives

us what we want; but we ought to see whether we get what we want in a correct way. The position ought to be explained by the Minister in charge, or perhaps the President may be able to throw some light on the matter.

Senator DAWSON (Queensland).—I should like to draw attention to the fact that, although we have an entirely new Bill before us, honorable senators have not received copies. It is all very well for the Vice-President of the Executive Council, in that free and easy manner which distinguishes him, to say that the Bill before us merely deals with the difference which arose between the two Houses; but, having listened to the debate in another Chamber, I can say that the suspicion of Senator Gould is justified. The new Bill does not deal simply with the difference between the two Houses. Another place agreed that the Speaker should continue to draw his salary after he has ceased to be a Member of Parliament, and it was necessary to introduce a new Bill to cover the appropriation. That fact was not explained by the Vice-President of the Executive Council.

Senator PLAYFORD.—I did not know of it.—I never heard of it.

Senator Lt.-Col. GOULD.—If we had not insisted on our requests, the course of introducing a new Bill would not have been adopted.

Senator DAWSON.—If there had been merely the difference between the two Houses to settle, we should have had the old Bill returned to us agreeing to our requests. As a matter of fact, we have a new Bill in order to cover an expenditure for which the necessary appropriation had not been made.

Senator MILLEN.—Is the new Bill for a larger appropriation?

Senator DAWSON.—It is for a larger appropriation, of course, in order to validate the provision that the Speaker's salary shall be drawn after the gentleman who at present occupies the position ceases to be a Member of Parliament. I think we ought to have some explanation of the procedure, the legality of which I question, as contrary to parliamentary practice.

Senator PULSFORD (New South Wales).—It must be obvious that, if the new Bill was introduced for the purpose which Senator Dawson states, the fact ought to have been made quite clear to us. We ought not to have been informed that the new Bill is the same as the old Bill, if there is the

difference which has been indicated. We know that Senator Playford would be the last man to knowingly mislead us, and we rely on him to have this matter inquired into, and full information laid before us.

Senator DE LARGIE (Western Australia).—Before we go any further, we ought to have copies of the Bill in order that we may examine it for ourselves.

Senator PLAYFORD.—The Appropriation Bill on the files of honorable senators is the same as that now before us, with the exception of the four alterations and a footnote.

Senator DE LARGIE.—The Vice-President of the Executive Council has admitted that he does not know what is in the Bill—that he did not know about the Speaker's allowance.

Senator PLAYFORD.—There is no additional allowance given to the Speaker, except by a foot-note. The Speaker has been given exactly the same allowance as that given to the President of the Senate.

Senator DE LARGIE.—I should like more information as to what is really in the Bill before we go any further, because, unless we know exactly where we are, it is foolish to proceed. I quite recognise that there must be something more than the matter of the messengers' salaries. There would be no necessity to introduce a new Bill for such a trifling matter. Unless the Vice-President of the Executive Council is able to give a fuller explanation, and exhibit more acquaintance with the measure, I, for one, shall refuse to allow the question to go to a vote.

Senator Lt.-Col. NEILD (New South Wales).—I wish to take advantage of this opportunity to remind the Attorney-General of a promise he made when a certain motion was submitted some time ago. The motion was withdrawn in consequence of the honorable gentleman's assurance that a statement in the Vice-Regal speech at the close of last session would not be repeated, namely, that one House alone should not be thanked for the grant of Supply. I wish to take advantage of this opportunity of reminding my honorable and learned friend of that promise which I am sure he will see is carried out.

Senator DRAKE.—Hear, hear!

Senator Lt.-Col. NEILD.—I am in agreement with Senator Dawson, that the new Appropriation Bill contains a salary for the Speaker after he has ceased to be a member of the House.

Senator Lt.-Col. GOULD.—It is only a footnote which has been inserted.

Senator Lt.-Col. NEILD.—I was present in another place when a division was taken, and I can remember what the numbers were, so that I think I am not quite wrong in making reference to the matter by way of confirmation, not by way of argument. Unless there is some good reason for the introduction of a new Bill in place of the Bill in respect to which the Senate made certain requests, I think that we have nothing on which to congratulate ourselves as a Chamber, because, apparently, all that is happening is that the Senate is not being treated as a House of co-ordinate power, but simply as an Upper Chamber of the old nominee type. The process which has been adopted by the other House is identically the same as that which has been adopted time after time by the Legislative Assembly of a State in respect of a Bill which an Upper House had sought to amend. If it were not so late in the session, I should be quite prepared to make one to thrash out this thing to its logical conclusion, and to take nothing for granted, because I am one of those who think that, in working out a new Constitution, it is essential that the greatest care should be taken in the creation of precedents which will, as we know, have large after effects. Precedents guide all legislative bodies, and if we carelessly or thoughtlessly accept at the hands of the other House a position inferior to that to which we are entitled by the Constitution, then we shall make one of the most serious mistakes which, as a Chamber, it is possible for us to make. It is too late in the session, I suppose, for us to do more than allow this Bill to go, thereby setting up a precedent which will be quoted against us by-and-by. I regret that very much, but possibly there may be forthcoming an explanation that will show that the fears which Senator Gould has expressed, and which I am echoing, are groundless. Otherwise I think that we are allowing ourselves to be placed in a wrong position.

Senator BEST (Victoria).—I do not altogether share the views and apprehensions which have been expressed by Senators Neild and Gould. I do not see that we, as a Chamber, have anything to complain of. We made certain requests which at first were refused, but which are now granted, and we cannot ask for more from the other

House. It is an assertion of our constitutional right which was conceded many weeks ago in connexion with another Bill, namely, the right to make a request for an increased amount. What have we to complain about? It is true that we have a new Bill, but what could we do in regard to the old Bill which the other House did not choose to return? The new Bill embodies the requests which we made, and surely nothing would justify us in going to the length of rejecting the Bill, because that is all that could be done in the circumstances.

Senator PULSFORD.—Does it contain anything else?

Senator Lt.-Col. GOULD.—It does not vote another sixpence.

Senator BEST.—Senator Playford has permitted me to see his copy of the Bill. It appears that the item "The Speaker, £1,100," which appeared in the original Bill, appears in this Bill with this footnote—

If returned again to Parliament, salary to continue, notwithstanding the dissolution, until the meeting of the new Parliament.

The footnote, I am told, appeared in the original Estimates. Although—perhaps by an oversight—Senator Playford did not happen to mention that fact, still that is not a thing of which we can complain.

Senator DAWSON.—Surely it was not an oversight, because that is the real reason for the introduction of the new Bill.

Senator BEST.—I do not know, but certainly that is not a matter of which we can complain, because all that is attempted to be done is to place the Speaker on exactly the same footing as the President.

Senator MILLEN.—With this difference—that while the President remains a member of the Parliament, the Speaker does not.

Senator BEST.—I am stating the practical monetary effect, and that is to place the Speaker on exactly the same footing as the President. I do not think that it lies in our mouth to make any complaint in this direction, because in our requests we urged that as a matter of parliamentary practice and as a matter of courtesy, we, as a Senate were entitled to manage our own affairs. We cannot now well go back upon that position and resent an attempt on the part of the other House to manage its affairs.

Senator Lt.-Col. GOULD.—We do not object to that.

Senator BEST.—I do not say that we do object. What I mean to contend is that

from the meritorious stand-point the Senate has no reason to complain, and while there may be the nominal alteration to which I have referred the other Chamber is simply claiming and exercising that right by way of courtesy which we ourselves asserted in regard to our four requests.

Senator Lt.-Col. GOULD.—The honorable and learned senator is not taking up the objection that a new Bill was unnecessary so far as our requests were concerned. All the other House had to deal with was our requests, and not to introduce a new Bill.

Senator BEST.—My reply to that observation is that we have no power or control over the old Bill, and that we cannot object to the new Bill, because it embodies everything which we requested.

Senator DAWSON.—We could order a search to be made for the old Bill.

Senator BEST.—We could, but that would do no good; it would not bring back the old Bill to this Chamber.

Senator DAWSON.—The honorable and learned senator said that we had no power to do anything.

Senator BEST.—I admit that we could order a search; but that would not place us any further forward, and consequently to a large extent we are really beating the air. If the other House found it necessary to send up a new Bill in order to attach a footnote to an item, we have no substantial cause of complaint, and we might readily concede what they ask.

Senator Lt.-Col. GOULD.—If that was the cause for the introduction of the Bill, it was using a steam hammer to crack a nut. It was absolutely childish.

Senator PEARCE (Western Australia).—While I regret very much that in another place there is a disposition by honorable members to shut their eyes to the fact that they are dealing with a Chamber which has far greater powers than a Legislative Council, we must give another place a certain amount of latitude because it is so largely composed of men who for many years have been running in that particular groove, and cannot get out of it; but I think that a few more lessons such as they received on the Tariff and on the other Appropriation Bill will waken them up to the fact that they are dealing with a Chamber which has far different powers from a Legislative Council. I hope that we are not going to be hypocritical, and to worry ourselves about how we have attained the

particular objects which we had in view. When we requested certain amendments to be made in the Customs Tariff Bill, the other House did not make them with a good grace. It passed a resolution saying that it had made certain alterations; but did not recognise our right to request the alterations, and that on some future occasion it would fight us over the matter.

Senator Lt.-Col. GOULD.—It did not put the Customs Tariff Bill on one side and insert a new Bill embodying our requests.

Senator PEARCE.—No; but it made a number of the alterations which we requested in the Tariff. In this Bill it has embodied our requests.

Senator STYLES.—Has it not done something else?

Senator PEARCE.—It has inserted a footnote in regard to the Speaker's salary.

Senator STYLES.—We did not request that alteration.

Senator PEARCE. — Some honorable senators were inclined to pass a resolution which would have given the other House the absolute right to insert the footnote. For is it not a fact that some honorable senators were prepared to send down with our request a message that we had the absolute right to deal with matters affecting our own House? If they held that belief at that time, are they not prepared to concede to the other House that which they claimed for the Senate?

Senator Lt.-Col. GOULD.—Certainly.

Senator PEARCE.—That is all the other House is asking at our hands by putting in this foot-note. I do not think that it was pointed out that we had not the power under the Constitution to send the message, and I take it that we have the power under the Constitution to request that that footnote, be left out. If we object to the footnote let us deal with it on its merits.

Senator DAWSON.—We do not know anything about a footnote as we have not a copy of the Bill.

Senator PEARCE.—We have heard from Senator Playford that a foot-note appears in the Bill, and I am prepared to take his word. It is true, he says, that there is no increase proposed in the amount for the Speaker's office. If it is thought that we should interfere in the matter let some honorable senators propose a request for the omission of the foot-note, and so place a definite issue before the Senate. When we have got all that we asked for why should

we cavil at the footnote if, apparently, no honorable senator is prepared to attack it on its merits.

Senator DAWSON.—I am prepared to attack it on its merits.

Senator PEARCE.—Seeing that we have obtained a substantial advantage; seeing that again we have exercised our right to interfere in a constitutional way with a money Bill; seeing that the other House has practically admitted our right, although perhaps not in a way which suits all honorable senators, I submit that we should not now decry the exercise of the power which we claim to have in regard to Money Bills.

Senator O'KEEFE (Tasmania).—I do not rise to discuss the constitutional question, which has been threshed out in a very heated way, but to bring another matter under the attention of Senator Playford. It will be remembered that when we were discussing the Appropriation Bill last week, I said that certain officers in Tasmania, particularly in the Post and Telegraph Departments, were not being treated in the same manner as regards payment for overtime as officers in other parts of the Commonwealth, and that Senator Playford said that I must have been misinformed, because he was advised that the Tasmanian officials were being treated in exactly the same way as the other officials. My statement was that the officers in Tasmania, although entitled to be paid for all overtime since January last under the provisions of the Public Service Act, had not yet received any pay; that representations had been made by a Tasmanian senator to the Department a little while ago, and that the permanent head said that he could not understand it; and that there was no reason why they should not have been paid overtime. Those officers, after being acquainted with that fact, made further representations to the Deputy Postmaster-General in Tasmania, who said that he had no authority to pay them. That was my statement. The Vice-President of the Executive Council seems to have made some mistake, because he was informed by the permanent head that the employés of the Post and Telegraph Department are treated precisely in the same manner as the employés elsewhere. I wish to tell the Vice-President of the Executive Council that he has been misinformed, because I have indisputable authority for

saying that the officers in the Post and Telegraph Department in Tasmania—I am not sure as to those in the Customs and other transferred Departments—have not received any payment for overtime, whilst the officers in Victoria and New South Wales are being paid for Sunday work. I wish to have some assurance from the Vice-President of the Executive Council, before the Bill is passed, that he will look more closely into the matter, and will see that the grievance is remedied. I am sure that the honorable senator will be anxious to have the matter cleared up.

The PRESIDENT.—I should like to say a word or two, as the matter which has been introduced is one which affects the privileges, position, powers, and prestige of the Senate. There has been a disagreement between the two Houses as to the provisions of the Appropriation Bill, which is the ordinary Appropriation Bill for the year. That Bill was sent back to the Senate by the House of Representatives. The House of Representatives has not returned the measure, and, therefore, it is what is usually called a lost Bill. It is quite true that we might appoint a committee to inquire as to what has become of the Bill. But if we did that, and ascertained what had become of it, we should not get any further forward. The House of Representatives send to us another Bill, which in substance gives us all we have asked for. What more can we want? It is quite true that the House of Representatives have not given us what we wanted in the manner in which we asked for it, and, therefore, it may be said that this is a drawn battle. Undoubtedly, at some time or another, we shall have to settle this question between the two Houses, but it seems to me that just at the expiration of the present Parliament, when the House of Representatives is about to be dissolved, and the Senate is about to be partially dissolved, this is not a convenient time for fighting out the question. I take it that we have been met by the other House to a very great extent, and I recommend the Senate to accept the compromise which has been sent to us by the House of Representatives. This Senate is modelled upon the Senate of the United States. There is no doubt whatever about that, as any one can gather by reading the Constitution and the Convention debates, on which the Constitution was founded and

framed. Under the American Constitution the United States Senate may propose or concur in amendments in any Bill for raising revenue as in any other Bill. It may not only alter Bills concerning expenditure, but may even initiate such Bills. I do not say that we are in exactly the same position as is the Senate of the United States, but in so far as this Senate is modelled upon that Senate, I say that we have the same powers as that Senate, and that we ought to go to that Senate for precedents, except so far as we are debarred from doing so by the provisions of the Constitution. It is altogether incorrect, as it seems to me, to say that we should go to the British Constitution to find out what are the powers of a Federal Senate. In this particular instance, however, we have obtained substantially what we asked for. We have established the proposition that, so far as the salaries of our officers are concerned, we are a House of co-ordinate jurisdiction, and that our salaries ought to be the same as the corresponding salaries in the other House. Having done so much, I think the Senate will be wise at this stage of the session to accept the compromise which is offered.

Senator HIGGS (Queensland).—Before the Vice-President of the Executive Council replies I should like to ask him if he will be good enough to say whether the Government has any objection to the proposed agreement with the Eastern Extension Company—

The PRESIDENT.—The honorable senator cannot introduce that matter now. We are engaged upon the second reading of the Bill. On the motion for the first reading he could have introduced it; but, unless there is some item in the Bill which has reference to the Eastern Extension Company's agreement, he cannot discuss it.

Senator HIGGS.—There are several items in connexion with the Post and Telegraph Department, and the agreement is a matter that concerns it. When I asked the Vice-President of the Executive Council a question this afternoon he said that the Government were awaiting information from the Imperial authorities as to what subjects would be discussed at the Conference.

Senator PLAYFORD.—What subjects they wished to have discussed.

The PRESIDENT.—Is there any item in this Bill dealing with that matter?



Senator HIGGS.—It affects the Post and Telegraph Department.

The PRESIDENT.—I do not think that the honorable senator can discuss it at this stage.

Senator PLAYFORD (South Australia—Vice-President of the Executive Council).—In answer to one or two criticisms that have been made, I desire to say that, so far as I know, it was the intention of the Government in the earlier part of the day to ask the House of Representatives to agree to the requests made by the Senate. But the Government altered their intention subsequently, in consequence of inquiries which they made amongst honorable members. They found that if they had attempted to do so there would have been a long, and possibly an acrimonious and troublesome discussion on the constitutional question. So far as the Government are concerned, the Senate has no cause for complaint whatever. The Government have stood by the Senate all through. They have said that the Senate has a perfect right to make requests, and they have been prepared to ask the House of Representatives to agree to those requests. The Government have shown by their actions that they were determined to uphold what they believed to be the absolute constitutional rights of the Senate. But they were met by this position. This is the *fig* end of the session. Certain members in another place were prepared to raise the constitutional issue. That would have been an awkward position in which to place the Government and the House of Representatives at the present time, particularly in view of the fact that the other House has no Standing Orders, and has had to make its own precedents on the subject. If a long discussion had been occasioned it would have occupied considerable time, whereas by quietly shelving the original Appropriation Bill and re-introducing practically the same Bill containing the requests of the Senate, the Government were able to persuade the other House not to raise the constitutional aspect, but to leave it to be fought out another time. Now I will say a word about the footnote. If honorable senators turn to the Estimates of expenditure as originally laid on the table, and which also show the actual expenditure for 1902-3, they will see that this footnote is contained in them. But strange things sometimes occur in this world, and although the footnote

was contained in the Estimates, it was omitted from the original Appropriation Bill. If the footnote had been omitted from this Bill, Mr. Speaker would have been in this position: He would have been performing certain duties after the dissolution similar to duties the President was also performing on behalf of the Senate, and for which the President was receiving his salary; whereas Mr. Speaker would have been receiving no salary. It is a fair thing to place the Speaker of the House of Representatives in the same position as our President is in, and I am sure that the Senate will not disagree with it. With regard to the matter to which Senator O'Keefe has referred, and the answer which I gave him on a former occasion, I can only say that I told him what I was informed officially. I can assure him that I will make inquiries into the matter, and if it can be shown that the officers in the Post and Telegraph Department or any other Department in Tasmania are not treated in the same manner as are the officers on the mainland we will very soon rectify the error.

Question so resolved in the affirmative.

Bill read a second time.

*In Committee:*

Clause 1 (Short title).

Senator DAWSON (Queensland).—I desire to say a few words about the famous footnote, but we have not copies of the Bill in our hands, and I do not know where my remarks ought to be made. It is a most unusual thing for a Minister to refer honorable senators to a Bill which they have not seen. Senator Pearce and a few others know exactly what the footnote means and all about it. There appear to be certain favoured senators. But there are others of us who know nothing about it.

The CHAIRMAN.—The footnote can be discussed under the heading of Parliament.

Senator DAWSON.—It would only be fair for honorable senators to have an opportunity of considering it.

Clause agreed to.

Clause 2 (Issue and application of £2,648,939).

Senator HIGGS (Queensland).—I find on looking through this Bill, amongst other items, an item of appropriation of loss payable by Victoria in respect to the Pacific Cable of £9,800, and inasmuch as clause 2 provides for the expenditure of several hundreds of

thousands of pounds, this will perhaps be a convenient opportunity for me to ask the Vice-President of the Executive Council a question. I desire to get the fullest possible information from the Government regarding what they propose in connexion with the Cable Conference. When I asked the honorable senator whether there was to be only a limited number of subjects discussed at the Conference, such, for example, as terminal charges, the duplication of the Pacific Cable, and so forth, he replied that the Government were in communication with the authorities as to the subjects to be discussed at the Conference. I desire to know from him now whether the Government are offering any objection whatever to the discussion at the Conference of the proposed agreement with the Eastern Extension Company. I should like to know whether in their cables they have suggested at any time that the subjects to be discussed should not include that agreement. I should like to get an answer to the question, and if the honorable senator is not in a position to answer it now, I have no doubt that in five minutes he could get the necessary information from the Prime Minister.

Senator PLAYFORD.—I cannot answer that question now, but I believe nothing of the sort has been done. I know that we are in negotiation with the other partners in the Pacific Cable with a view to fixing upon the various subjects to be discussed at the Conference. I should certainly say that the question whether we should enter into an arrangement with the rival company, which has been the cause of a good deal of discussion in the Senate, and in connexion with which the Senate has not agreed to the proposal of the Government, should be one of the subjects for discussion. I am prepared to give Senator Higgs all the information I can, and I shall endeavour to get an answer for him before the Bill goes through.

Clause agreed to.

Clause 3 and First Schedule agreed to.

The CHAIRMAN.—In submitting the second schedule I propose to submit it in parts, according to the abstract.

Second Schedule.

Senator DAWSON (Queensland).—I have no wish to unnecessarily delay honorable senators. I see now the footnote to which reference has been made. I find that

the Speaker's salary is fixed at £1,100 a year, and there is a footnote to this effect—

And if returned again to Parliament, salary to continue, notwithstanding the dissolution, until the meeting of the new Parliament.

I have an absolute objection to the principle contained in that footnote. I agree with honorable senators who are impatient to get away and anxious to end the session, that we cannot have a prolonged discussion at this late hour; but this question involves a very important principle which we might very well spend some little time in discussing. I entirely disagree with the principle laid down in this proposition that we should pay the Speaker a salary after he ceases to be a member of the House of Representatives. I remind honorable senators that it is proposed to pay the salary contingent upon his re-election. If it were proposed to pay the salary to the Speaker, because he will continue to perform certain functions after he ceases to be a Member of Parliament, why make it contingent upon his re-election? Another argument I have heard in support of this proposition is that the President of the Senate will be paid his salary; but it must not be forgotten that the President will remain a member of the Senate. I think that a good sound rule should apply all round, and a rule that applies to members of the House ought also to apply to officers of the House. I know very well that as soon as the proclamation is issued dissolving the House of Representatives the salaries of honorable members of that House will cease, and I see no reason in the wide world why the higher-salaried man should have his salary continued, especially when it is contingent upon his re-election. I hope that honorable senators will not allow a vicious principle of this kind to be established in the first Parliament of the Commonwealth.

Senator STEWART (Queensland).—On various occasions I have asked whether the regulations for the coming elections have been prepared, and when they will be ready for the inspection of honorable senators. It appears that they are not yet ready, or they are being carefully withheld from members of the Senate.

Senator PLAYFORD.—I laid them upon the table of the Senate to-day, and they are published.

Senator STEWART.—How is it that honorable senators have not received copies of them?

Senator PLAYFORD.—They cannot be distributed immediately, but honorable senators will receive copies of them.

Senator MCGREGOR (South Australia).—There is a matter connected with the Department for Home Affairs, to which I desire to call the attention of the Vice-President of the Executive Council. It is a matter of very great importance to the electors of the Commonwealth, and particularly to electors in some of the States. I find that, under section 32 of the Commonwealth Electoral Act, it is provided that lists shall be prepared, and the preparation of those lists can be carried out without any necessity on the part of an elector to fill in any form. The lists are compiled simply from names collected. Under section 55 of the Act, provision is made for the methods by which electors may get their names upon the rolls. The first method by which an elector may get on the rolls is by filling in a claim, the second by transfer, and the third by the lists I refer to. I find that in Victoria, all those whose names have not appeared on the rolls when the original lists were exhibited, can get their names on the roll simply by sending them in, and having them listed by the returning officer or registrar to whom they are sent. But in the State of South Australia, a number of the returning officers will not put any one's name on the rolls unless he fills in a claim, or sends in a transfer. They ought to recognise, and, if they do not do so they ought to be made to recognise, that under section 55 of the Act, up to the time of the holding of the first revision court, one of the means of putting electors' names on the rolls is by the compilation of these lists. Those returning officers who decline to put names on the roll in this way should receive instructions at once to carry out the provision for lists until the meeting of the first revision court. I ask the Vice-President of the Executive Council to see the Minister for Home Affairs, and put this matter before him, in order that no more humbugging of this description should be carried on in South Australia.

Senator PLAYFORD.—I shall do so.

Senator DE LARGIE (Western Australia).—I must add my protest to that of Senator Dawson in regard to the footnote introduced in this Bill.

The CHAIRMAN.—I remind the honorable senator that the Committee has passed that part of the schedule.

Senator HIGGS (Queensland).—Has the Vice-President of the Executive Council yet received a reply to the question I asked him?

Senator PLAYFORD.—I have not yet received a reply.

Senator HIGGS.—The Bill will probably be through before the honorable senator receives the reply. I do not desire that there should be any disingenuousness in connexion with this matter. I have no doubt that there is none on the part of the Vice-President of the Executive Council. If this Conference is to be held, as the honorable senator admits, the proposed agreement with the Eastern Extension Company should form one of the subjects for discussion.

Senator PLAYFORD.—I think it should.

Senator HIGGS.—I look to the honorable senator to do his best to induce the Prime Minister to make no further opposition to the discussion of this matter by the Conference. I hope that honorable senators generally will keep in close touch with the proceedings of the Conference, and if they find that the Government prohibit the discussion of the proposed agreement with the Eastern Extension Company, they will determine to reject the agreement if it ever comes before the Senate again. The Conference was asked for, mainly for the purpose of discussing that agreement. I am very glad that the Vice-President of the Executive Council takes the same view of the matter as I do myself, and I hope that, as an influential member of the Government, he will be able to remove any objections, which other Ministers may entertain to the discussion of this agreement at the Conference.

Schedule agreed to.

Bill reported without request; report adopted.

Motion (by Senator PLAYFORD) proposed—

That the Bill be now read a third time.

Senator Lt.-Col. GOULD (New South Wales).—I desire to say one or two words in regard to a point which arose earlier in the evening. I find on reference to the Constitution that the section in regard to requests by the Senate is perfectly clear. It is as follows:—

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

It is clear that there was no necessity whatever to introduce a new Bill to meet the requests or wishes of the Senate. It is equally clear there was no necessity to introduce a new Bill in order to put a footnote with regard to the payment of the salary of the Speaker. As to the footnote, it is a very grave question in my mind how far it can have any legality, seeing that it is not an enacting part of the law, but simply an explanatory note. As to whether or not the principle is a good one I do not pause to consider, beyond asking that if there are duties to be performed by a gentleman who has been holding the position of Speaker he ought to be paid; but it is remarkable that if he should not be re-elected, and he has to perform duties after Parliament has been dissolved, he will receive no remuneration. So far as I can see there will be no work for the holder of the office to do. I want to emphasize the fact that under the Constitution there was no necessity whatever for the course which the Government have adopted. There must, however, be some reason; and we can only consider that the course was taken in view of the fact that certain honorable members were inclined to deny the right of the Senate to interfere with the Appropriation Bill in any way. One remark was made that this was not a convenient time, on the eve of the prorogation, to discuss the matter. But there never will be a convenient time so far as the Appropriation Bill is concerned, because that Bill is invariably the last with which the Senate has to deal. I deprecate the discussion of the matter being put aside on such a ground.

Senator CHARLESTON.—It does not matter, so long as we get what we want.

Senator Lt.-Col. GOULD. — We do not want our request granted as a matter of grace, but as a matter of right under the Constitution. I recognise that the Government having laid the original Bill aside, a search would be of no avail. We have to deal with the Bill before us, and the present position only emphasizes the fact that on all occasions there ought to be a careful observance of the rights of the Senate—rights which will not be observed unless we insist on them from time to time, when we think they are being interfered with.

Question resolved in the affirmative.

Bill read a third time.

## SPECIAL ADJOURNMENT.

Motion (by Senator PLAYFORD) agreed to—

That the Senate, at its rising, adjourn until 2 o'clock to-morrow.

## ADJOURNMENT.

### COLOURED LABOUR ON MAIL STEAMERS.

Motion (by Senator PLAYFORD) proposed—

That the Senate do now adjourn.

Senator PEARCE (Western Australia).—I rise to make what is somewhat in the nature of a personal explanation. It is an explanation which may, perhaps, clear away a misapprehension from the minds of honorable senators, and remove an idea which has been engendered in the public mind by the press in regard to a very important question. Some time ago a correspondence took place between the then Secretary of State for the Colonies, Mr. Chamberlain, and the then Prime Minister, Sir Edmund Barton, as to the cessation of the mail contracts and the calling for new tenders, containing a condition that no coloured labour should be employed on mail steamers. The press of Australia, in criticising the action of Sir Edmund Barton, drew attention to the fact that a Royal Commission in England had reported in favour of the employment of lascar seamen, and stated, amongst other things, that several members of the House of Commons, including labour members, had indorsed that report. The name of Mr. Havelock Wilson, Secretary of the Seamen's Union in England, was mentioned as being amongst those who had indorsed the employment of lascars; and I wrote to that gentleman on the subject.

Senator DOBSON.—Is the honorable senator aware that to the report which I read the names of two labour members of the House of Commons were appended?

Senator PEARCE.—The following is Mr. Havelock Wilson's reply to my letter:—

I am much obliged to you for your letter of August 6th, calling my attention to certain paragraphs which have appeared in Australian papers, to the effect that I, as representing the seamen of England, am opposed to the legislation passed by the Commonwealth Parliament, which seeks to prohibit the employment of cheap coloured labour on vessels carrying the mails between this country and Australia. You can repudiate such statements, as they are untrue in every particular. I was a member of a Committee appointed by the Government to inquire

into the increasing number of lascars and aliens employed on British ships, and if you will read the evidence of the Commission, which I am sending by this mail, you will note that the whole of my evidence and also my cross-examination of witnesses, goes to prove that I was very much opposed to the employment of lascars, not because they were lascars, but because those men were being employed by unscrupulous shipping companies, to oust the white seamen, and generally lower the standard of living of the men who are natives of this country.

Senator Dobson.—Humbug! Nonsense!

Senator PEARCE.—The letter continues—

One reason why I oppose the lascars is that their employment has prevented the Legislature of this country making it compulsory for every seaman employed on a British ship to have at least 120 cubic feet of space. Our present Merchant Shipping Act provides that every seaman on a British ship shall have 72 cubic feet of space. Royal Commissions have recommended Parliament to increase this to 120 feet, but in consequence of the opposition from the P. and O. Company, and other large companies carrying lascars, the Government have been afraid to legislate.

Senator DE LARGIE.—Afraid?

Senator PEARCE.—That is the word used. The letter proceeds—

As you are no doubt aware, two lascars have to be employed in the place of one white man, and if the Government were to legislate in the direction of the Royal Commission's report, it would be impossible for the shipping companies to carry the lascars if they had to give each one of them 120 cubic feet of space. Only recently I had a big fight to get the Government to compel the companies carrying lascars to give the 72 cubic feet as provided by the present Merchant Shipping Act. With regard to wages, lascars are paid from 16s. to 24s. per month. So that if two lascars are employed, you will note that their wages would only amount to half of what a white seaman would receive. Their food costs about 4d. per day. Another reason why ship-owners favour their employment is that in the event of those men being injured, seldom, if ever, do those men seek compensation for injuries, and we are now seeking to have the Workmen's Compensation Act extended to seamen. The ship-owners who employ lascars are opposing our Bill unless we agree to the lascars being excluded from the scope of the Bill. If such were agreed to, it would mean that almost every ship-owner would resort to the employment of lascars in order to avoid the provisions of the Workmen's Compensation Act. It is strange that the ship-owner who is demanding the right to employ lascars should take up this attitude, as they say the lascars are our fellow British subjects, and that it would be unpatriotic on our part to deny them employment. If this is so, then why do they object to those British subjects having the benefit of legislation to improve, first of all, the places in which they have to live and sleep, and why deny these poor men compensation when injured

in the service of the ship-owner? I might here mention that one of the gentlemen who gave evidence before the Commission, a former medical officer of health for the port of London, stated in his evidence that as lascars were physically inferior to the European, they required more accommodation than the white man. Large numbers of the natives die from pneumonia, and in the opinion of medical men it is due to the want of proper and sufficient air space in the forecables occupied by those men. Myself and the seamen of this country have opposed for years the employment of the lascar, but we have fought it on these lines: Give the lascar the same accommodation as the white man, pay him the same wages, and we shall raise no objection. My evidence given before the Commission, and my cross-examination of the witnesses clearly set forth my views and those I represent. The lascar question in this country is serious. They are increasing at the rate of thousands every year. At one time they were chiefly employed in mail boats in the Indian trade, now they are employed on cargo vessels and in ships trading to all parts of the world. Whilst this goes on, thousands of our best seamen are unable to obtain employment.

Senator Dobson.—That is not the case. The statement is absolutely contradicted by the report which I read.

Senator PEARCE.—

We sincerely trust that the Federal Parliament of Australia will insist on the employment of white men on all mail boats or vessels doing Government work. It is perfectly true that I signed the report, but not recommending lascars.

Senator Dobson.—Something very like it.

Senator PEARCE.—The letter concludes—

I threatened to bring in a minority report, but did not do so, as the ship-owners agreed to certain recommendations in favour of our men.

I am, yours very faithfully,

HAVELOCK WILSON.

I do not wish to make further comment than to say that this is one of the labour representatives whom Senator Dobson described as being in favour of the employment of lascars. Senator Dobson did not read the whole of the report, but only certain paragraphs, and I read this letter in order to justify Mr. Havelock Wilson in the eyes of the people of Australia. The letter clearly shows that Mr. Wilson does not favour the employment of lascars, but upholds the legislation passed by this Parliament.

Senator DOBSON (Tasmania).—It was very astute of Senator Pearce to take advantage of this opportunity to anticipate a Bill on the notice-paper, and to succeed by a side-wind in bringing this letter under the notice of honorable senators. In my humble judgment, the letter is

not worth the paper on which it is written. I read the report of the Committee of the House of Commons and the Board of Trade, and two members of the Committee out of the nine who signed the report were representatives of labour. Those men heard the evidence, and took part in the preparation of the report, which they signed, and that report went to show that British seamen could not be obtained.

Senator KEATING.—Is Senator Dobson in favour of giving the lascar the same accommodation as is given to the British seamen?

Senator DOBSON.—I am not dealing with that point now. The report went on to show that it was much better to employ our British fellow subjects, the lascars, than to employ foreigners. I point out to my friends of the Labour Party that Mr. Havelock Wilson and Mr. Burt, two well-known leaders of labour, signed the report; yet Senator Pearce thinks that a letter which absolutely contradicts the whole purport of the report is to be accepted as evidence.

Senator PEARCE.—Mr. Havelock Wilson's evidence contradicts what Senator Dobson said.

Senator DOBSON.—Then why did Mr. Havelock Wilson sign the report? Senator Pearce may talk until he is black in the face, but he has no right to ask a legislative body to accept a letter written behind the back of the Committee, to whose report I alluded. That Committee consisted of those who were considered to be the best men of the 700 members of the British Parliament, and yet Mr. Havelock Wilson tries to go behind the report which he signed. I am ashamed that Senator Pearce should bring forward such evidence, and by means of this letter try to undo what Mr. Havelock Wilson said when he signed the report.

Senator KEATING (Tasmania).—I wish to take advantage of this, perhaps the last opportunity of the session, to emphasize again the desirableness of the Government taking some action in connexion with the acquisition of the cable between Tasmania and the mainland. The Senate in its first session passed a resolution affirming the desirableness of the cable being owned by the Commonwealth, but since the affirmation of that principle, so far as I can ascertain, no definite business-like step has been taken by the Government. No doubt when the Pacific Cable Conference meets, the Government will take into consideration the status

and position of the Eastern Extension Telegraph Company so far as concerns communication between Australia and the outside world, and in dealing with that company, which has so long enjoyed a monopoly of means of communication between this country and Europe, the Government should be able to come to some very reasonable terms for the acquisition of this cable, which no doubt should properly belong to the Commonwealth. I know that it has been pointed out in some quarters that there is no necessity for us to hasten in this matter, for the simple reason that with the march of science it is quite possible that, in the early future, submarine telegraphy will be superseded by overhead telegraphy. But I would point out to the Attorney-General that the agreement in force between the Eastern Extension Company and the Government of Tasmania has seven years or more to run, and that during its operation that State is liable to pay the Company the definite subsidy of £4,200 a year, and has to guarantee to the company a message receipt revenue of £5,600 a year. So that if to-morrow the Commonwealth authorities, in the exercise of a power which they may have, were to establish a Marconi system of telegraphy between Tasmania and the mainland that State would be still liable to the company to pay the definite subsidy of £4,200 a year, and to make up the message receipt revenue to £5,600 a year. I hope that the Attorney-General will impress upon his colleagues, and particularly the Postmaster-General, the absolute necessity, in fairness to Tasmania, of taking advantage of the opportunity that will be presented in the immediate future to come to some terms with the Eastern Extension Telegraph Company which will enable the Commonwealth authorities to acquire this cable on terms which will be much more reasonable than those contained in the bond, and which will be advantageous to the people of the Commonwealth as a whole, and not merely to the people of Tasmania. By so doing they will place the people of Tasmania, so far as telegraphic communication is concerned, in no position of advantage, but merely in a position corresponding to that which is occupied by the people of other States, and to which they are entitled by every plain canon of justice as members of a community entitled to obtain equal conditions with the people of the other

States in the Federation. I hope the honorable and learned gentleman will impress the urgency of this matter upon his colleagues, and see that the resolution of the Senate is given practical effect to, and that very soon after the termination of the first Parliament, and before the meeting of the second Parliament, if possible, the line of cable communication between this one ocean State and the mainland States will be the property of the people of the Commonwealth.

Senator DRAKE.—I shall communicate the honorable and learned senator's views to my colleagues.

Senator WALKER (New South Wales).—It looks as if we were not to have another opportunity this session to say anything further in regard to the Federal Capital site. I hope that during the recess the Ministry will take such steps that one of the very first proposals to be brought before the new Parliament will be a proposal for the settlement of that question. I trust that at that time the evidence will be so pronounced in favour of one of the sites that the Ministry will see their way to make the settlement of this question one on which they will stand or fall. Otherwise, judging by what has taken place, I fear many years will elapse before we shall see the provision in the Constitution Act fully carried out.

Question resolved in the affirmative.

Senate adjourned at 10.7 p.m.

## House of Representatives.

Wednesday, 21 October, 1903.

Mr. SPEAKER took the chair at 2.30 p.m., and read prayers.

### ELECTORAL ADMINISTRATION.

Mr. WATSON.—I desire to ask the Minister for Home Affairs whether it is necessary to insist that the applications for enrolment by electors should be made upon the forms prescribed by the Act? I think that as there are no rolls at present, but lists only, it should not be necessary for claims to be made upon these forms. I would ask the Minister, in view of the

difficulty of obtaining such forms, to consider applications, however made, so long as they are clear and afford the necessary particulars?

Sir JOHN FORREST.—The rule followed is to forward all applications, however made, to the police officers in the districts to which they relate. The names of applicants are not placed upon the rolls before an investigation has taken place. If the police report that the applications are in order the applicants are at once registered as electors. The forms are intended only to meet the convenience of applicants for enrolment, and if forms were not obtainable a letter, forwarded in the ordinary way, would be sufficient.

### RECEPTION OF LORD NORTHCOTE.

Sir LANGDON BONYTHON.—I should like to ask the Prime Minister whether the Government, in arranging for the reception of the new Governor-General, will make provision for Lord Northcote to land at Perth, and also at Adelaide, to admit of his proceeding from that city by rail to Melbourne?

Mr. DEAKIN.—I have no information so far as to the route to be pursued by His Excellency Lord Northcote, but I shall make inquiries. I have some reason to believe that the route has already been arranged.

Mr. JOSEPH COOK.—When is His Excellency expected to arrive?

Mr. DEAKIN.—His intention is to leave England on 19th December, and therefore he may be expected here about 19th January.

### MAIL DELAYS, MARBLE BAR.

Mr. MAHON.—I desire to ask the Minister representing the Postmaster-General whether his attention has been directed to any complaints regarding delay in the delivery of mails upon the north-west coast of Western Australia? I have a copy of a newspaper dated 5th September, and published at Marble Bar, in which it is stated—

The last mail from the metropolis delivered in Marble Bar was one which left Perth on 17th July last.

Further on it is stated—

The daily papers published in Perth on the 18th July have not yet arrived at Marble Bar, and when they do reach us, on Monday next, they will be no less than fifty-one days old.

I should like to ask whether some inquiry will be made into these complaints, with a view to prevent the districts concerned from being further deprived of the regular mail service to which, although isolated and thinly populated, they are undoubtedly entitled?

Mr. DEAKIN.—I shall have pleasure in making inquiry into what certainly seems to be an extreme delay.

#### FEDERAL PROSECUTIONS.

Sir JOHN QUICK.—I wish to ask the Prime Minister whether his attention and that of the Attorney-General has been directed to the opinion of the Victorian Crown Prosecutor, Mr. Leon, to the effect that under the provisions of the Judiciary Act, there will be some difficulty in conducting prosecutions for indictable offences in the States Courts without the intervention of a grand jury. Further, if there is anything in the point, will the Prime Minister consider the desirability of introducing a short bill before the session closes, in order to remove the difficulty?

Mr. DEAKIN.—The difficulty does not exist, except in the mind of the learned gentleman referred to. He has evidently overlooked our Acts. Interpretation Act, under which "indictment" covers "information." He has also omitted to notice that an information may be laid in the name of the Attorney-General, or of his appointee. I understand that it is in contemplation to appoint all the State Attorneys-General to represent the Federal Attorney-General, in order that no delay may occur.

#### ATTENDANCES OF MEMBERS.

Mr. SYDNEY SMITH.—With reference to the return which has been circulated today, showing the number of attendances standing to the credit of each honorable member, I should like to point out that it may convey an entirely wrong impression as to the extent to which honorable members have applied themselves to their parliamentary duties. It is well known that honorable members sometimes have their attendance recorded, and then leave the chamber for the remainder of the sitting. I think it is desirable that a return should be published showing the number of divisions upon which honorable members have voted. Such a return is supplied in connexion with other Legislatures.

Mr. DEAKIN.—The return referred to by the honorable member was prepared at the request of the honorable member for Moreton. It has been supplied only to honorable members. The form of the return was not settled in any way, because it was simply intended to supply the information asked for. Now that the member for Macquarie has asked for further information, I have no doubt it will be supplied.

#### PUBLIC SERVICE REGULATIONS.

Mr. WATSON.—Could the Prime Minister inform us whether any time will be allowed for the consideration of the Senate's message with regard to the amendment of the Public Service regulations?

Mr. DEAKIN.—That matter occupies a prominent place on the notice paper, and as soon as we have disposed of the urgent business I have no objection to its being considered.

#### OFFICIALS OF DEFENCE DEPARTMENT.

Mr. HUME COOK.—I desire to ask the Minister for Defence a question with regard to the report that the General Officer Commanding has issued an order compelling the clerks in the Defence Department to join the militia and wear a military uniform. This order is strongly objected to. I wish to know whether the action of the General Officer Commanding has been approved by the Minister.

Sir JOHN FORREST.—I think that the order referred to relates to military clerks only.

Mr. HUME COOK.—I am informed that it extends to officers who are under the control of the Public Service Commissioner.

Mr. AUSTIN CHAPMAN.—I would ask the honorable member to give notice of his question, to enable me to make the necessary inquiries.

#### PAPER.

Mr. DEAKIN laid upon the table—

Correspondence between the Commonwealth Government and the Government of South Australia with reference to the proposed transcontinental railway to Western Australia.

#### ADJOURNMENT (*Formal*).

#### WESTERN AUSTRALIAN TRANSCONTINENTAL RAILWAY.

Mr. FOWLER (Perth).—I desire to move the adjournment of the House to discuss a definite matter of urgent public



importance, viz., "The survey and construction of the proposed transcontinental railway to Western Australia."

*Five honorable members having risen in their places—*

Question proposed.

Mr. FOWLER.—I have been extremely reluctant to take this step, but it is forced on me by the attitude of the Government, and particularly by the manner in which the question I asked yesterday was answered by the Prime Minister. I do not think that Western Australian members can be blamed for having harassed the Government in connexion with this matter, or with having too frequently brought it before the House. If anything, we have erred in the other direction, and have tolerated the inaction of the Government up to a point when any further hesitation on our part would not be just to our State. There is another reason why the present occasion affords a good opportunity to speak on the matter. We have heard a good deal lately in connexion with another subject—of the Federal spirit and of honorable obligations. I wish in the short time at my disposal to show that there is an honorable obligation resting on this Parliament, and particularly on this Government, to do an act of common justice to Western Australia. The answer that the Prime Minister gave to me yesterday in reference to a survey of the proposed transcontinental line was—

The matter is under consideration, and is subject of correspondence now proceeding.

I am afraid that that answer is not one which is entirely creditable to the Prime Minister, who knows perfectly well that the question of a survey has nothing to do with the correspondence now being carried on between himself and the South Australian Government.

Mr. DEAKIN.—The honorable member is in error there.

Mr. FOWLER.—I would point out to the Prime Minister that it is not necessary that he should correspond in connexion with the matter, because a survey can be undertaken without the consent of South Australia. I have the authority of members of the South Australian Government for making that observation. Those members of the State Government have said to me—"Why need there be any trouble about a survey?—so far as we are concerned, the

Federal surveyors are at perfect liberty to traverse our territory and make what observations they may think fit, in order that the Parliament of the Federation may be in a position to judge as to whether or not this line should be constructed."

Mr. HENRY WILLIS.—The South Australian Government could not keep the surveyors off the territory.

Mr. FOWLER.—Certainly not. Under the circumstances the Western Australian representatives at this stage of the session are fully justified in entering a very strong protest against the inaction of the Federal Government. To my mind Western Australia has simply been played with, and it is about time the Government were given to understand that their action, or rather their inaction, will be tolerated by the State no longer.

Sir WILLIAM LYNE.—What will Western Australia do?

Mr. FOWLER.—If the Minister for Trade and Customs waits a little while he will find out. I feel particularly annoyed with the Government, several members of which—particularly the Prime Minister, by his utterances and indirect promises—are largely responsible for Western Australia having entered the Federation without insisting on a compact in regard to the construction of a transcontinental railway. At the Federal Convention of 1897 we find the present Prime Minister actually suggesting to the Western Australian delegates, who were then indifferent about Federation, the construction of a railway from the eastern States to the western State. On the question of giving the Federal Parliament power to construct such a railway the present Prime Minister spoke at the Melbourne Convention on the 25th January, 1898, as follows :—

A trunk line from the eastern colonies to the extreme west, which would mean a great saving of time in the transit of the mails to and from Europe and increased expenditure in our trade communication with the old world; might justifiably be constructed by the Federal authority.

We find not only the present Prime Minister but several supporters of the present Government, who were members of the Convention, holding out the inducement of a transcontinental railway to Western Australia. The honorable and learned member for Bendigo, for instance, in the Melbourne Convention on the 25th of January—

Mr. A. McLEAN.—At whose expense were the promises held out?

Mr. FOWLER.—The matter of expense can be considered later on; but I would point out to the honorable member that when the Government have felt themselves justified in placing £25,000 on the Estimates in order to provide a structure of stone and lime in front of Buckingham Palace, they might well feel justified in asking Parliament to vote half that sum for the survey of such a railway as that which I am advocating. We find the honorable and learned member for Bendigo, in the Convention, protesting against any attempt to cut down or fritter away the Federal power to construct national or transcontinental railways. Opposing an amendment submitted by the honorable member for South Australia, Mr. Solomon, the honorable and learned member for Bendigo pointed out that if the amendment were carried the Federal Parliament would not be able to construct a transcontinental railway connecting the eastern railway system with that of Western Australia. Mr. R. E. O'Connor, speaking at the same sitting of the Melbourne Convention, used the following language with regard to the federation of the railways:—

If you make that condition you simply make a condition which is impossible. The principle on which we give this power at all is that it may be necessary for the Federal Government to take action in regard to the very large and important work of transcontinental railway construction; and for two reasons: In the first place, it is difficult to obtain the amount of funds necessary in any one State to carry on the work; in the second place, the work must be carried out as a whole, and can only be done by the Federal authority. It should also be done in some uniform way.

The honorable and learned member for Northern Melbourne, who was also a member of the Convention, when speaking of an Inter-State Commission which should control the railway rates throughout Australia, said that in all probability a line to Western Australia would be effected, implying, therefore, that the railway would soon be undertaken and constructed. In view of such general approval of this scheme, I fail to see why there should be any hesitation on the part of the Government in connexion with this matter.

Mr. JOSEPH COOK.—Look at the expense!

Mr. FOWLER.—We have heard a great deal here about some kinds of expense which could very well be avoided. Once again, the present Prime Minister, when on his way back from London, where he had attended as Victorian delegate in

connexion with the Commonwealth Constitution Bill, was interviewed at Albany by Western Australian federationists on the 13th July, 1900, only a few weeks before the referendum was taken; and he then said—

I have always advocated the construction of a line from Perth to Adelaide.

He has not advocated it very much since I have had the honour to sit in this Parliament. Perhaps it may interest honorable members to learn that the leader of the Opposition has spoken in no uncertain language concerning the construction of this line. During the sittings of the Federal Convention, he repeatedly referred to it as a possibility, and in speaking at Kalgoorlie, upon the 27th January last, he used the following emphatic words—

Mr. HIGGINS.—He spoke more strongly still in the Perth Town Hall.

Mr. FOWLER.—The utterance which I shall quote will be perfectly satisfactory to all those who favour the construction of this line. The right honorable gentleman said—

There was one little bit of equity that the Federal Government had got to do to the State of Western Australia, and that was to build a railway to connect it with the other States. From the first moment the Federal compact was signed he had always publicly stated that although there was no written agreement about it, it was always regarded as a tacit understanding, upon the strength of which Western Australia had consented to join the Federation.

We have been told that there is some difficulty in carrying out the undertaking on account of the attitude which has been assumed by the Government of South Australia. In this connexion I am very pleased to know that you, Mr. Speaker, took a very prominent part in inducing Western Australia to join the Federation upon the understanding that this railway would be constructed. I can only regret that you are not now upon the floor of the House to lend your powerful support to a measure of which you so emphatically approved on various occasions. I am also proud to recollect that the attitude of the right honorable member for South Australia, Mr. Kingston, upon this question is as definite as is that of the right honorable and learned member for East Sydney. His words and messages to Western Australia upon the eve of Federation, and his promise to assist us in obtaining the construction of this line at the earliest possible moment, contributed very largely towards securing the magnificent

majority which was obtained in favour of the Union.

Mr. JOSEPH COOK.—Can the honorable member quote his utterances?

Mr. FOWLER.—Yes, but it is not necessary to quote them. His word is as good as his bond, and I am quite sure that we shall have his support in all matters connected with this particular project. I wish, next, to quote an extract from a letter which was written to Mr. Walter James, who is now the Premier of Western Australia, by Sir Josiah Symon. It is dated the 27th June, 1900, and was published in the Western Australian newspapers. It reads—

Federation must inevitably give to Western Australia at a very early date the transcontinental railway line, upon which your and our hearts are set. That will be one outward and visible link to join Western Australia with the rest of the federating colonies. In my belief, the acceptance of the Commonwealth Bill by Western Australia will mean the speedy inauguration of that work.

Lastly, I wish to quote from the manifesto of an honorable member of this House, whom we all highly respect, and whose unflinching regard for honour and political consistency justifies us in accepting him as one of the strong advocates of this railway scheme. I refer to the honorable member for South Australia, Sir Langdon Bonython, who, in his manifesto to the electors at the Federal election, made the following one of the planks of his platform:—

A railway from Kalgoorlie to Port Augusta, federally constructed or guaranteed, is necessary, as an act of justice to Western Australia, which, having agreed to throw in its lot with the Commonwealth, should not remain in a position of isolation.

I think I have shown that the Western Australian representatives had sufficient ground for expecting that the Prime Minister would have set aside a sum of money to defray the cost of a survey of this line. It cannot be denied that our State entered the Federation upon the understanding that this railway would be taken in hand at a very early date. Yet, though the first Commonwealth Parliament is now about to close, not a single step has been taken by the Government in the direction in which we were so frequently promised that action would be taken. We have heard much of the reasons which induced the other States to join the Federation. We have been told that the possession of the Federal Capital was the determining factor in the case of New South Wales. On the other hand,

Queensland has received from this Parliament freedom from that black curse which was threatening her. Victoria has had the markets of the whole of Australia opened to her, and, in that respect alone, Western Australia has proved a regular mine of wealth to Victorian industries. Tasmania has also had the markets of Australia thrown open to her produce. South Australia is offered a magnificent country to exploit, if she only cares to take advantage of it, as no doubt she will ere long. I refer to the territory which lies between the West Australian gold-fields and the occupied portion of her own territory. There is an immense area of auriferous country there of which advantage can be taken by South Australia, and, if a survey were made of this railway, I believe that such justification would be found for its construction as would enable any Government to take the work in hand. But what has Western Australia gained from Federation? It would be very difficult to discover that she has derived any advantage whatever. Of course we have frequently been reminded that she enjoys the benefit of a special tariff. But I would point out that the sliding scale of duties which was agreed upon was not embodied in the Constitution for the special benefit of Western Australia. Indeed, if a referendum had been taken upon that arrangement it would have been emphatically repudiated by a large majority. Western Australia, I repeat, has proved a perfect godsend to these Eastern States. Even now, some £20,000 per month is being forwarded by workers in Western Australia for distribution amongst families in Victoria and elsewhere.

Mr. KINGSTON.—And it is well earned.

Mr. FOWLER.—It is undoubtedly. We have rescued several Victorian industries from insolvency. We have enriched Victorian ship-owners, and provided profitable occupation to the men employed by those who, a short time ago, were trying to do us another act of injustice. Western Australia has a good claim upon the Federation and the Government, but especially upon the Prime Minister, whose eloquence so largely contributed to that State placing itself unreservedly in the hands of the other States. As an ardent Federationist, I am disappointed that the hopes which we entertained regarding the manifestation of a Federal spirit in this respect

have not been justified. I believe that it is not the fault of this Parliament. I am confident that if the Government proposed that a sum of money should be voted to enable a survey of this line to be made, the vote would be carried by a large majority. There is therefore absolutely no excuse for an attitude of indifference upon the matter. I trust that before we disperse we shall have an intimation from the Prime Minister that the Government will perform this just act to Western Australia. If we have not, I venture to say that it will be so much the worse for the general policy of the Government in the future history of the Federation.

Mr. E. SOLOMON (Fremantle).—Every one must realize that Western Australia has just cause for complaint in this matter. The speech delivered by the Governor-General at the opening of the present session indicated that the carrying out of this survey would be one of the matters that would receive consideration by this Parliament; but, unfortunately, the Government have not done anything in that direction. Numerous questions have been asked from time to time in the House, but the Government have not given that attention to the matter which Western Australia anticipated that it would receive. It has been truly said that had it not been for promises which were made by influential advocates of Federation that the construction of the trans-continental railway would probably be entered upon at an early date by the Commonwealth, Western Australia would not have joined the Union. Reports of speeches which were made in Western Australia and other States in support of the Federal movement unmistakably showed that the construction of this line was one of the main considerations which Western Australia had in view in joining the Federation. The present Prime Minister at that time spoke of "one flag one destiny," and suggested that, with the establishment of the Commonwealth, the several States of Australia should be linked together by means of the iron horse. There can be no doubt that the speeches made at that time by the honorable and learned gentleman were considered by the people of Western Australia to be pregnant with promise, but I am sorry to say that the influence which it was thought he would bring to bear on this matter has not yet been exercised. The honorable member for Perth has entered into this matter so

fully that it is unnecessary for me to occupy the attention of the House at any length in dealing with it. At the same time, I feel that we have a well-founded complaint. I am confident that the Minister for Home Affairs will support all that has been said with regard to the desirableness of undertaking this work without delay, and that he will do all in his power if not to expedite the construction of the railway, at least to urge on the work of making a preliminary survey. The expenditure involved will not be great, and the fact that the survey may open up new mineral resources in Australia should influence honorable members in supporting our request. I believe that you, Mr. Speaker, in the past, did all in your power to further the object which we have in view, and that if you were not holding your present high and honorable office you would, as a private member, heartily co-operate with the representatives of Western Australia in their demand that a survey should be at once made. Western Australia occupies an isolated position. It is really cut off from the remaining States of the Federation, and, save for shipping facilities, has no means of sending her produce to the other States, and receiving their manufactures and produce in return. I trust that the Prime Minister will take this matter into consideration, and that before the session closes we shall have a message from the Governor-General recommending the appropriation of a sum of money sufficient to enable the survey to be made.

Sir JOHN FORREST (Swan—Minister for Home Affairs).—If certain honorable members who are inquiring why I have not done anything to further this movement had lent me their assistance, it might, perhaps, have been in a better position to-day. I am very glad that this matter has been brought forward, because I feel that the facts relating to it should be clearly placed before the House. I do not think, however, that any considerable degree of blame can be placed at the door of the Government. It must be remembered that this is the first Parliament of the Commonwealth, and that we have been called upon to transact an enormous amount of work. Even the machinery measures absolutely necessary for carrying on the work of the Government have been placed on the statute-book only

with considerable difficulty, and it must therefore be recognised that it has been practically very difficult to find time for the lengthy discussion of a great project such as this is. I know that from the first the Government have been sympathetic in regard to this matter; but they have been placed in a position of much difficulty. Victoria and some of the other States suffered much by the prolonged drought which has only recently been dispelled, and the finances of the several States have been in such a condition that it has not been an easy matter to cause their representatives to become enthusiastic in regard to any suggestions for the expenditure of a large sum of money. I do not consider that we should incur expenditure merely for the sake of making people believe that we are going to do something in this direction unless we really intend to do so. I am not in favour of making surveys for any proposed railway unless the project is entered upon in a *bonâ fide* way, and unless those who are prepared to support the necessary expenditure are ready to follow up their action in this respect by supporting the construction of the line. I am sufficiently familiar with the proposed route to know that there are no engineering difficulties in the way of the construction of the line. It presents, perhaps, fewer obstacles to the construction of a railway than does any other part of Australia, and when the line is made I should not be surprised to find it running in a straight line for several hundreds of miles, over country so level that earth-works will be of the simplest character. That being so, I have advocated the making of the necessary survey on the understanding that the line will be constructed.

Mr. WILKS.—The right honorable member wishes to see a fair go.

Sir JOHN FORREST.—Quite so. It cannot be said that the Government has done nothing towards expediting the construction of the railway. Notwithstanding the adverse conditions with which we have had to contend, we have not neglected this question. The Western Australian Government have examined their side of the proposed route, while the South Australian Government have done likewise. Furthermore, this Government appointed a commission whose members visited South Australia and Western Australia, and examined parts of the route. Their report

has been published, so that honorable members and the public generally have now a considerable amount of information in regard to the proposal, and are in a good position to consider it. It must not be forgotten, however, that it is only recently that authority was given for the construction of the Western Australian portion of the line.

Mr. FOWLER.—But there is no obstacle in the way of making a survey.

Sir JOHN FORREST.—Probably that is so, but the Commonwealth has really no legal right to enter upon the Crown lands of any State in order to survey a route for a railway. We might be considered trespassers upon the Crown lands of South Australia if we endeavoured, without the permission of the Government of that State, to survey a route for a railway through it. That is not the position in which we should be placed. If the Government of South Australia are in earnest in this matter, they should authorize the Commonwealth in writing to enter upon their Crown lands and make a survey of the route. But they have not done so. The Government of Western Australia, as I have just pointed out, have only recently passed an Act giving authority to the Commonwealth to construct the line, although they have had the matter before them for over two years. However, I shall not say anything against them on that account, because of late, at any rate, they have shown great interest in the matter, and have done all they could to further the project.

Mr. WILKS.—What about the railway to Esperance?

Sir JOHN FORREST.—I could easily deal with that proposal, and, I hope, give it its quietus, so far as this Government is concerned, before I conclude my speech. The survey of the proposed line from Port Augusta to Kalgoorlie would cost about £20,000.

Mr. V. L. SOLOMON.—Would that be the cost of a flying survey?

Sir JOHN FORREST.—That is the estimated cost of a permanent survey. The work would cost about £20 a mile. The South Australian Government, however, have not yet introduced a Bill to authorize the construction of the line, and the correspondence between that Government and the Government of the Commonwealth which has been laid upon the table this afternoon will not be pleasant reading for either the right honorable member for South Australia, Mr. Kingston, or you, Mr. Speaker. I should not like as a private

individual to receive a letter such as that which has been addressed to the Premier of South Australia, and I am certain that the people of that State will not be too pleased when they read it. I wish now to give the House a little information in regard to the natural resources and wealth of Western Australia, because unless it can be shown that it is a country to which it is worth while to make a railway it will be better to have nothing to do with the proposal. Unless the construction of the proposed railway would be advantageous to the whole Commonwealth as well as to the State of Western Australia it should not be undertaken. I do not wish any honorable member to vote for a measure authorizing such a work if he believes that its construction would impose an undue burden upon the people of the Commonwealth for the sole advantage of Western Australia. But in my opinion the undertaking is a national one, and will prove remunerative and of great advantage to every State in the Union. I have not the slightest hesitation in urging that the undertaking be carried out. I believe that in the future, when the railway has been constructed, people will marvel that there was ever any hesitation about making it. If any one of the States had an auriferous district like that surrounding Kalgoorlie and Coolgardie within 1,100 miles of a railway terminus, would its people hesitate for a moment about the advisability of extending the line to it? From the district I speak of 250 tons of gold have been taken, and probably quite £6,000,000 worth of gold is won every year from the district within a radius of thirty miles of Kalgoorlie.

Mr. KIRWAN.—The yield of gold for the whole State is £9,000,000 a year.

Mr. JOSEPH COOK.—But what about the expense of building the line?

Sir JOHN FORREST.—The undertaking will be remunerative. Besides the gold-fields, the railway will be the high way for mails and passengers to and fro to Perth and Fremantle as well as Europe. Surely the honorable member would not hesitate about spending money on a work which will make the country prosperous! If this were a matter in which any one of the States was individually interested, there would be no hesitation about the construction of the line. Honorable members who represent the eastern States, however, regard the proposal as unimportant, merely because Coolgardie

and Kalgoorlie are so remote, and they are unacquainted with the wealth and resources of the State of Western Australia. They should, however, endeavour to inform themselves on the subject. There is not a member in the House who, if he went to Western Australia, would not come back a convert to the proposed scheme. As has been pointed out by the honorable member for Perth, Western Australia deserves well of the eastern States. When I was Premier of Western Australia nearly £1,000,000 was remitted one year to the eastern States by men who were earning good wages in Western Australia, and were sending money back for the support of their wives and families here. Last year the people of the State purchased in the eastern States goods to the value of £2,288,536.

Mr. WILKS.—The greater part of that money was spent in Victoria.

Sir JOHN FORREST.—About £750,000 was spent in South Australia.

Mr. KINGSTON.—We found the mines for you.

Sir JOHN FORREST.—I am quite sure that the right honorable and learned gentleman is only awaiting his opportunity to make a speech in favour of the railway. He is one of those who most strongly urged me to join the Federation. He said that he hoped that the day was close at hand when the representatives of South Australia and Western Australia would be found standing side by side in the Federation advocating the claims of a railway to the West. I am quite sure that he will not now go back upon his word.

Mr. KINGSTON.—I do not think that I was ever found to do that.

Sir JOHN FORREST.—No; as I was pointing out, the people of Western Australia purchased from the Eastern States goods to the value of £2,288,536, whereas we sold to the Eastern States goods to only the value of £743,411. I do not know what these exports consisted of, but I presume that they were mostly gold. The balance of trade, therefore, was £1,545,125 in favour of the Eastern States. We have heard a good deal about the value of New Zealand to Australia, and no doubt it is a great country. It is not, however, as valuable to Australia so far as trade and commerce is concerned as is Western Australia. New Zealand purchased from Australia last year goods to the value of £1,390,539, whereas the imports from New Zealand into Australia were valued at £2,475,685.

Therefore the balance of trade as between us and New Zealand was over £1,000,000 on the wrong side, whereas the balance between the Eastern States and Western Australia was over £1,500,000 on the right side. The value of our commercial intercourse with Canada has been referred to upon more than one occasion, and we have shown our readiness to contribute about £50,000 per annum for the purpose of maintaining a mail service with that country.

Mr. JOSEPH COOK.—The amount we contribute is only £14,000.

Sir JOHN FORREST.—I thought that the amount had been increased.

Mr. JOSEPH COOK.—Only from £10,000 to £14,000.

Sir JOHN FORREST.—The total contribution from New Zealand and Australia is much more than that, and would probably represent £30,000. Last year Canada purchased from us goods to the value of only £33,336, whereas she sold us produce to the value of £318,738. Therefore Western Australia is by far a better customer of the Eastern States than is either New Zealand or Canada.

Mr. WILKS.—Which of the States does the most trade with Western Australia?

Sir JOHN FORREST.—I believe that Victoria does. Although Victoria is 500 miles further distant than South Australia she seems to do the greater part of the business. In 1902 no less than 47,622 persons travelled between Western Australia and the Eastern States.

An HONORABLE MEMBER.—That is why the ship-owners do not want the railway.

Sir JOHN FORREST.—The ship-owners have made fortunes out of the Western Australian trade. I could tell honorable members of one flourishing company which was not in very prosperous circumstances before the Western Australian trade was opened up. The number of persons who travelled between Australia and New Zealand last year was 34,753, and between Canada and Australia only 1,622. It will, therefore, be apparent to honorable members that the passenger trade between the Eastern States and Western Australia is very large and important. I feel sure that if a railway were constructed fully twenty persons would travel for every one who now proceeds by sea. There would still be plenty for the ship-owners to do. They would have a trade representing at the present time a value of £3,000,000 per annum to carry on. Surely

that should be worth something to them, and, therefore, they should not oppose the construction of the railway. If they do, I shall have something to say about them.

Sir MALCOLM MCEACHARN.—I am not aware that the ship-owners as a body do oppose the railway. There is a great deal of assumption about the statements which have been made regarding the ship-owners.

Sir JOHN FORREST.—They are not very much in favour of the railway.

Sir MALCOLM MCEACHARN.—I am opposed to the construction of the railway until I am satisfied that it will pay.

Sir JOHN FORREST.—The ship-owners do not support the railway, because it would not suit them to have it constructed.

Sir MALCOLM MCEACHARN.—They are not so selfish as are some people in Western Australia.

Sir JOHN FORREST.—I think that we are all more or less selfish; but I deny that the people of Western Australia have shown themselves unduly so. If there has been any delay, it cannot be laid to any great extent at the door of the Commonwealth Government. We have had a great deal to do, and we have not had time to transact all of even the pressing business. The States immediately concerned have not done all that they might have accomplished. A Bill authorizing the construction of the railway should have been passed in South Australia and in Western Australia, two or three years ago. If I had been in office in Western Australia a Bill would have been passed early in 1901. I am very much obliged to the present Government of Western Australia for recently having pressed this matter on. Mr. James, the Premier, has done all he could in that direction. Whether or not the railway be constructed by the Commonwealth Government, it will have to come. It is necessary in the interests of Federation. We shall never make Federation a reality to the people of Western Australia unless we enable them to see and to feel its effects. There is no use in expecting them to remain loyal to Federation unless they are able to see evidences of its advantages.

Mr. JOSEPH COOK.—This is treason!

Sir JOHN FORREST.—No, it is not. I am a good federalist; but I am stating facts. We cannot expect the people of Western Australia to remain under their present disabilities for very long. They may

be patient and long-suffering ; but they cannot rest content under present conditions. The people belonging to the Federation must be bound together with hoops of steel, and so far as the people of Western Australia are concerned the construction of this railway is essential. I feel sure that if Western Australia had not entered the Federation, the Commonwealth Parliament would not hesitate to offer that State the railway if its construction were made a condition of its joining the Federation. It is scarcely necessary to point out that Western Australia, with its immense trade and its magnificent prospects, must have been included in the Federation in order to render the Union complete. The fact that that State joined the Federation, for good or ill, in its earliest days is no reason why it should be treated less favourably than if it had stood out. I have no fear of the result of constructing the railway. I belong to that class of people who are not afraid to assume responsibilities. I do not believe in a do-nothing policy. I believe that under Federation we can rearrange the finances of Australia in such a way as to enable us to construct this railway, and carry out many other great projects for the benefit of the Commonwealth, and that after we have done so we shall be richer than we were before Federation, and richer than we could ever have hoped to be as six separate States. The rearrangement of our loans alone will, as time goes on, save more money to the people of Australia than this transcontinental railway and many other great works are likely to cost. I hope that we shall not adopt an exclusive, or a parsimonious and fearful policy ; let us have pluck and have faith in our country.

Sir MALCOLM McEACHARN.—Let us have inquiry.

Sir JOHN FORREST.—The honorable member has been inquiring all his life, and no one knows better than he of the great wealth of Western Australia ; indeed, I myself pointed out to him fortunes there.

Sir MALCOLM McEACHARN.—Not in connexion with the transcontinental railway.

Sir JOHN FORREST.—The honorable member knows very well that the transcontinental railway will pay. In some quarters the country through which the proposed railway will travel is spoken of as a desert ; and a press penny-a-liner has spoken of the project as a "desert railway."

As a matter of fact, there is not a bit of desert the whole of the way ; on the contrary, there are 500 miles of grassy country which, but for the absence of surface water, would be occupied by sheep or cattle. It is certain that in time to come those lands will be grazed by stock.

Mr. SKENE.—Can water be obtained by sinking ?

Sir JOHN FORREST.—Water is obtained at a depth of about 1,000 feet. If honorable members listen to people who know nothing whatever about the country, they will, no doubt, arrive at the conclusion that there is nothing in the project, and that we had better go on as in the past, leaving the West isolated from the East.

Mr. KINGSTON.—Does the water rise at all ?

Sir JOHN FORREST.—So far as the experiments have gone, they show that the water comes up very near to the surface. I hope no one will consider that I am an adventurer, who desires to spend money in directions from which no return may be hoped. I should be the most foolish man in this House if I advocated any such disastrous policy. Where would my reputation soon be ? I have used that argument a good many times before, and I have never had reason to regret the carrying out of the projects with which I have been associated. If a public man advocates measures which do not pay in the course of a few years, Nemesis overtakes him ; and I would not, even to secure the good will of the people of Western Australia, advocate a measure which would result in disaster and make my name a by-word. Unless a project had a good chance of success, it would be foolish and disastrous on my part to recommend it to the people of Australia. Only this morning I read that a project which I initiated, and which it was prophesied would ruin Western Australia, has proved a success at the very start. The Coolgardie water scheme was carried out at a cost of £2,500,000, and we are now told that, even before the reticulation is completed, and in the winter time, it is returning a revenue of £112,000 per annum. When the summer comes it is said that this return will be doubled, so that the scheme may in its very early days be regarded as a paying concern. I am now advocating no desert railway which would bring discredit on me and the Parliament of this country ; and I speak with a full sense of my responsibility.



I have again to thank the honorable member for Perth for bringing up the subject. But that honorable member must not blame the Government, who have a right to expect to be put into a legal position by the Parliaments of Western Australia and South Australia. It is unreasonable to ask the Government to spend a large sum of money before the statutory authority to do the work has been obtained. There might be some reason for the course which some honorable members are urging, if the country through which the railway will travel were a difficult country. As a matter of fact, it is a country so easy as to scarcely need survey much ahead of construction. The railway would not only connect the mines of Western Australia with the other States, but would bind together two sides of a great continent. It will be impossible to prevent the carrying out of this project—the line must be constructed either now or in the near future. Western Australia has already turned out £45,000,000 worth of gold, and is turning out £8,000,000 or £9,000,000 worth yearly; and I do not wonder at people deserting Victoria for that State. What I want to see is a transcontinental railway providing for the freest communication between east and west, so that all the States may be benefited, and Federation be made a reality, which it can never be so long as the Eastern and Western sides of Australia are separated by 1,000 miles of unoccupied country.

Mr. SYDNEY SMITH (Macquarie).—I can sympathize with the representatives of Western Australia. We from New South Wales have reason to complain of the delays of the Government in dealing with the question of the Federal Capital site, which, we have been told, is purely a local matter. We have even been told that the question of the Federal Capital played no part in connexion with the Federal movement; and our position is similar to that of the Western Australian members, except that the Constitution itself provides that the Federal Capital shall be in New South Wales. In the address to this Parliament of His Excellency the Governor-General in May, 1901, occurred the following paragraph:—

Isolation was the chief obstacle to the early adoption of the Constitution by Western Australia, until the hope of closer connexion influenced the people of the west to risk the threatened perils of that political union of the continent which their vote at the referendum did much to complete.

It was thus pointed out that one of the chief reasons which induced Western Australia to enter the Union was the fact that a transcontinental railway had been promised. I am not surprised that representatives of Western Australia should feel anxious about the Government delaying the project for so long. It is true that some estimate of the probable cost was submitted by engineers, and that at the opening of the present session the address of the Governor-General referred at some considerable length to the importance of such a railway. That shows that the Government are in strong sympathy with the movement.

Mr. FOWLER.—There is plenty of sympathy.

Mr. SYDNEY SMITH.—As in the case of the Federal Capital, there is plenty of sympathy in words, but no practical sympathy; and Western Australia has good reason to complain.

Sir WILLIAM LYNE.—How could the Government take a line through South Australia without the consent of the State Parliament?

Mr. SYDNEY SMITH.—No doubt the Minister will be ready with all sorts of excuses; but the report of the engineers was obtained without the consent of the State. The Prime Minister knows that only a few weeks ago a personal canvass was made of members as to whether they approved of a trial survey being made, and I believe there was a strong expression of feeling in favour of such a step.

Sir WILLIAM LYNE.—I did not know that had been done.

Mr. SYDNEY SMITH.—I remember the Minister for Home Affairs, when dealing with the Address in Reply on one occasion, speak strongly in favour of a transcontinental railway, pointing out its urgency, and the great part it had played in the Federal movement, and contending that it would pay; indeed, the right honorable gentleman went so far as to say that if the railway were not constructed, he would be a party to "bursting up" the Constitution. I remember that only a few weeks ago my honorable friend made a speech at a prominent political gathering in this city, in the course of which he declared that he could obtain very little sympathy with this project from his colleagues, and that Western Australia's only hope was centred in the leader of the Opposition. I believe that the Minister for Home Affairs is absolutely

sincere in regard to the undertaking. Nevertheless, the fact remains that the Government have taken practically no step towards arriving at any decision in regard to the project, except that of obtaining a report upon it from the Engineers-in-Chief of the different States.

Sir WILLIAM LYNE.—I obtained that report after consultation with the Cabinet. Nothing further could be done.

Mr. SYDNEY SMITH.—I think that a great deal more could have been done.

Sir JOHN FORREST.—We have the information. We merely require a permanent survey to be made to enable us to undertake the work.

Mr. SYDNEY SMITH.—The Minister for Home Affairs has expressed the belief that this railway, if undertaken, will pay. If that be so, it is clearly his duty to bring the matter prominently under the notice of his colleagues. We all recognise his determination and his courage. We also know that he has considerable influence with his colleagues. If he really believes that this line is necessary in the interests of Western Australia and of the other States, that it will prove remunerative, that it will be the means of developing an important traffic, and will provide employment to thousands of citizens, it is obviously incumbent upon him to press the question of the desirableness of its construction upon the attention of the Government, with a view to having it thoroughly ventilated in this House.

Mr. MAHON (Coolgardie).—Observers must have noticed that the chief disqualification or defect of the representatives of Western Australia in this Chamber is excessive modesty—a disinclination to intercept the great work of the national Parliament by reiterated advocacy of purely local interests. That is a defect from which—possibly for the benefit of Australia—very few representatives of the other States suffer. The Queensland representatives, for instance, have managed to secure for the sugar-planters of that State a contribution from the rest of Australia, as an inducement to employ white labour. I have no objection to that. At the same time I desire to point out that all the advantages accruing from Federation should not be confined to one State. Although Western Australia did not have the forethought to provide in the bond that the trans-continental railway should be constructed, it would nevertheless be a pure breach of

faith with that State if the Commonwealth refused to build the line.

Mr. FOWLER.—Her delegates never suggested that the work should be provided for in the bond.

Mr. MAHON.—No. The absence from the Constitution of any provision regarding the construction of that railway is to some extent accounted for by the fact that Western Australia was never truly represented at the Convention. There were probably two or three delegates from that State who would have been returned by the vote of the people; but the electors had no opportunity to say who should represent them at that Convention. This fact explains the presence in the Constitution of something which need not have been placed there, and the absence from it of something which should have been inserted.

Mr. KINGSTON.—Does the honorable member know why the delegates from Western Australia were not elected by a direct vote?

Mr. MAHON.—Certainly; that is a matter of history. The State Parliament did not give the people of Western Australia the opportunity to elect representatives. But what about the right honorable member and others who sat in the Convention with these improperly elected delegates? In Western Australia the people were powerless to protest. Why did not the right honorable member for South Australia, Mr. Kingston—who is claimed to be the idol of the democracy of Australia—rise in his place in the Convention, and protest against those delegates being permitted to settle the destinies of the Commonwealth? Since he must have known that these delegates were improperly elected to the Convention, he is certainly more blameworthy than are the people whose hands were tied behind their backs, and who could do nothing to right their grievances. It has been clearly proved by the honorable member for Perth that the people of Western Australia voted for federation on the distinct undertaking given by the present Prime Minister, and nearly all the other Federal leaders, that this railway would be constructed. It was because of those promises that the people of Western Australia were induced to join the Union. Why is reference made in the Governor-General's speech, at the opening of each session of Parliament, to the necessity for the construction of this railway, unless the

Government are prepared to take the matter in hand? I indorse every word that has been said by the Minister for Home Affairs as to the futility of a survey unless the Government intend to proceed with the construction of the line. The Prime Minister will possibly say that South Australia has not given the requisite permission to the Commonwealth to enter upon her territory, and I believe in that respect the honorable and learned gentleman has a good defence. The language used by him in the respectful remonstrance which he addressed to the Premier of South Australia, was possibly as strong as an honorable gentleman in his position could have reasonably employed; but he will admit that the case is a very bad one, and would justify the use in this House, at all events, of much stronger language. The Premier of South Australia repeated a promise given by his predecessors in office, that a Bill similar to that passed by the Western Australian Parliament would be introduced in, and passed by, the South Australian Legislature; but that promise has not yet been fulfilled. It seems desirable at this stage to remind South Australia that some occasion may arise when it may need the good will of the other States. Between 1904 and 1920 the Government of South Australia will have to redeem about £20,000,000 of loans.

Mr. GLYNN.—The work of redeeming those loans will not commence until the year 1907.

Mr. MAHON.—It will commence next year.

Mr. GLYNN.—But there is only a comparatively small amount to be redeemed until the year 1907.

Mr. MAHON.—Between the present year and 1920, they will have to redeem each year loans amounting in the aggregate to about £20,000,000. I have not had time to work out the totals, but the figures are to be found in *Coghlan*. The leaders of public opinion in the press and Parliament of South Australia may require the co-operation of the other States before the year 1920. Without unduly detaining the House, I may in conclusion point out the significant fact that the opposition in South Australia to the construction of this railway comes from a section of the people who are interested in shipping, and who desire to shut up the ports of Western Australia to the ocean-going mail vessels. Another opportunity

will arise to discuss this matter, and as I am probably not in order in referring to it at the present stage, I shall therefore say no more on the point. I hold, however, that the Prime Minister should have made the necessary provision on the Estimates to enable a survey to be made. In view of the repeated references to this project which have been made in speeches delivered by the Governor-General, I can hardly believe that the people of Western Australia will hold Ministers blameless for their inaction in the matter. I hope that if the necessary money cannot be provided during the present session, the Prime Minister will at least give us his assurance that very early next session a substantial sum will be voted to enable this work to be carried out.

Mr. KINGSTON (South Australia).—It is somewhat regrettable that we should be called upon to discuss this question on a motion without notice, such as that which is now engaging our attention; but, at the same time, I feel that the course which has been adopted is justified by the lateness of the session and the unanimity in regard to the necessity for this work. Something has been said with reference to the attitude which a number of gentlemen interested in the Federal movement have, in the past, adopted in relation to the question of constructing a railway to connect the gold-fields of Western Australia with Port Augusta, and special allusion has been made at various times to my own position. I undoubtedly have expressed myself in favour of a work of that character, and I shall be as good as my word. I shall be delighted to assist in carrying the necessary motions if those concerned produce, as I believe they can, the necessary statistics to remove all doubt as to the propriety of the work. Let us have these figures at the earliest moment. I believe they will be readily available, and I promise honorable members that I shall redeem all my pledges in this connexion. Indeed, I shall go a good deal further. I shall be prepared to support a proposal to connect the gold-fields of Western Australia by rail with Esperance, the nearest port to the Eastern States.

Mr. MAHON.—That has nothing to do with the question.

Mr. KINGSTON.—It has everything to do with it. When we promise to connect two States by rail, I consider, speaking broadly, that that connexion should be made in a way that will be most useful to

the States themselves, and not to any particular port. There should not be any attempt, for the purpose of diverting trade from the direction in which it would naturally flow if the ordinary channels were open, to carry it by a devious course to a far distant port. So far as the interjection made by the honorable member for Coolgardie is concerned, I would say that, as regards the conclusions at which I have arrived in connexion with this matter, I am much indebted to him. I am not in the slightest degree satirical when I make that assertion. I indorse the statements which he deemed it his duty at a very early stage in the history of this Parliament to lay before the House, in a carefully thought-out speech, loaded with statistics, and in which he was supported by the honorable member for Kalgoorlie. I am pleased that a copy of those speeches has been supplied in pamphlet form to honorable members, and I regret that an opportunity to complete the debate, on the motion then submitted by the honorable member for Coolgardie, has not yet offered. The honorable members in question, who took so much trouble in regard to this matter, owing to unforeseen circumstances which generally afflict private members in connexion with their various notices of motion, have not had an opportunity to have the question thrashed out. Their speeches, however, remain, and serve to show the sort of case to which they addressed themselves with such great success. The motion then submitted was as follows:—

That the construction of a railway between Esperance and Coolgardie, or some other point on the eastern gold-fields of Western Australia, is essential to the "absolute freedom" of Interstate trade contemplated by the Constitution.

Mr. FOWLER.—What has that to do with this railway scheme?

Mr. KINGSTON.—Everything. If we are going to carry out a scheme for the advantage of the Commonwealth, let us do it in a way which will benefit the people of the State chiefly concerned. Let us not attempt to divert trade into channels in which it does not naturally flow. Let us not adopt a circuitous, and, therefore, more expensive and troublesome route, instead of the natural route to the port with which, in the interests of Perth and Fremantle, it is refused connexion.

Sir JOHN FORREST.—Not at all. It is cheaper to go to Fremantle than to Esperance.

Mr. KINGSTON.—It is notorious that, as regards this huge, promising, and now, because of its gold and other mineral resources, fairly prosperous State, there has been too much centralization in the past. Too much has been done in the interest of Perth and Fremantle, and against the interests of the great body of workers to be found on the gold-fields.

Mr. FOWLER.—Is Perth singular in that respect?

Mr. KINGSTON.—It is conspicuous in that respect.

Mr. FOWLER.—Has not the right honorable gentleman helped to build up Port Adelaide in the same way?

Mr. KINGSTON.—I do not think so. I have, so far as I could, opened up all the South Australian ports that could be opened up. There is not a port in that State to which attention has not been given. It is not so in Western Australia, however. There, notwithstanding the delay which is caused, the mail steamers, instead of calling at Albany, have been compelled to call at Fremantle. Western Australia was so managed that it is notorious that it was the threat of secession made by the people on the gold-fields that forced the Government of the State to take steps to bring it within the Union. It is time that these facts were mentioned here. I am cognisant of the circumstances, and no one can deny the truth of what I say. If it had not been for the threat of separation made by the people on the gold-fields, because of the provocation they had received, Western Australia would not be part of the Commonwealth to-day. We have the people of the gold-fields to thank for the present position of affairs. In this connexion our duty is clear. Let us give them all that they properly claim.

Mr. FOWLER.—Does the right honorable member know that there was a majority for Federation in the coastal districts of Western Australia?

Mr. KINGSTON.—Of course there was, but the Government were not in favour of Federation, or even of referring the question to the people, until the last moment. They came round only at the last moment, when they could not help themselves, after repeated protests and promises to the contrary, and attitudinising of the most ludicrous description.

Sir JOHN FORREST.—That is very good. The right honorable gentleman knows so much about Western Australia!

Mr. KINGSTON.—I do. I am sorry that the right honorable gentleman can give expression to his feelings only by a series of grunts. I suggest that as a Minister of the Crown he should attempt to hold his tongue, and not indulge in the stupid, inane, and repeated twaddle with which he is now disturbing our proceedings. He is only interrupting. I suggest that he should do something else.

Sir JOHN FORREST.—Any one would think that the right honorable member had lived in Western Australia.

Mr. KINGSTON.—The cry of the people of Western Australia has gone through the length and breadth of the Commonwealth, and has even reached to the Colonial Office. The attitude of the Colonial Office in regard to the separation of the gold-fields also had something to do with bringing about what we desired to accomplish, but which was so consistently opposed by the Government of Western Australia. This is what the honorable member for Coolgardie said in that connexion—

The time has now arrived when this Parliament should be prepared to listen sympathetically to complaints from a minority in any State who are being cheated out of the chief benefit which they expected would follow from the Federal Union. That is the position to-day of the inhabitants of the gold-fields of Western Australia, and I say it is a position which should excite the active sympathy of every true Federalist. That Western Australia is one of the original States in the Federation is largely due to the enthusiasm and the self-sacrifice of the gold-fields population. What was it that aroused and sustained this enthusiasm? Certainly the grand ideal of nationality; but also the strong belief that Federation would give unfettered intercourse with the rest of the continent and free play to the efforts of men pioneering an arid and inhospitable region. No whining plea for exceptional treatment has ever reached this Parliament from that territory. Its settlers have never been suppliant for the privilege of preying on any other class in the Commonwealth. All they seek is that, in a hand-to-hand conflict with nature, they may be allowed access to, and free use of, such advantages as nature has conferred on them. They demand no more than that man shall not interpose a barrier between them and their natural outlet to the sea.

What are known as the eastern or Coolgardie gold-fields embrace an area of about 450 miles from north to south, and of about 250 miles from east to west. Their southern fringe is little more than 100 miles from the ocean at Esperance, where there already exists a safe and commodious harbor. This port is about 220 miles from the

main centre of population on the gold-fields, and is some 600 miles nearer than Fremantle to the eastern States.

Remembering the proximity of Esperance and the distance of Fremantle, I ask is it reasonable, when we are called upon to do our best in the interests of a great State, to compel that large section of the community—the gold-fields population—by whom its prosperity is secured to go to the more distant port, instead of to that which lies at their door? Moreover, is it fair to hamper the trade of the eastern States? It is to a great extent the people of the eastern States who discovered the gold-fields of Western Australia, who peopled its deserts, who supplied it with food. Without that it would never have been heard of. All glory and honour to all who are now in Western Australia; but let it not be assumed that the colonization of that State, and the exploitation of its resources has been the unassisted work of any one section of the people of the Commonwealth. It has been an Australian work, of which we have all reason to be proud. The honorable member for Coolgardie continued—

Fremantle lies to the extreme west, nearly 390 miles from Kalgoorlie. The whole of the passenger and goods traffic from the eastern States is thus carried some 600 miles by sea beyond the port nearest to its destination, and must then undergo an extra land carriage of 170 miles. For more than seven years the people have continuously agitated for the connexion of the gold-fields with Esperance by rail. Every appeal has been ignominiously rejected by the Western Australian Parliament, whose latest act is the refusal of a Royal Commission to investigate the merits of the proposed railway. Now, I deny that the decision of that Legislature reflects the matured judgment of a majority of the people of Western Australia with respect to this project.

Then he commented upon the want of representative character in the State Legislature. To that matter, I do not intend to direct my attention. But I ask honorable members to look at the map of Western Australia. Let them look at the area of land which the magnificent harbor of Esperance would serve, and note its proximity to the gold-fields. Let them, too, think of the population of that district. Should we or should we not in a Federal work, which is to be undertaken in a Federal spirit, provide for the people of that district, without regard to the interests of old-established districts with which it is not naturally connected? Should we not give them access to the east for the benefit of

Australia in the largest sense? I am in favour of the proposed railway, but, at the same time, I say that it should be continued to Esperance. The people of the district concerned would be heartily thankful for such a line. What do the speeches of the honorable members for Kalgoorlie and Coolgardie mean? Surely neither of them will desire to depart in the slightest from the position which he then took up, or to withdraw a word or sentiment which he then uttered. We heard of the visit of the leader of the Opposition to the gold-fields. What was made almost the dominant note of his reception? An appeal for the construction of the Esperance railway.

Sir JOHN FORREST.—That is not correct.

Mr. KINGSTON.—I have read the reports, and I have had converse with those who were there. There is no room for doubt on the subject. I have no prejudice in favour of one part of the State as against another, but I claim justice for all. I know how the inhabitants of the gold-fields district have had cause to complain in the past. Their complaints have been given eloquent expression by the members representing them. Those members had no interest in misrepresenting the state of affairs when they moved the motion which I have already read, and which based the propriety of constructing the line on the highest Federal constitutional principle—freedom of Inter-State trade. I am persuaded of that. I yield to the representations of those whose duty it has been to make a special study of this question.

Sir JOHN FORREST.—Why does not the right honorable and learned gentleman quote some higher authority?

Mr. KINGSTON.—How can I quote any higher authority than the representatives of the people themselves—the honorable members from the gold-fields? They are charged with the duty of representing the views of those who return them, and I yield to the persuasion which they have exercised. I am fortified, further, with other knowledge which I possess. This has been a matter of history and notoriety for years. The claims of the gold-fields have been ignored by those who desire to protect interests which are more closely associated with the seat of government. I do not wish to make any unnecessary reflections upon any one.

Sir JOHN FORREST.—The right honorable and learned gentleman has been reflecting upon me and others throughout his speech.

Mr. KINGSTON.—I have been reflecting upon public men, and upon the Minister in particular, and no one more deserves it than he does. He is now getting his share of my criticism, and I hope that it will work for the good of his political soul. I was sorry to hear reflections cast upon the steam-ship companies. It is well known that I am no special advocate of steam-ship or any other companies. I think that, as a rule, business men are capable of looking after their own interests.

Mr. POYNTON.—The steam-ship companies would not advocate a railway which would compete with them.

Mr. KINGSTON.—Not unless they were interested in it. It is idle to talk about the opposition to this railway being the outcome of the efforts of private individuals or companies. What is wanted is declared by the members for the district in the interest of the public, and they said that the railway was essential to the freedom of commerce required by the Constitution. I say that it is essential to fair play to the eastern States, to Western Australia, and to the whole Commonwealth. The matter should be dealt with in the way advocated with such strength and reason by the members for the district.

Mr. GLYNN.—The Government ought aim to abolish the differential railway rates.

Mr. KINGSTON.—Yes. If the Government of Western Australia had been anxious about this transcontinental railway some years ago, when I had the honour of being in office in South Australia, the matter would have been a great deal further advanced than it is to-day.

Mr. FOWLER.—That is no reason why Western Australia should suffer now.

Mr. KINGSTON.—Certainly not. Does the honorable member suggest that the railway I am advocating would cause Western Australia to suffer? The two railways should be constructed at the same time. I believe that the honorable member is fair, and I ask him whether he thinks it would be an injury to Western Australia to construct the Esperance railway.

Mr. FOWLER.—Certainly not; but the two works have no relation to each other.

Mr. KINGSTON.—Certainly they have. There would be a saving in the distance of traffic to the extent of 600 or 700 miles, and

where water traffic can be availed of we know that it is infinitely preferable in cost as regards most goods.

Sir JOHN FORREST.—Who has been priming the right honorable and learned gentleman upon this matter?

Mr. KINGSTON.—No one has been priming me; but I have listened to the speeches of honorable members representing the gold-fields. The Minister is apparently possessed of the idea that no one except himself takes any interest in Western Australia. He gets up and brags about his great water scheme, which he says has been a success—and I hope it will be—and from that he assumes that any railway that he may propose will also be a success. Let us have all the figures placed before us, and let us see how far they will prove that the construction of the railway from the gold-fields to Esperance Bay would benefit, not only the residents on the fields, but the people trading with them, and particularly those in the Eastern States. I venture to say that such a line would pay well, and that the sooner it is constructed the better. If it had not been for the Western Australian Government the project for the construction of the transcontinental line would have been further advanced than it is to-day. During my absence in England, the Acting Premier of South Australia wrote to the Government of Western Australia.

Sir JOHN FORREST.—Without the honorable and learned member's knowledge.

Mr. KINGSTON.—I guess I knew all about it.

Sir JOHN FORREST.—The right honorable and learned gentleman told me that he did not know anything about it.

Mr. KINGSTON.—I knew of it sooner than the Minister says he did. The South Australian Government wrote to the Acting Premier of Western Australia, stating that the surveys had been made to the border of Western Australia, and asking if the Western Australian Government would join in constructing a railway if the South Australian line were carried to the border.

Mr. GLYNN.—Did the South Australian Government suggest that a line should be constructed to Esperance?

Mr. KINGSTON.—No. We have, however, been doing our best for Esperance for years past. A private citizen of South Australia endeavoured to obtain authority to construct a railway from the gold-fields to

Esperance Bay, but he could not secure the necessary sanction. It has been a case of bleeding the gold-fields for the benefit of Perth and Fremantle for years past, and if the policy of the Western Australian Government had been persisted in and Federation had not been accomplished it would have resulted in the disintegration of that State. Western Australia expected better treatment from federated Australia than from its own Government, and my voice will be raised in favour of its securing everything to which it is fairly entitled. With regard to the correspondence between the Governments of South Australia and Western Australia, I shall first quote the letter written in 1897 by Mr. Speaker, then Acting Premier of South Australia, to Mr. Wittenoom, who was then Acting Premier of Western Australia. The letter proceeds:—

This Government has obtained reports and estimates for the construction of a railway on the 3ft. 6in. gauge from Port Augusta to a point on the border of South and Western Australia about 470 miles from Kalgoorlie. I should be glad to learn whether your Government is prepared to unite with us by carrying out the work from the border to connect with your line should we carry the line to your border.

It took about ten days to obtain an answer, which came in a short, sharp, and decisive form.

Sir JOHN FORREST.—I was not there, remember.

Mr. KINGSTON.—No; but surely the right honorable gentleman made proper arrangements for the discharge of public business during his absence. Was it not possible to deal with a small matter of that kind without the august presence of the Minister?

Sir JOHN FORREST.—I only wish to have the fact stated.

Mr. KINGSTON.—I am giving the facts, and I am rubbing them in. There is no use in the Minister wagging his head; there is nothing in it. I would suggest to him that want of equanimity is a characteristic which should be suppressed under destructive criticism. Now is the time for him to display his capacity in that direction.

Sir JOHN FORREST.—There is not much that is destructive about the right honorable and learned gentleman's criticism.

Mr. KINGSTON.—The remark shows a want of judgment and appreciation similar to that which is so often displayed by the

Minister. The reply from Mr. Wittenoom read as follows:—

In reply to your letter of the 18th ult., I have the honour to intimate to you that this Government is not prepared at present to construct a railway to the South Australian border.

We were absolutely out of it. It is an extraordinary fact that such a busy, and at the same time such a cautious, gentleman as the Minister for Home Affairs should not become aware of this correspondence until two years and three months after it had taken place.

Sir JOHN FORREST.—Did I not say so in my official letter to the right honorable and learned gentleman?

Mr. KINGSTON.—Yes; the right honorable gentleman apparently woke up two years and three months afterwards.

Sir JOHN FORREST.—What did I say?

Mr. KINGSTON.—In a letter dated 22nd of August, 1899, the right honorable gentleman wrote as follows:—

With further reference to your letter of 28th May, 1897 (marked C.P.W., 1258-95, in margin), I have the honour to inform you that the present Government has always been anxious to have this colony connected by rail with the railway system of South Australia, and is prepared to do all in its power to further the carrying out of the work.

The reply given by Mr. Wittenoom to the above-mentioned letter during my absence from the colony, and which has recently come before me for the first time, could only have been intended to mean that at that moment he was not prepared to arrange to provide the funds necessary to construct the portion of the proposed railway in this colony to connect with your border.

Is there any mention in Mr. Wittenoom's letter about funds? Was it not to be fairly regarded as a final reply, such as would be given by an Acting Premier who did not intend to consider the matter?

Sir JOHN FORREST.—I said more than the right honorable member has quoted. I stated that the construction of the trans-continental line was a part of the policy of the Government.

Mr. KINGSTON.—The letter proceeds as follows:—

I will add that you are aware that it has always been a part of my declared public policy to have this railway undertaken and completed, and therefore, if your Government is able to consider the question favorably, I will be glad to enter into negotiations with you as to the best means to be adopted in order to carry out this great and desirable work.

Did Mr. Wittenoom know what the declared policy of the Government was, or did the right honorable gentleman keep it concealed in his breast? I do not wish

to throw any doubts upon the relationship between the Minister and Mr. Wittenoom; but in his dealings with the other States the Minister's position was clear. He would not meet us when we were prepared to meet him, and it was not until two years and three months afterwards that he ventured to re-open the subject. In my reply to him, I said that I would do all I could to facilitate the work, and I am here to do it. There is not one word in the correspondence that I wish to withdraw. I would point out, further, that some of these letters were written after the meeting of the Premiers' Conference in 1899, when the Premier of Western Australia, in common with the others, pledged himself to refer the Constitution Bill to the people. I say, further, that these letters were written—and I admit the full responsibility for them—to assist him in his declared intention to submit the Bill to the people. I say, moreover, that after the Premier of Western Australia had pledged himself to refer the Bill to the people he did not carry out his promise. He allowed his colleagues to vote in breach of this promise against the discharge of his duty to the Convention. I unhesitatingly assert that when the Premier of a State gives a promise he should insist upon his colleagues supporting him in carrying it out, even to the point of resigning his position as the head of the Government, or of requiring the resignation of any recalcitrant colleague. I always stand to my promises. I never break them, and I never will. When the Minister reminds me of the promises I have made, and which my Government made, I ask him why he did not keep the promise he made to refer the Constitution Bill to the people of Western Australia? That was not done. Certain concessions were secured by Western Australia in regard to the Customs Tariff. I was opposed to that arrangement, because I regarded it as contrary to the universality of the mutual sacrifices which the other States were prepared to make.

Mr. KIRWAN.—The people of Western Australia never wanted the special Tariff.

Mr. KINGSTON.—I recognise that the honorable member possesses special local knowledge with regard to the attitude of the residents of the gold-fields. I have no doubt that the Minister could speak with more personal knowledge regarding the sentiments of the residents of Bunbury, Perth, and Fremantle.



Sir JOHN FORREST.—Where two-thirds of the people live.

Mr. KINGSTON.—I believe that the statement of the honorable member for Kalgoorlie is perfectly correct, and that in opposing the resolutions relating to the special Tariff I was acting in accordance with the popular will in Western Australia. But whilst we made that promise—and we on our part redeemed it up till the very last moment—what was done? The very letters which we had written with a view to assist in the accomplishment of federation were used for the monstrous purpose of attempting to extort further terms in favour of Western Australia, and to the disadvantage of the other States—under which something like £1 per head is paid annually for every man, woman, and child of the population of Western Australia in the form of taxation upon colonial products.

Mr. MAHON.—The people of Western Australia pay it themselves.

Mr. KINGSTON.—We pay it to some extent; and I say that federation would have been more acceptable to the other States had the Constitution been differently framed. I am glad to know that it would have been equally acceptable to the people of Western Australia. To the very last moment that State held aloof from the Federal movement, and it was only when she was threatened with practical dismemberment by her own people that she gave way and joined the Union. I am sick of hearing it suggested that we are not treating Western Australia as she ought to be treated. We treat her with every liberality.

Mr. MAHON.—Could not the right honorable member manage to make South Australia keep her promise to Western Australia?

Mr. KINGSTON.—Whatever influence I possess will be exercised in the direction which I promised.

Mr. FOWLER.—With new conditions added?

Mr. KINGSTON.—No; but to the benefit of the people of Western Australia. It may be to our own detriment as regards expense; but it will certainly be to the advantage of the people of the western State, who are deserving of every consideration, and to whose exertions the present prosperity of the Cinderella of the group is undoubtedly due.

It is a pity, indeed, although it is perhaps necessary, in the circumstances, that this question should be discussed upon a motion for adjournment. Let us have, at the earliest possible date, a definite proposal on the subject. I venture to consider that it might assist in a settlement of the question if a resolution were tabled, when we have the statistics—which, I take it, are now available to the Ministry—affirming the desirableness of constructing a railway between the points mentioned, and suggesting to the States concerned the propriety of giving the necessary consent. If the figures will warrant it, the sooner the work is undertaken the better. Of course, the matter cannot be finally dealt with this session.

Sir JOHN FORREST.—The Western Australian Parliament has passed a Bill authorizing the construction of the line through that State.

Mr. KINGSTON.—I am not venturing to make a suggestion as regards Western Australia. I shall certainly assist the Government, if honorable members are agreeable, in permitting a continuation of the debate. Let us pass a resolution approving of the construction of the railways and requesting the concurrence of the States concerned in granting to us the necessary power to carry out the undertaking. Then the Government will speak with the further strength of sentiments indorsed by parliamentary resolution, and that I venture to think will commend itself to all when the facts of the case come to be considered.

*[Debate interrupted in accordance with standing order 119.]*

Mr. MAHON (Western Australia).—I desire to move that the debate be allowed to proceed. There are several honorable members who wish to speak upon this question—

Mr. SPEAKER.—I would point out that I had no option but to call on the Orders of the Day at half-past four o'clock. The Minister who is in charge of the Government business must therefore be invited to deal with the first Order. After he has dealt with it in the way in which he thinks fit, it will be open to any honorable member to move the postponement of debate until after the further consideration of the motion for adjournment. But I am bound first to call upon the Minister.

Mr. DEAKIN.—We cannot afford at this period of the session to throw the question of the construction of the transcontinental railway open for unlimited discussion. I feel most reluctant to interpose, because I recognise that one of the representatives of Western Australia has not yet spoken upon it. If honorable members will undertake to finish the debate by 5 o'clock I shall have no objection to its proceeding.

HONORABLE MEMBERS.—Hear, hear.

Mr. DEAKIN.—I therefore move—

That the consideration of the first order of the day be postponed until five o'clock.

Mr. McDONALD.—If it is understood that the discussion will finish by five o'clock I have no objection to its continuance.

Motion agreed to; debate resumed.

Mr. KIRWAN (Kalgoorlie).—I am very much obliged to the Prime Minister for affording me this opportunity to express my views upon a question which is of great interest to the State of whose representatives I am one. I exceedingly regret the position which is occupied by Western Australia by reason of the absence of railway communication with the other States. I am extremely sorry that it was not made a condition in the Federal Constitution that Western Australia should be united with the other States by railway within a certain period after the accomplishment of Federation. The responsibility for the non-inclusion of some such provision rests with the delegates who misrepresented Western Australia at the Federal Convention. Those delegates were not elected by the people, as were the representatives of every other State, but by the Parliament of Western Australia. Had a popular vote been taken for the return of delegates to that Convention, I venture to say that only one of the gentlemen who attended the gathering in question would have been elected. They were undemocratic in their sentiments, and their influence was felt during the deliberations of the Convention. We in Western Australia who were in sympathy with the democratic aspirations which have been so often voiced by the right honorable member for South Australia, Mr. Kingston, felt very bitter that we should be represented at that Convention by men with whose ideas we were wholly out of sympathy.

Sir JOHN FORREST.—When the honorable member says "we," he means the people on the gold-fields.

Mr. KIRWAN.—The feeling of which I speak was not confined to the gold-fields. I admit that there were a certain number of residents of Bunbury and the older settlements, where the Minister for Home Affairs has lived during the greater part of his life, who were quite pleased with their representation. On the gold-fields, however, I venture to say that ninety-nine persons out of every one hundred were absolutely opposed to the system of representation which was adopted, and I am very much mistaken if that feeling was not almost equally strong in Perth and Fremantle. I blame the undemocratic system which was followed in the selection of delegates to represent Western Australia at that Convention for the lamentable position in which that State finds itself to-day. The fault rests entirely with its delegates, and with the system under which they were elected. I thoroughly indorse what was said by the right honorable member for South Australia, Mr. Kingston, to the effect that had it not been for the separation movement upon the gold-fields, Western Australia would not have joined the Federation.

Mr. FOWLER.—That is not correct. There was a majority in favour of Union in the coastal districts.

Mr. KIRWAN.—If the honorable member for Perth will listen for a moment he will agree with me. In the first place, when the Federal Enabling Bill was introduced into the Western Australian Parliament, there was a feeling throughout the State that the members of that Legislature were so hostile to Federation, and so absolutely sure that the Bill, if the people were allowed to vote upon it, would be carried by an overwhelming majority, that they determined to prevent its submission to the electors. Under these circumstances a petition, which was signed by 23,000 persons, was prepared by the advocates of Federation.

Sir JOHN FORREST.—It was full of untruths. I had the pleasure of telling one gentleman that it was full of falsehoods.

Mr. KIRWAN.—The right honorable gentleman is wrong in a double sense. Firstly, he is speaking of an altogether different matter. I am referring to the first petition which was presented to the Western Australian Parliament in favour of submitting the Commonwealth Bill to the people.

Sir JOHN FORREST.—I beg the honorable member's pardon.

Mr. KIRWAN.—That petition was signed by 23,000 persons. It was prepared at considerable trouble and expense. At that time, I believe, the honorable member for Perth was the secretary of the Federal League at Fremantle. The petition was presented to the Western Australian Parliament by the late Premier of that State, Mr. Leake; but, although it was signed by 23,000 persons, it was rejected amidst laughter. Then, just as Parliament was on the eve of prorogation, the residents of the gold-fields determined to take an extreme step in order to force Western Australia into the Federal Union. They decided to petition the Imperial authorities to form the gold-fields into a separate State, so that it might enter the Federation. A petition to that effect was prepared and signed by 26,000 residents of the gold-fields. It is that petition which the Minister for Home Affairs declares contained a number of false statements. I say they were not false, but absolutely true. I should like at this stage to express the gratitude which I, in common with thousands of others who were interested in that movement feel to be due to the right honorable member for South Australia, Mr. Kingston, the honorable and learned member for South Australia, Mr. Glynn, and also Senator Sir Josiah Symon for the action which they took in the matter.

Sir JOHN FORREST.—I hope that they are not responsible for the truth of the statements which were made.

Mr. KIRWAN.—Investigation will show that my statements, so far as veracity is concerned, will always compare favorably with those made by the Minister for Home Affairs. The only reply which the right honorable gentleman can make to charges that are levelled against him consists of impertinent and rude interjections which, although worthy of him, are unworthy of any honorable member who desires to observe the courtesies of debate. The petition forced the right honorable gentleman, who was false to Federation, to call the State Parliament together, and, fearful of separation, that Parliament which had rejected our first petition amid laughter, passed the Enabling Bill. It was that petition, however, which brought the right honorable gentlemen and the members of the State Parliament to their knees so far as the question of Federation was concerned, and I have to thank the honorable gentlemen I have named for the

assistance which they rendered us on that occasion.

Sir JOHN FORREST.—They will be very grateful for the honorable member's thanks.

Mr. KIRWAN.—Those who believe in Federation should be more grateful to them than to the Minister for Home Affairs. Every one knows the details of his treachery and falsehood in connexion with Federation.

Sir JOHN FORREST.—I rise to a point of order. The honorable member, Mr. Speaker, has asserted that I was treacherous and false to Federation, and I ask that the remark be withdrawn.

Mr. SPEAKER.—I must call upon the honorable member to withdraw the observation.

Mr. KIRWAN.—I understand that the truth must not be spoken in this House.

Mr. SPEAKER.—Order!

Mr. KIRWAN.—In deference to your wish, Mr. Speaker, I withdraw the remark. I should like to point out that whilst it is true that the separation movement forced Western Australia to join the Union, there was still another factor which the right honorable member for South Australia has recognised and which we should not forget. Undoubtedly a large number of those who voted for the Constitution Bill, more especially in Perth and Fremantle, were influenced by the understanding that one of the first works to be undertaken by the Commonwealth would be the construction of the transcontinental railway. But for the separation movement, however, the Bill itself would not have been submitted to the people.

Mr. KINGSTON.—The supporters of the Federal movement in Western Australia sent a representative to the eastern States to ask for assistance.

Mr. KIRWAN.—Quite so. The right honorable member and others in the interests of the Federal movement said at the time that they believed that the construction of the transcontinental railway would be one of the first works entered upon by the Commonwealth. It was asserted by them that Federation would be practically impossible without such a line, and that men holding prominent positions in the eastern States had expressed themselves strongly in favour of the work. As the result of these representations many people were induced to vote for Federation. I am sure that not an individual who on that occasion expressed an opinion favorable to the construction of

the railway desires now to go back on his word, and I trust that the House will agree to the necessary survey being made. I am exceedingly sorry as a representative of Western Australia to have to admit that all that has been said by the right honorable member for South Australia, Mr. Kingston, as to the action of those who ruled in Western Australia when Federation was before the people is absolutely correct. Reference has been made by the right honorable member to another line of railway which ought to be constructed by the State Parliament, and the merits of which have been discussed in this House. I refer to the proposed Esperance railway. That would be a national line, because it would promote trade facilities between the various States of the Union. In my advocacy of that proposal, there is nothing that is antagonistic to the construction of the transcontinental line, which is absolutely necessary for the carriage of mails and passengers, as well as for defence and other purposes. Apart altogether from State reasons, the Esperance railway should certainly be made, and we cannot overlook the fact that it would promote trade facilities and enable the gold-fields of Western Australia to be supplied with that produce which they now so sadly need. I should be sorry if the refusal of the State Parliament to construct that line tended to injure the proposal now before this House. In my opinion, nothing that has been done by any State Parliament in Australia is so monstrously outrageous—so contrary to every idea of justice, and of the proper development of a State which represents one-third of the Continent of Australia—as the continued refusal of the Parliament of Western Australia to make the Esperance railway.

Sir JOHN FORREST.—The honorable member ought to be sorry to make such a statement against the Parliament of the State which he, with others, represents in this House.

Mr. KIRWAN.—In reply to the interjection made by the Minister for Home Affairs, I desire to say that I am here to consider the welfare of the whole of Western Australia, rather than that of a little gang of persons in Perth and Fremantle with vested interests. It is absurd that any man who poses as a statesman, or as one possessing any idea of government, should agree to the expenditure of large sums of public money in Perth and Fremantle, and yet decline to

support an expenditure which would open up the natural resources of the country. What can we think of a man who would centralize the whole of the trade of a vast State like Western Australia in one particular spot? No unbiased man would deny that it is a scandal and an outrage that the Esperance line has not yet been constructed. I must thank the right honorable member for South Australia, Mr. Kingston, for the references which he has made to that project. Those references will be received with enthusiasm throughout the gold-fields of Western Australia. His attitude is worthy of him, and is just what we should expect from such a man. I trust that the Government will give the House an undertaking that the work of surveying the route of the proposed transcontinental line will be entered upon without delay. The merits of the proposal, and the reports that have been published, amply justify the request. I should also be pleased if the House could, in any way that lies in its power, support the construction of the Esperance railway. The line ought to be constructed by the State.

Mr. KINGSTON.—It is the most important Inter-State connexion.

Mr. KIRWAN.—Quite so. It ought to be constructed either by this or the State Parliament. As to the transcontinental railway, the statement of the Commissioners is that, according to expert evidence, the working of the line would at first show an annual deficiency of £68,106 per annum; but that after ten years the net profit, over and above working expenses and payment of interest, would amount to £18,219 per annum. Even if, at the end of that period, it did not show an actual profit, the indirect benefits which would accrue to the Commonwealth from the construction of the line would be so great that the expenditure would be fully justified. The line sooner or later must be constructed, for the Federation cannot be real until all the States of the Union have been connected by railway. The necessity for this means of communication is increasing year by year. The population of Western Australia is rapidly growing, and the sooner something is done in this direction the better. If a survey be made, we shall at all events be in a position presently to consider the question of constructing the line.

Mr. POYNTON (South Australia).—I deeply regret that the personal animus of

certain honorable members has been dragged into the discussion of this important question. The whole matter has been overshadowed by personal references.

Mr. KIRWAN.—I rise to a point of order. I desire to know whether the honorable member is in order in asserting that certain honorable members are actuated by feelings of personal animus.

Mr. SPEAKER.—I understood the remark made by the honorable member to be a general one; but if the honorable member for Kalgoorlie feels that it might be applied to himself and objects to it, I shall ask for its withdrawal.

Mr. POYNTON.—As one who warmly supports the construction of this railway, and who is anxious to see the work entered upon without delay, I feel called upon to say—"God save the line from such friends as the last two speakers." It is a matter for regret that, in the closing hours of the present Parliament, two honorable members should have allowed their personal feeling to mar the discussion of a question of this importance. The right honorable member for South Australia, Mr. Kingston, has expressed the opinion that the proposed Esperance railway is the line that is really required in Western Australia; but, if he will refer to the daily newspapers, he will find that only last week the gold-fields representatives in the Western Australian Parliament unanimously declared that the overland line was what they required.

Mr. KINGSTON.—I did not say that it was the only railway that should be made.

Mr. POYNTON.—I have not been here for three years without being subjected to attempts to work on my susceptibilities in regard to the Esperance line, and a good many other honorable members have had a like experience. The Esperance proposal, however, has no connexion with the question of the transcontinental railway. It may be a matter of State concern; but we have nothing to do with it. It is regrettable that old grievances should have been imported into this question. In reply to the right honorable member for South Australia, I should like to inquire whether, when he sent the telegram to the Premier of Western Australia to which reference has been made, he had in his mind the idea that the Esperance Bay railway was one of the lines that should be constructed? I am certain that he had not. The proposal in regard to that line is of recent date, and I am

in a position to show how the right honorable gentleman has obtained his information in reference to it. He, in common with others, has been loaded with information in regard to that proposal. Not one but a dozen efforts have been made to get me to go upon that track. For the honorable member for Kalgoorlie to say that he wishes this railway to be made, and that he is a friend of the proposal, is nothing but cant and hypocrisy.

Mr. SPEAKER.—I ask the honorable member not to refer to the statements of another honorable member in those terms.

Mr. POYNTON.—No man in this Parliament is doing more to prevent the consummation of this work than is the honorable member.

Mr. KIRWAN.—The honorable member is quite wrong.

Mr. POYNTON.—I am not. I have told the honorable member this before, and I am now making my opinion public. It is a scandal that a great public scheme, which, on the face of it, has every likelihood of success, should be dragged in the mire in this Chamber and in the other. I believe that the proposed railway will pay. The press have referred to it as a desert railway, and the wonderful Reform League of Victoria has the effrontery to ask candidates if they are opposed to desert railways, bush capitals, and socialistic legislation. It is necessary to oppose those three things in order to obtain the support of the league. This, however, is not a desert railway. I have seen maps, plans, and sketches of the country which the proposed line would traverse for a considerable distance towards the border. They were made by one of the surveyors in the South Australian Lands Department, and show that it is good grass land, with rolling downs, and well bushed. Furthermore, if any one looks at the map of the Government Geologist they will see that the artesian belt crosses that tract of country. It is, however, so much beating of the air to discuss the matter now, because if the Government had wished to make a survey they would have made it before now. I blame the South Australian Government more than the Federal Government. Their position is a shameful one. I am positive that Western Australia would not have joined the Federation had it not been for the letters received by the Government of that State from our Speaker, when Premier of South Australia;

from the right honorable member for South Australia; from Senator Sir Josiah Symon; and from other leading South Australians. What has the State gained from Federation if she is not to get this railway? Is she to be merely a dumping ground for the productions of the other States? Without the railway she is in no better position than is New Zealand and, without the promise of it, would have had as good reason for remaining out of the Federation. Has the suggestion that a line should be taken from the gold-fields to Esperance Bay anything to do with the proposed transcontinental line? No. It is playing very low down to drag in that issue. If honorable members were honest, why did they not refer to it before Western Australia joined the Federation?

Mr. KIRWAN.—We always advocated the Esperance railway.

Mr. POYNTON.—The honorable member wished me to organize meetings in the north, but he made no suggestion about the Esperance railway.

Mr. FOWLER.—It was never made a condition in connexion with the construction of the transcontinental railway.

Mr. POYNTON.—What the people of the gold-fields desire is to be connected with the eastern States, though I admit that they would like to be connected with Esperance as well. They are not willing, however, that the agitation for the Esperance line should prevent the Federal Parliament from sanctioning the transcontinental line.

*[Debate interrupted and first order of the day called on in accordance with resolution, vide page 6378.]*

#### APPROPRIATION BILL (1903-4).

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That the order of the day for the consideration in Committee of the whole of the Senate's Message No. 34 be read and discharged, and that the Appropriation Bill 1903-4 be laid aside.

I make this motion in order to obtain an opportunity to introduce a new Appropriation Bill which will be identical with that now before the Chamber. I shall, however, invite the attention of honorable members to the items which form the subject of disagreement between the two Chambers, with the hope that the facts which I shall place before them will enable them to agree to the amendments requested by the Senate,

so that an Appropriation Bill containing the items amended as desired by the Senate may be transmitted to that body. The amount involved by the proposed amendments is less than £100 a year, and I think I shall be able to show that care was taken to make all necessary inquiry into the circumstances before the proposals for increases were submitted, and that the reductions made in Committee of Supply were made under an imperfect apprehension of the facts.

Question resolved in the affirmative.

Order of the day discharged; Bill laid aside.

#### APPROPRIATION BILL (1903-4) (No. 2).

*Resolved (on motion by Mr. DEAKIN)—*

1. That the Standing Orders be suspended in order to enable the Treasurer to move that all the resolutions of the House and Committee be rescinded relating to the Appropriation Bill 1903-4 from and after the resolution referring the Estimates as received from the Governor-General to the Committee of Supply, and to enable a new Bill to be introduced and passed through all its stages without delay.

2. That the resolutions of the House and Committee relating to the Appropriation Bill 1903-4 from and after the resolution referring the Estimates as received from the Governor-General to the Committee of Supply be rescinded, and that the House do now resolve itself into Committee of Supply to consider the Estimates.

*In Committee of Supply:*

#### PARLIAMENT.

Division 1 (*Senate*), £6,782.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The first of the officers affected by the amendments made when we were in Committee on the previous Estimates was the Clerk of the Papers and Accountant. The case for the increase of this officer's salary is this: He was transferred from the Public Service of New South Wales, to which he was appointed on 17th March, 1890, and has therefore had between thirteen and fourteen years' service. He accepted the position offered to him in the Senate as Clerk of the Papers at £360 per annum. On taking up his duties in Melbourne, he found that the Accountant's work of the Department was attached to his position. Last year his salary was increased by £20. As Clerk of the Papers, his duties include the recording and custody of all papers laid on the table of the Senate. When such papers are ordered to be printed, they are prepared by

him, checked on receipt from the Printer, and when finally issued the stock of printed papers is under his supervision. It may be pointed out that the number of papers printed to the order of the Senate is quite as large as, if not larger than that printed to the order of the House of Representatives, and the checking of these papers entails considerable reading. In connexion with Bills before the Senate the Clerk of the Papers assists the Clerk-Assistant in reading them, and preparing schedules of amendments and messages; and, though more Bills are introduced in the House of Representatives, still all Bills that pass that House have also to pass the Senate, and the work of reading them and preparing them with the amendments made in the Senate has to be performed. The whole of the correspondence of the Senate also goes through the Clerk of the Papers, and is in his charge. In this connexion it may be stated that a great deal of the correspondence connected with applications from outside persons and institutions for printed papers is carried on by Senate officers. Mr. President and Mr. Speaker decide jointly to whom papers shall be issued, and their decisions are then sent on to the Clerk of the Papers for attention. The Accountant's work of the Department includes the payment of senators' remuneration, of the Senate staff, and of all accounts paid from the contingency vote of the Department, the chief of which are connected with the supply of stores and stationery for the Senate. Owing to the numerical smallness of the Senate staff, this officer has to be in attendance each night until the rising of the Senate.

Mr. WATSON.—What salary was he receiving three years ago?

Mr. DEAKIN.—He was transferred to the service of the Commonwealth at a salary of £360 a year. Since then his salary has been increased to £380, and it is now proposed to make it £420. It will be seen, by a reference to the Estimates, that the Clerk of Papers and Accountant to the House of Representatives receives £420 per annum. We have also a Clerk of Records at £350 per annum, whereas the Senate has no corresponding officer.

Mr. WILKS.—Have we not also passed a vote of £60 for further increases?

Mr. DEAKIN.—That money is for increases made subject to recommendations under the Public Service Act. The

Senate has one officer to do work for which we have two officers. As honorable members are doubtless aware, the papers published by the Senate are as many as, if not more than, those published by this House.

Mr. WATSON.—But the House of Representatives have only three officers more than there are in the Senate, including messengers.

Mr. DEAKIN.—In the clerical branch we have two officers whose salaries aggregate £770 per annum to do the work which is performed for the Senate by an officer to whom it is now proposed to pay £420 per annum. This is not an excessive salary if account be taken of the great amount of correspondence and the number of Bills and papers which pass through his hands.

Mr. WATSON.—£380 is a fair salary, seeing that the officer concerned has received an increase of £20 within the last three years.

Mr. DEAKIN.—Our own officers have also received increases.

Mr. CONROY.—I understand that the members of the Senate request this increase. We cannot judge as to the work of their officers.

Mr. DEAKIN.—We cannot form as good an opinion on the subject as can be formed by those who are in daily contact with those officers; but we are called upon to deal with the expenditure of the Senate.

Mr. CONROY.—Is the increase recommended by the Senate authorities?

Mr. DEAKIN.—Yes.

Mr. CONROY.—That is sufficient for me.

Mr. DEAKIN.—Furthermore, the Senate, some of whose members have instincts of economy as strong as those of honorable members of this House, have on three occasions, after the most careful inquiry, emphatically expressed themselves of the opinion that the proposed payment is not too large. If they insist that the proposed salary is not an over-payment, I take it that honorable members here will not insist upon an under-payment. In view of the importance of the duties which have to be discharged by the Clerk of Papers, I think that the proposed increase of salary can be justified. After twenty years' experience in the State Parliament, I am in a position to say that the salary paid to the officer of the Victorian House who discharges similar duties was considerably more than that attached to the position

of the Clerk of Papers in the Senate. Having regard to this fact, and also to the circumstance that we are dealing with the officer of another House, I hope that honorable members, while retaining to the full their right of criticism and their liberty to economize, will not press their objection to the proposed increase.

Mr. WATSON (Bland).—The officer whose case is now under consideration started at a salary of £360 three years ago. That was considered a reasonable amount at the time of his appointment.

Mr. DEAKIN.—But he had to take charge of the accounts afterwards.

Mr. WATSON.—If, as the statement of the Prime Minister implies, the Clerk of Papers was only partially employed in the first instance, I think that the salary of £360 was too much. He was afterwards called upon to do a little more work, and he received an increase of £20.

Mr. DEAKIN.—The officer is working not only during ordinary office hours, but has to be in attendance until the rising of the Senate.

Mr. WATSON.—But his duties are comparatively light during recess. We must also bear in mind the probability of our having longer periods of recess in the future. I do not understand upon what grounds the increase of £40 per annum is proposed, unless an attempt is being made to place the officer upon a footing similar to that occupied by the Clerk of Papers in this House. I think that one increase of £20 is sufficient for the period during which the officer has been in the service of the Commonwealth, and I move—

That the item "Clerk of Papers and Accountant, £420," be reduced by £40.

Mr. CONROY (Werriwa).—I trust that the Committee will support the Prime Minister in this matter. He has assured us that he has given every consideration to it, and we are bound to rely upon the Executive to a large extent in matters of this kind. As honorable members know, I do not approve of the present Ministry; but whilst they are holding their present positions we must place some reliance upon them. The moment they act in a manner which we conceive to be improper, we should send them about their business.

Mr. WATSON.—According to the honorable and learned member's argument we should accept the Estimates *in globo*.

Mr. CONROY.—I attach so much importance to Ministerial responsibility that I should go so far as to say that Estimates which do not prove acceptable to the Committee should be sent back to the Government. I do not think it is worth while to provoke complications over so small a matter, and therefore I shall support the Government.

Mr. GLYNN (South Australia).—If this matter had been pressed upon a former occasion, I should have felt compelled to express my disapproval of the reasons advanced by the Prime Minister in support of the increases. He placed honorable members in a very awkward position by practically calling upon them to affirm the principle that, whenever a recommendation came from the Senate with regard to its own officers, we should accept it without demur.

Mr. DEAKIN.—Unless it were unreasonable.

Mr. GLYNN.—Whilst I should be guided to a large extent by the wishes of the Senate in dealing with the officers of that Chamber, I should object to any rule being laid down upon the subject, because I regard the obligation of this House in regard to the finances as far stronger than that which attaches to the Senate. Then, again, members of the Senate might yield too readily to the importunities of their own officers, and it is desirable that some check should be placed upon their actions. The same remark would apply to honorable members in this House, and the Senate should be free to exercise a similar restraint upon us. I should be very loth to do anything that might be regarded as a surrender of our right in this regard. The Prime Minister has now abandoned the reasons which were originally urged by him, and I am prepared to accept both his reasons and his conclusions. I do not think that, where such a small amount is involved, we should do anything that might lead to trouble.

Mr. WATSON.—Does the honorable and learned member think that we should increase these salaries every year?

Mr. GLYNN.—No; I think that we should have considered the whole of the salaries of the officers of both Houses. We fixed the salary of the officer occupying a similar position in this House at £420, and we are now asked to place the officer of the Senate upon a similar footing. Against this it is urged that the Senate official has not quite so much work to do; but I would



point out that his full services are engaged. I do not care to discriminate too closely between the salaries of officers when there is only some slight difference in the amount of work they have to do. I hope that the wishes of the Senate will be acceded to.

Mr. FISHER (Wide Bay).—I quite agree with the honorable member for Bland. I think that we pay all our officers sufficiently high salaries. The staffs of both Houses are considerably overmanned, and if the taxpayers were made aware of all the circumstances, they would say that we were unbusiness-like and extravagant.

Mr. DEAKIN.—Our outlay is small as compared with that of some of the States Parliaments.

Mr. FISHER.—The fact that some of the States Parliaments have been extravagant does not justify us in proceeding upon a false basis. The Prime Minister's statement may be perfectly true so far as New South Wales and Victoria are concerned, but in the State Parliament of Queensland we had very few officers, and yet there were no complaints of want of attention. We had no such luxuries as the mace or the Sergeant at Arms. The Clerk Assistant performed the arduous duties discharged in this House by the Sergeant at Arms, and members did not seem to feel the want of a large staff of officers and attendants. The salary of £380 attached to the office of the Clerk of Papers in the Senate has been spoken of as a paltry sum.

Mr. CROUCH.—As the honorable member is so anxious to economize, why does he not propose a reduction in the number of members?

Mr. FISHER. — The honorable and learned member should know that the Constitution provides that a certain number of members should be returned to both Houses, and that we are not in a position to reduce the representation.

Mr. CROUCH.—The number of members is fixed only until Parliament otherwise provides.

Mr. FISHER.—No power is given under the Constitution to reduce the number of members; but they may be increased. In all probability we shall, in future, have much shorter sessions than hitherto, and it cannot be pretended that the officers of Parliament will have any very arduous duties to perform whilst the Houses are not sitting.

Mr. DEAKIN.—The Clerk of Papers has to index and classify the papers, and to perform a number of other duties during recess.

Mr. FISHER.—All such duties were performed in Queensland by the Clerk, the Clerk Assistant, and another clerk, at a salary of about £120. I venture to say that the work was as well done there as in this Parliament. I shall heartily support the amendment.

Mr. JOSEPH COOK (Parramatta).—Whilst listening to the very interesting remarks of the honorable member for Wide Bay I could not help feeling that he was rather late in the day with his suggestions and comparisons. A general debate upon the question of the number of officers on the House staffs, and the salaries attached to their positions, would have been more appropriate when the Estimates-in-Chief were under consideration. I am quite unable to see the bearing of the honorable member's remarks upon the question before us. I agree with the honorable and learned member for South Australia that we should leave the question of the relations between the two Houses out of consideration as long as we possibly can. I do not think that it is our place to look for constitutional issues. We should discuss this matter absolutely on its merits. The President of the Senate receives the same salary as does Mr. Speaker, and the Chairman of Committees in the other Chamber is paid the same amount as is the Chairman of Committees in this House. The Clerk of the Parliaments in the Senate, and the Clerk of the House of Representatives, receive equal salaries. The same remark is applicable to the assistant clerks in each Chamber. If all these highly-paid officers who discharge similar duties in the two Houses receive the same remuneration, I fail to see why officers in the lower grades should not be accorded similar treatment. I take it that the President of the Senate and those associated with him, in fixing the duties of these officers, take care that the latter earn their money. At any rate we might pay them the compliment of supposing that they have investigated the work which is performed by them, and that they see no reason why any distinction should be made in the salaries which are paid. Since the matter has been discussed by the other Chamber, we should, as a matter of courtesy, assume that that is so. Therefore

I cannot vote for the alteration of this salary in the way that is proposed by the honorable member for Bland. If the staffs of the Houses are overmanned—as was stated by the honorable member for Wide Bay—I am sure that honorable members are prepared to listen to any proposal which he may have to make in the direction of reducing them to such reasonable dimensions as are consistent with the maintenance of efficiency. But we ought not to raise that question upon a proposal that officers who are performing similar duties in the two Chambers should receive similar salaries.

Mr. WILKS (Dalley).—I am very pleased that the Prime Minister has adopted the course of introducing a fresh Appropriation Bill, and of laying the former measure aside. I am not in a position to say whether there is any justification for the argument that the officers of the two Houses of the Commonwealth Parliament are overpaid. At the same time, I fail to see why parliamentary officers should be placed in a class by themselves in which they are free from the control of the Public Service Commissioner. If they were directly under the control of the Commissioner—as are other officers of the Public Service—we should then be in a position to look to him for guidance. We should know whether any officer was receiving fair treatment or otherwise. At the present time, however, they must necessarily be treated in rather a haphazard way. I regret that the Prime Minister did not defend these particular items when the Estimates were originally submitted to this House. I think that a salary of £420 ought to constitute the high-water mark so far as the Clerk of Papers and Accountant is concerned. There is no doubt that the whole of the officers of Parliament, when the services which they render are taken into account, receive princely salaries as compared with those which are paid in mercantile life. I do not say that I shall not vote for this particular increment, although I am aware that the cost of printing the new Appropriation Bill must represent more than £98, which is the sum involved in the difference which exists between this House and the Senate.

Mr. ISAACS.—Whom does the honorable member blame for that?

Mr. WILKS.—I blame the Prime Minister for having failed to defend the Estimates when they were originally introduced.

Mr. DEAKIN.—I was not Prime Minister at the time.

Mr. WILKS.—No member of the Ministry defended these items.

Sir MALCOLM McEACHARN.—Yes; the Treasurer did.

Mr. WILKS.—At any rate, the vote upon them was arrived at within a quarter of an hour. I would deal with parliamentary officers in the same way that other public servants of the Commonwealth are dealt with. In my opinion those officers would be better protected if they were placed under the control of the Public Service Commissioner. I should like to point out that the Clerk of the Papers and Accountant upon the staff of the House of Representatives has ten years more service to his credit than has the officer who occupies a corresponding position upon the Senate staff. Naturally he will want to know whether he is to lose his seniority?

Mr. DEAKIN.—No; he will not.

Mr. WILKS.—I am very glad to have that assurance. I repeat that £420 per annum is a good salary for the position which he fills. Of course the bulk of the legislative work falls upon this House, because the Senate is chiefly a Chamber of Revision. Therefore, the officer who is employed upon the staff of this House would have more work to perform than has the officer who is attached to the Senate staff.

Mr. MAHON (Coolgardie).—The remarks of the honorable member for Dalley require a slight correction. I would point out to the honorable member that the officers of the Parliament come under the provisions of the Public Service Act, with the exception that the President and Mr. Speaker take the place of the Public Service Commissioner. The point mentioned by the honorable member, in reference to the seniority of the Clerk of the Papers and Accountant upon the staff of this House, deserves a little attention at the hands of the Government. That officer is senior to the officer who discharges similar duties upon the Senate staff, from the point of view of service. Whilst I have no objection to voting the latter an increase, because he is a very deserving and worthy man, it seems to me that if he is raised to the level of our own officer, he will acquire a senior position.

Mr. DEAKIN.—No. Our officer has received a salary of £420 per annum from an earlier date.

Mr. MAHON.—But I understand that officers of the Senate always take precedence over those of the House of Representatives.

Mr. DEAKIN.—Not in seniority.

Mr. MAHON.—Upon the question which has been raised by the honorable member for Wide Bay, regarding the overpayment of some of these minor officers, it seems to me that the small reduction which is proposed only serves to throw into greater relief the high salaries which are paid in other quarters. At the same time I do not attach any value to the argument that men could be obtained who would be willing to perform the work for less money. I feel sure that messengers and other officers could be secured who would be quite satisfied to accept less salaries than those which we are paying at present. But the same argument is applicable to the President, to Mr. Speaker, and the Chairmen of Committees. I believe there are honorable members in this House who would be quite willing to fill those offices for £100 or £200 a year less than is being paid to the present occupants. But no one proposes to apply the strict commercial rule to these positions. We have fixed the salaries for these offices, and they represent prizes of the service, to which efficient and experienced officers have a right to look forward. That being so, we ought not to now scrutinize them too closely. I am perfectly willing to vote the £40 increase which is now proposed, upon the understanding that the Clerk of the Papers and Accountant upon the staff of this House will not lose his seniority. In a trivial matter of this kind, it seems to me that we might well give way to the Senate. At this period of the session the difference is scarcely worth quarrelling about.

Mr. ISAACS (Indi).—I entirely disagree with the statement of the honorable member for Dalley that the Prime Minister is to blame for the course which he has adopted in laying aside the original Appropriation Bill. In my judgment, no other action was possible under the circumstances. But whilst he has adopted the right course constitutionally, I feel bound to vote against the increase which is proposed to the Clerk of the Papers and Accountant who is attached to the Senate staff. Last year that

officer was in receipt of £360. We raised the salary to £380, and, at the same time, fixed the remuneration of our own officer at £420, both Houses agreeing that in the one case £380 adequately paid the officer for his work.

Mr. DEAKIN.—That is not quite correct. The question of salaries was considered, and it was decided that officers upon the Senate staff should receive the same remuneration as officers attached to the staff of this Chamber. The increase which is now proposed really constitutes the second instalment of what it was thought fair to pay two years ago.

Mr. ISAACS.—The Prime Minister has, perhaps, a more distinct recollection of the matter than I have. I have no recollection of the basis of the arrangement, but I am not going to say that it was not as now stated. It appears to me that if £380 was considered sufficient for last year's work—

Mr. DEAKIN.—It was not; but it was thought that it would not do to increase the salary to this amount in one year.

Mr. ISAACS.—Then why make an increase of £40 this year?

Mr. DEAKIN.—That will complete the salary, and the officer will not be able to expect any more.

Mr. HIGGINS.—Were the Committee told last year that there would be a further increase of £40 in this salary?

Mr. DEAKIN.—No; the Joint House Committee in the case of the messengers and the several House Committees in the case of the other officials, entered into a careful study of the salaries, and came to the conclusion that the work performed by these officers in the two Houses was the same, and that the salaries should be the same.

Mr. ISAACS.—If that be so, I fail to see why this officer should have had any portion of his salary kept back. I cannot see, however, that the work performed by the two officials is the same. If the duties discharged by these officers are equivalent to those carried out by the officers of this House, we must have a surplus officer.

Mr. DEAKIN.—No.

Mr. ISAACS.—Then the work cannot be the same. This officer's title is the same as that of one of our own officers, but there can be no comparison between the work of the two. I therefore do not see that anything has happened since last year to cause us to alter the determination at which we then

arrived. I regret that I shall have to vote against the increase.

Mr. McCAY (Corinella).—I must confess that the honorable and learned member for Indi has succeeded, at all events, in puzzling me. He points out, first of all, that the Prime Minister has adopted the proper constitutional course in order to avoid any possible trouble between the two Houses, and then he proposes to raise the very question to put an end to which the first Bill was laid aside.

Mr. ISAACS.—No; the Senate will have a right to make a suggestion in regard to this Bill without raising any constitutional question.

Mr. McCAY.—When the facts are the same, the same constitutional question is bound to arise.

Mr. ISAACS.—Not necessarily.

Mr. McCAY.—If the honorable and learned member for Indi votes with the majority—and I assume that he hopes to do so—he will create anew the exact position that existed before.

Mr. ISAACS.—No; I assume that the Senate will respect the repeated decision of this House on a money question.

Mr. McCAY.—In order to avoid the possibility of the Senate failing to respect the repeated decision of this House on a money question, and to prevent either House from being called upon to assert what it deems to be its constitutional rights in these matters, the Government have laid aside the first Bill. If we proceed to make another reduction in this Bill, we shall create exactly the same position that existed before.

Mr. ISAACS.—Not at all.

Mr. McCAY.—Nothing has happened here or elsewhere to justify the belief that on this occasion anything different from what has already occurred would take place. If we are determined to assert what we believe to be our rights, and to fight for them, we should fight from the outset. Do not let us make a false peace and immediately arouse a fresh war. If the question were worth the important step of laying aside the original Bill, and introducing a new one in order to obviate the danger of discord, it is surely our duty to carry into effect the principle and the spirit of that course by sending up the new Bill to another place in the form in which it is now proposed. I think that otherwise we shall

merely make ourselves look ridiculous. If we adopted a different course, it would be tantamount to our saying, in one breath—"Let us have peace," and in the next—"Let us renew the old war." For that reason, quite apart from the merits of the question, I feel it my duty to support the Government in this matter, because I do not think that in all the circumstances of the case it would be right or proper to risk another conflict of opinion on a matter which involves a principle of infinitely more importance than the item of £98 regarded merely as a sum of money.

Mr. ISAACS (Indi).—I wish to say a word or two by way of explanation. If my honorable and learned friend's criticism were right I should give way at once; but I shall show very briefly that it is not. When we passed the Estimates and sent them in the form of a Bill to another place, that House made a suggestion and returned the Bill to us. The suggestion was considered by us, but we adhered to our decision, and sent the Bill back. Then the constitutional question was raised, or might have been raised but for the correct action of the Prime Minister in laying aside the Bill. We have now a new Bill, and we have an opportunity to say whether we adhere to our former determination. If we make these alterations, and send the measure to another place, that Chamber will probably respect the repeatedly expressed view of this House. If, instead of doing so, it chooses to make another request, we shall then have an opportunity to consider the matter on its merits without raising any constitutional question whatever, and on that occasion it will be open to us to say whether, for the sake of peace, we will yield to the Senate or stand by our determination. At present we are not necessarily raising any constitutional question.

Sir MALCOLM McEACHARN (Melbourne).—I can see no justification whatever for departing from the decision which we arrived at when the original Appropriation Bill was before us. The salary in question relates to an officer who was appointed to a position in another place, the proposal being to place him on an equal footing with an officer in this House who has been for many more years in the State service. I can, therefore, see no justification for varying our decision that these increases of salary should not be given. I shall vote for the proposed reduction.

Question—That the item “Clerk of Papers and Accountant, £420,” be reduced by the sum of £40—put. The Committee divided.

Ayes	...	...	...	16
Noes	...	...	...	26

Majority	...	...	10
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AYES.

Brown, T.  
Fisher, A.  
Higgins, H. B.  
Isaacs, I. A.  
Kennedy, T.  
Kingston, C. C.  
Kirwan, J. W.  
McDonald, C.  
McEacharn, Sir M.

Quick, Sir J.  
Ronald, J. B.  
Spence, W. G.  
Tudor, F.  
Willis, H.

Tellers.

Fuller, G. W.  
Watson, J. C.

NOES.

Bonython, Sir J. L.  
Chapman, A.  
Clarke, F.  
Conroy, A. H.  
Cook, J.  
Cooke, S. W.  
Deakin, A.  
Edwards, G. B.  
Forrest, Sir J.  
Glynn, P. McM.  
Groom, L. E.  
Knox, W.  
Lyne, Sir W. J.  
Mahon, H.

Mauger, S.  
Poynton, A.  
Skene, T.  
Smith, S.  
Solomon, E.  
Solomon, V. L.  
Thomson, D.  
Turner, Sir G.  
Wilkinson, J.  
Wilks, W. H.

Tellers.

Cook, J. H.  
McCay, J. W.

Question so resolved in the negative.

Motion negatived.

Mr. HIGGINS (Northern Melbourne).—Before we pass the item, I desire to say that there is a strong feeling entertained by a number of honorable members that we should not again be called upon to vote upon questions of this kind. In other words, it is felt that these matters ought to be left to the Public Service Commissioner—that it is unfair to members on all sides of the House to be called upon to deal with the salaries of men whom they have to meet every day of their lives. It is all very well to say that the President and Mr. Speaker fulfil the offices of the Public Service Commissioner. They cannot do anything of the kind. They have no means of comparing the work performed by these officers with work that is being done outside. I submit to the Prime Minister that, apart altogether from the constitutional aspect of this question, he might consider whether it would not be advisable to place the officers of Parliament under the Public Service Commissioner. These matters would then rest with the Commissioner, who would be able to compare the work

done by the officers with that performed by others occupying similar positions in other branches of the public service.

Mr. DEAKIN.—I do not know whether the honorable and learned member recalls the fact that the Public Service Bill, as introduced by the Government, provided for the whole of the officers of Parliament being under the Commissioner. The alteration was due to the action of members of both Houses, who conceived that they should be the masters of their immediate employes. The next salary in which an increase has been made is a small one; it is that of the Shorthand Writer and Typist to the Senate. He appears to be the handy man of the office. He had ten years' service as typist with the Victorian *Hansard* staff, and was appointed to his present position at a salary of £160 per year. That salary was increased last year to £188, and it is now proposed to increase it to £200.

Mr. WATSON.—So that he is going to receive nearly as much as is paid to a messenger.

Mr. DEAKIN.—His salary will be the same as that of the Assistant Reading Clerk on the staff of the House of Representatives. His duties consist of all the shorthand writing and typing for the Department, and, if his time allows it, he also does shorthand and typewriting for members of the Senate. He assists the Clerk of Parliaments in the reading of the journals of the Senate, and the Clerk of the Papers in the reading of papers ordered to be printed, Bills, &c. He assists in the general detail work of the office in connexion with correspondence, the boxing-off of printed papers, and their issue as required for the use of the Senate and members. He also helps the Accountant in detail work connected with accounts.

Mr. MAHON.—Does he do shorthand work for the members of the Senate?

Mr. DEAKIN.—Any official work that they have to do.

Mr. JOSEPH COOK.—Have we a similar officer?

Mr. DEAKIN.—Honorable senators, I understand, are often assisted by the officers in the preparation of elaborate questions and motions, and copies of these questions and motions are sometimes typewritten for them. The Shorthand Writer and Typist is typewriter in ordinary and general clerk, and assistant extraordinary to the clerical staff of the Senate.

Mr. MAHON.—He is well worth the salary which it is proposed to pay for him.

Mr. DEAKIN.—The salary of the housekeeper, and doorkeeper of the Senate is also to be increased. He was transferred from the Public Service of the State of Victoria to which he was appointed on the 1st March, 1873. He has, therefore, had a service of about thirty years. He was appointed to the Senate Department at a salary of £180, which was last year increased to £205. His duties consist of the control of the whole of the Senate side of the building, and the general supervision of the messenger staff of the Senate. There is a great deal of labour in connexion with the cleaning of the rooms and corridors of the Senate buildings, for which he is responsible. The *Hansard* staff occupy some rooms on the Senate side of the building, and the cleaning of these is carried out by the Senate cleaning staff. The housekeeper is also in attendance in the Senate chamber throughout the sittings of the Senate, and has to remain on duty till the Senate rises, and after that till the building is clear of all members and pressmen. This waiting on the pressmen often entails remaining on duty considerably later than the rising of the Senate.

Mr. McDONALD.—How many clerks has he in his office?

Mr. DEAKIN.—None.

Mr. TUDOR.—Is it not time that he had a few?

Mr. McDONALD (Kennedy).—I enter my protest against the state of affairs which appears to exist in connexion with the position of the housekeeper and doorkeeper. He is an officer receiving £235 a year who has not even an assistant clerk to attend on him. It seems to me that the Government are sweating him. In the ordinary course of events an officer receiving that salary—

Mr. FISHER.—Would have a man to attend upon him.

Mr. McDONALD.—Under this Government it is a wonder that he has not half-a-dozen. I think that he should have at least two or three clerks in order that his position may be in keeping with that of officers in the service generally.

Sir MALCOLM McEACHARN.—What salary did he receive while in the service of the State?

Mr. DEAKIN.—£180 a year, with allowances for fuel, light, and quarters.

Sir MALCOLM McEACHARN (Melbourne).—I enter my protest against the increase in this salary. The States Parliaments are cutting down the salaries of States officials, and stopping their increments, whereas we are asked, notwithstanding that we have already decided against these increases, to make the salaries of our officials larger.

Mr. DEAKIN.—This officer is getting only £4 10s. a week after thirty years' service.

Sir MALCOLM McEACHARN.—We have no right to increase these high salaries.

Mr. DEAKIN.—High salaries!

Sir MALCOLM McEACHARN.—The salary now proposed is a considerable increase upon the salary paid to this officer by the State.

Mr. WATSON.—Besides, he has already received an increase of £25 since he was transferred from the service of the State to that of the Commonwealth? Where are these increases going to end?

Mr. FISHER (Wide Bay).—I always listen with a great deal of interest to the remarks of the Prime Minister, and I was astonished that he should refer to this officer's salary as a small one.

Mr. DEAKIN.—Surely it is not a high salary.

Mr. FISHER.—Everything is comparative. What are the duties of a housekeeper? Has a man to serve a long apprenticeship to enable him to perform them? Mechanics, who perhaps constitute the most useful class in the community, have to serve an apprenticeship of from five to six years at a small wage in order to learn their duties, and at the end of that period receive perhaps £3 per week on the average for the time that they are actually working. They are not paid for idle time.

Mr. MAUGER.—Would not the honorable member give them £4 per week if he could? Why should he try to drag down this man?

Mr. FISHER.—I would give every man £4 per week if I could; but, of course, it is impossible. My position is that we should not give special privileges to officers merely because they are employed at the seat of government. I believe that this officer is more entitled to an increase than are those to whom we have just given increases; but it is absurd to call his salary a paltry one. I say that it is more than sufficient. The Senate is overmanned and its officers are overpaid. It is because these officers

come into contact with Members of Parliament that they are able to obtain increases. If they were labouring in the distant interior they would probably receive much less pay for much harder work. We cannot raise their salaries without doing injustice to public servants elsewhere, and for that reason I shall vote for a reduction of the item.

Mr. KENNEDY (Moira).—There is a good deal in the suggestion of the honorable member for Kennedy that, now that the Government have taken this officer in hand, they should not stop at a mere increase of salary, but should provide him with clerical assistance. It must be remembered that he was transferred from the service of the State, where his duties were practically the same as they are now, at a salary of £180 a year, and I do not think his qualifications have improved since then, although he has received an increase of £25 per annum. Now it is proposed to give him a further increase of £30 per annum.

Sir MALCOLM MCEACHARN.—Although the application for an increase has already been refused by us.

Mr. KENNEDY.—Men who have remained in the State service have not only not received increases, but have had to submit to reductions. Action such as we are now asked to take justifies the statement which has been made broadcast throughout the continent, that there is a tendency to extravagance on the part of the Federal Parliament. In addition to a salary of £235 per annum, this officer receives quarters, fuel, and light, which, taking into account all the circumstances, make his salary equivalent to £300 per annum. That is certainly not a paltry amount for the position. I shall, if necessary, divide the Committee on the question.

Mr. WATSON (Bland).—It seems to me that this officer has done fairly well. He was transferred at a salary of £180.

Mr. WILKS.—He hopes to do better.

Mr. WATSON.—I dare say that, with the assistance of honorable members who are frightened whenever the Senate cracks the whip to declare their souls their own, he will succeed in doing better later on. He has already had one increase of £25, which I consider is liberal treatment. No reason has been given for the proposed further increase except that the housekeeper to the House of Representatives gets a larger salary. It must be remembered,

however, that the House of Representatives sits more frequently than the Senate, and is composed of a larger number of members, so that there is more work for the latter officer to do. I shall vote against the proposed increase.

Mr. TUDOR (Yarra).—Some honorable members appear to look upon those who object to the proposed increase as anxious to reduce salaries; but that has never been my position. It has also been contended that if the salaries of the officers in the House of Representatives are increased those of the Senate should also be increased. But those who were members of the Victorian Parliament know that a difference was always made between the salary paid to the housekeeper and messenger of the Assembly and that paid to the similar officer of the Council, who was the officer whose salary is now under consideration. He has already received one increase of £25 since his transfer to the Commonwealth, and I see no reason for increasing his salary still further. I move—

That the item, "Housekeeper and doorkeeper, £235," be reduced by £30.

Question put. The Committee divided.

Ayes ...	...	...	16
Noes ...	...	...	27
Majority ...	...	...	11

AYES.

Brown, T.  
Fisher, A.  
Higgins, H. B.  
Isaacs, I. A.  
Kennedy, T.  
Kingston, C. C.  
Kirwan, J. W.  
McDonald, C.  
McEacharn, Sir M.

O'Malley, K.  
Quick, Sir J.  
Ronald, J. B.  
Spence, W. G.  
Tudor, F.

Tellers.

Fuller, G. W.  
Watson, J. C.

NOES.

Bonython, Sir J. L.  
Chapman, A.  
Clarke, F.  
Cook, J.  
Cook, J. Hume  
Cooke, S. W.  
Deakin, A.  
Edwards, G. B.  
Forrest, Sir J.  
Glynn, P. McM.  
Groom, L. E.  
Knox, W.  
Lyne, Sir W. J.  
Macdonald-Paterson, T.

Manger, S.  
Poynton, A.  
Skene, T.  
Smith, S.  
Solomon, E.  
Solomon, V. L.  
Thomson, D.  
Turner, Sir G.  
Wilkinson, J.  
Wilks, W. H.  
Willis, H.

Tellers.

Conroy, A. H.  
McCay, J. W.

Question so resolved in the negative.

Motion negatived

Mr. DEAKIN.—The next item to be dealt with is that of the President's messenger, to whom it was proposed to give an increase of £16 per annum, thus bringing his salary from £188 to £204. This officer was transferred from the South Australian service, to which he was appointed on 25th May, 1888. He was appointed to the Senate Department at a salary of £168 per annum, which was increased last year to £188. His duties are to specially attend on the President, and during the sittings of the Senate he attends therein and waits on the President and Ministers and senators generally. The President's rooms are under his supervision for the necessary cleaning and attention. He is in attendance each night until the rising of the Senate, and thereafter until the President dispenses with his services. It will therefore be seen that, whilst he is called the President's messenger, he is really the President's messenger, the Ministerial and officials' messenger, and also an attendant of the House.

Mr. McDONALD.—Why is he not thus described?

Mr. DEAKIN.—Because it is understood that the title simply indicates the official who has been selected to wait upon the President in addition to other duties.

An HONORABLE MEMBER.—Have we a similar official on this side?

Mr. DEAKIN.—Yes; and he also discharges the duties of an ordinary messenger as well.

Mr. TUDOR.—The President's messenger does not wear a uniform like the Speaker's attendant.

Mr. DEAKIN.—Yes.

Mr. WATSON.—No; he is a personal attendant upon the President.

Mr. DEAKIN.—As a matter of fact, he is a messenger of the Senate, and part of his duty is to attend upon the President.

Mr. WATSON (Bland).—If this item is carried, it will be the means of inflicting a gross injustice upon some of the other messengers on the Senate side. There are at least three messengers there who have to their credit much longer service than has the President's messenger. If the proposed increase is granted the President's messenger will be placed in a position of seniority, and stand in a better position for promotion. He was receiving £140 per annum in the State service of South Australia. He was appointed here at a salary of £168, and has received one increase of

£20. Now it is proposed to give him a further increase, which will bring his salary up to £204. I contend that £188 is a very reasonable, and even a liberal salary for a messenger, however he may be employed. I do not wish to see the salary cut down, but I think we have no right to increase it. The real ground that the President takes in this connexion is that his personal attendant should receive the same salary as that given to the Speaker's messenger. The Commonwealth may "go to pot," but his dignity must be consulted. The Speaker's messenger receives a higher salary than does the President's messenger because he is a very old servant, and was entitled under the State regulations to an increase of salary. He has been in the service of the State for about forty years, whereas the other messenger was first appointed to the State service as a temporary messenger in 1888.

Mr. POYNTON.—The honorable member is mistaken. He was appointed as a permanent officer in 1888.

Mr. WATSON.—I am informed that although he was regularly employed, he was not, in the first instance, appointed to the permanent staff. However, apart from that, he has nothing like the same length of service to his credit as have other messengers, in respect to whom he will be placed in a position of advantage. In any case I object to the increase, because I think that a messenger who has not to serve an apprenticeship, or to make special sacrifices in order to learn a trade or business, is well paid at £188. While the Committee may have done well to agree to the other increases, they would make a great mistake if they consented to this proposal. It is extraordinary that a large number of members who supported me on a previous occasion by voting against the proposed increases are ready to give way immediately the Senate puts its back up. I trust that entirely apart from any consideration as to the individual involved, the Committee will see the wisdom of objecting to the proposed increase. I move—

That the item, "President's messenger, £204," be reduced by £16.

Mr. WILKS (Dalley).—The honorable member for Bland seems to think that honorable members are afraid of the Senate, and that they are prepared to support the increases solely out of deference to the views held by the members of that Chamber.



Mr. McDONALD. — Several honorable members have indicated that that is their attitude.

Mr. WILKS.—I took a stand against the Senate on a former occasion, and when a fitting time comes for us to uphold our position as against the other Chamber, the honorable member for Bland will find me ready to take up quite as strong a position as he does. I do not view the proposed increase as anything out of the way. The President's messenger has to act also as Ministers' messenger, and as a general rouseabout for the members of that Chamber, and I believe that he earns his money. The honorable member for Bland told us that the proposed increase would place this official in a position of superiority over the other messengers, but he did not tell us that the other messenger who is chiefly concerned has a wife employed in the Commonwealth service.

Mr. WATSON.—What other messenger? There are a number of other messengers senior to the President's attendant; one messenger has his wife employed in the Commonwealth service.

Mr. WILKS.—I understand that the wife of one of the messengers upon the Senate staff is employed as caretaker of one of the Commonwealth public offices. If honorable members refuse to sanction an increase of £16 in the salary of the President's messenger I hold that the wife of the other messenger should be removed from the Commonwealth public service. It is, indeed, lamentable that we should be compelled to disclose facts of this character in a discussion of the Estimates. I shall vote for the increase with more readiness than I have supported any other item.

Mr. FISHER (Wide Bay).—If the statement of the honorable member for Dalley be correct it would appear that we are eliciting facts which should have been set out distinctly upon the Estimates. I trust that the result of this discussion will be to compel the Government to furnish a return showing the duties which are performed by, and the necessity which exists for, every one of these public servants. I believe that if the Treasurer had to deal with them, we should have fewer officers, and that lower salaries would be paid to them. I quite recognise that, in dealing with Estimates in this way, it is just possible that we may do an injustice to some particular public servant. We are not always in possession of the

whole of the facts surrounding any case, and consequently in some instances we may fall into error. Nevertheless, this is the only opportunity which we have of protesting against the action which has been taken to generally increase these salaries. I protest against paying higher salaries than are necessary to these officers, simply because they come into closer contact with honorable members than do other public servants.

Motion negatived.

Vote agreed to.

Division 2 (*House of Representatives*)—£8,267.

Mr. DEAKIN.—I wish to direct the attention of honorable members to an item which relates to our own Chamber. Upon a former occasion the Committee decided to strike out the footnote upon page 8 which relates to Mr. Speaker, and which reads—"If returned again to Parliament, salary to continue, notwithstanding the dissolution, until the meeting of the new Parliament." That has been re-inserted, in order that Mr. Speaker may be placed in the same position as the President of the Senate and certain Speakers elsewhere. The President's term of office does not expire until the 31st December, and his election dates from the 1st January. Consequently where the President is re-elected there is no break in his service. He continues in his office from one session to another. In several of the States, including Western Australia, special Acts have been passed to effect this object, because it has been recognised that there are administrative and executive duties which fall to the lot of the head of the House, and which require to be transacted notwithstanding a dissolution. The footnote in question has been inserted in order that Mr. Speaker may be placed upon the same footing as the Speakers in various States' Parliaments.

Mr. GLYNN.—In what States does the practice obtain?

Mr. DEAKIN.—It obtains in Western Australia, and I think also in South Australia.

Mr. KINGSTON.—I know that it did exist during portion of my father's Speakership.

Mr. DEAKIN.—In these two States it exists, and of course it always exists in the case of the President. I trust, therefore, that the Committee will retain the footnote to which I have referred.

Mr. GLYNN (South Australia).—When the President's term of six years has expired, he will not receive any salary until he is re-elected.

Mr. DEAKIN.—He retains his office till the 31st December, and, if he is re-elected, his salary will date from the 1st January following.

Mr. GLYNN.—It would appear then that Mr. Speaker is placed rather at a disadvantage. Upon a previous occasion I moved the excision of this item, because I did not consider it advisable to do something which I thought the Constitution did not allow us to do. I find, however, that it is not absolutely prohibited by the Constitution, inasmuch as we can vote money for anything which expediency may suggest. I learn that in England a special Act is in operation, under which the emoluments and duties appertaining to Mr. Speaker's office continue, even though a dissolution may have taken place. Under the circumstances I do not intend to oppose the proposal.

Mr. THOMSON (North Sydney).—I do not agree that the proposal of the Prime Minister aims at placing Mr. Speaker upon the same footing as the President of the Senate. I am not aware that when the President ceases to be a Member of Parliament he will continue to draw his salary.

Mr. DEAKIN.—He does not cease to hold office till the 31st December in any year. The Senate elections take place before that date, and his next term of office commences upon the 1st January.

Mr. THOMSON.—But if the President should cease to be a member of the Senate his salary would not be paid.

Mr. DEAKIN.—Exactly. This provision will apply only if Mr. Speaker is again returned.

Mr. THOMSON.—Personally, I am not in favour of Mr. Speaker receiving salary after he has really ceased to be a Member of Parliament.

Mr. DEAKIN.—Mr. Speaker would not receive his salary as a Member of Parliament, but only in his capacity as Speaker.

Mr. THOMSON.—But his occupancy of the Speakership depends upon whether he is a Member of Parliament.

Mr. KINGSTON.—Surely he may discharge his duties until his successor is appointed.

Mr. THOMSON.—He may discharge the duties which have to be performed. These are not very great during the recess,

and as we are establishing a precedent, I certainly think it would be better that any such emoluments should be discontinued when the Speaker ceases to be a Member of Parliament.

Mr. KINGSTON.—That would make Mr. Speaker's emoluments less than those of the President.

Mr. THOMSON.—That is the fault of the Constitution. If we consider that Mr. Speaker should receive a higher salary than does the President of the Senate, let us make provision for its payment upon the Estimates. Like any other honorable member, I have some diffidence in opposing what would constitute an advantage to an honoured officer of this House; but, believing that it is far better that we should endeavour to avoid overreaching the Constitution by side methods—

Mr. DEAKIN.—The practice exists in two States at least.

Mr. THOMSON.—That may be so; but I do not approve of it for that reason. We should recognise that Mr. Speaker is Speaker only because he is a Member of Parliament, and when he ceases to be a member his remuneration as Speaker should be discontinued.

Mr. JOSEPH COOK (Parramatta).—I entertain an opinion similar to that expressed by the honorable member for North Sydney. It seems to me that it would be an anomaly to vote a salary for the office of Speaker at a time when there is no such office actually in existence. That is practically what we are asked to do.

Mr. DEAKIN.—Mr. Speaker will still be an executive head.

Mr. JOSEPH COOK.—I would rather vote the sum on the Estimates in a special way.

Mr. KINGSTON.—That is what we are being asked to do.

Mr. JOSEPH COOK.—No. We are asked to say that if Mr. Speaker is returned he shall be paid an allowance in respect of a period during which he will not be a member of the Chamber or an official of the House. It would be very much better to specially provide for the amount on the Estimates. I should be very willing to vote it in that way; but I do not think that we ought to deal with this question by way of a footnote.

Mr. O'MALLEY (Tasmania).—I hope that honorable members will agree to the item. We desire that the Speaker of this democratic House shall not be placed in a position inferior to that of the President of another place. There is no doubt that unless we make this provision he will not draw any pay during the recess, although he will be discharging various duties. In practice he will be living, but in theory he will be dead. In theory he will not be holding the office, but in practice he will still be Mr. Speaker, and will continue to discharge the duties of that office until another honorable member is elected in his stead. The amount is very small, and the feeling of honorable members is that we should not be penurious. We should not be so small as are the Kyabramahpootras and the Shanghaitees.

Mr. G. B. EDWARDS.—We have been voting Kyabram for the last three hours.

Mr. O'MALLEY.—I am not aware of that. In any event, the amount is not worth fighting over, and I trust that it will be agreed to.

Mr. McDONALD (Kennedy).—Unlike the honorable member for Tasmania, Mr. O'Malley, I think the item is worth fighting over, and I shall not allow it to pass without a division. We have no more right to vote this sum than we have to vote a salary to every honorable member in respect of the period in question.

Mr. DEAKIN.—We have power to vote salaries to honorable members in respect of the same period.

Mr. McDONALD.—Would the honorable and learned gentleman support such a procedure? Certainly not. He would know that there would be an outcry against it.

Mr. DEAKIN.—We have no executive duties to perform.

Mr. McDONALD.—We shall have our parliamentary duties to attend to until we are re-elected or others take our places. It is quite common for Members of Parliament to be called upon during the period between a prorogation and a general election to perform duties similar to those discharged by them in ordinary circumstances. During this period Mr. Speaker will be no more a member of this House than will any other honorable member, and we have no more right to vote this sum than we have to vote it in respect of the allowance of any other honorable member.

Mr. WATSON (Bland).—I do not care to vote this amount in the way proposed, although I feel that Mr. Speaker should receive at least as much as, if not more, than the amount received by the President of the Senate. The work which he has to perform is far more trying than that which the President is called upon to attend to, because our sittings are more numerous and lengthier than are those of another place. I would rather follow the practice adopted in the various States Legislatures of giving to the official head of the larger Chamber a higher salary than that received by the official head of the other House. I am quite willing to vote for such a proposal.

Mr. McDONALD.—Every one was prepared to vote for the reduction from £1,500.

Mr. WATSON.—We did not then think that a contingency of this kind would arise, and that during a certain period Mr. Speaker would really receive about £100 less than the salary received by the President. No one desires to see that take place. Personally I would far rather vote for a specific sum, which might be added to the nominal remuneration of the Speaker.

Mr. DEAKIN.—If the honorable member will permit me, I would point out that that is exactly what honorable members are asked to do. We are asked to vote £1,100—which represents a full year's payment to Mr. Speaker. The money will be paid to Mr. Speaker; but, if he is not returned, his salary of course will cease on the day that he fails to secure re-election. On the other hand, if he be returned, he will receive the full sum of £1,100 for his twelve months' service, notwithstanding that there will be a month or more during which he will be out of office. The footnote is simply a beacon light to honorable members so that they may not be taken by surprise. It shows that a complete year's salary is proposed to be voted for Mr. Speaker, although not to other honorable members. The increase proposed by us amounts to precisely what the honorable member for Bland desires. When we vote this sum of money it will be paid to Mr. Speaker, if he is returned, in the same way that the salary to the President will be paid to him.

Mr. McDONALD.—Will not this £1,100 appear on the Estimates every year?

Mr. DEAKIN.—Yes. It is only once in three years that a dissolution ordinarily

takes place, and this question will, as a rule, only arise once in three years.

Mr. McDONALD.—Is the President receiving £300 more than the amount paid to Mr. Speaker?

Mr. DEAKIN.—According to the time involved, he may receive £150 or £200 more than Mr. Speaker.

Mr. McCAY (Corinella).—If we do not agree to the vote as proposed by the Government the result may be that Parliament may not meet for several months after the election, and that during that time—

Mr. TUDOR.—The interval cannot be so long.

Mr. McCAY.—I was overlooking the fact that we shall have to meet within about two months after the elections. Even in that event the amount involved would be more than £100 and during the period in question, Mr. Speaker, if he were re-elected would still be regarded as holding his present office. I must confess that I am not able to follow the distinction drawn by some honorable members who say that we should vote this money by a different method. It seems to me that the Government proposal is the most straightforward and sensible course to pursue. The footnote is much in the nature of a check, and this is the fairest way to do what we are all agreed is a reasonable thing.

Mr. KINGSTON (South Australia).—I remember that during some portion of my father's Speakership in the House of Assembly of South Australia a dissolution took place and his salary ceased although he continued to discharge the departmental duties of his office. That was felt to be a very great hardship and legislation was subsequently adopted to remedy the evil, although it had no retrospective effect. Since then it has been considered only fair that the Speaker of the House should continue to be paid in such circumstances, and we should, at least, see that our own Speaker receives an allowance equal to that of the gentleman who presides over the Upper Chamber. No doubt the Prime Minister has looked into the matter, and has found that this practice obtains in all the States Legislatures.

Mr. DEAKIN.—Only in two or three, to my knowledge.

Mr. KINGSTON.—I thought that it obtained in the majority of the States Houses.

There are duties to be performed in recess, as well as while the House is in session. Mr. Speaker undoubtedly exercises important functions during the recess. There must be some one to attend to those functions, even although the House be dissolved, and I believe that it has always been the practice in the Legislative Assemblies of the States for Mr. Speaker to continue to discharge his duties in recess until some alteration occurs in the occupancy of his office. In all the circumstances, it would be a pity to establish a Commonwealth practice by making an invidious distinction at the expense of Mr. Speaker when we have a reasonable opportunity to take the sense of Parliament as to whether that course should be followed. We have now an opportunity to test the matter. We can either increase or reduce the amount, or strike it out altogether, and I venture to think that the continuance of the position as proposed by the Government will recommend itself generally to honorable members.

Mr. ISAACS (Indi).—I consider that however this vote may be worded it in substance merely proposes to place Mr. Speaker on an equal footing with the President. I quite agree with what honorable members have said as to the departmental duties which Mr. Speaker is called upon to perform. I also agree that the effect of a dissolution of Parliament owing to effluxion of time, would be to deprive Mr. Speaker of equality of position when compared with the President of the Senate. But there is another and more important ground on which the proposed vote ought to be supported. We have to look forward not merely to dissolutions by effluxion of time. There may come a time when in the conduct of the business of the House the Speaker may be required to exercise great firmness—when he should understand that, even if a dissolution were the result of his decision, his position would not be affected by it. It is highly important that he should be placed above any temptation of self-interest in coming to a decision or assuming any attitude in the Chair. It is to our benefit, as well as to the benefit of the country, that on these grounds, Mr. Speaker should be informed that, as long as he is returned at the ensuing election, whenever it may occur, he will not suffer any diminution of salary by reason of his taking a course which he may deem it his duty to follow.

Question—That Division 2 (*House of Representatives*) be agreed to—put. The Committee divided.

Ayes ...	...	...	23
Noes ...	...	...	13
Majority			10

**AYES.**

Bonython, Sir J. L.	Lyne, Sir W. J.
Brown, T.	Macdonald-Paterson, T.
Chapman, A.	Mauger, S.
Clarke, F.	O'Malley, K.
Cooke, S. W.	Paterson, A.
Deakin, A.	Poynton, A.
Forrest, Sir J.	Skene, T.
Fowler, J. M.	Solomon, E.
Glynn, P. McM.	Solomon, V. L.
Isaacs, I. A.	<i>Tellers.</i>
Kingston, C. C.	McCay, J. W.
Knox, W.	Watson, J. C.

**NOES.**

Edwards, G. B.	Quick, Sir J.
Edwards, R.	Spence, W. G.
Fisher, A.	Thomson, D.
Kennedy, T.	Tudor, F.
Mahon, H.	<i>Tellers.</i>
McDonald, C.	Cook, Joseph
McEacharn, Sir M.	Higgins, H. B.

Question so resolved in the affirmative.  
Vote agreed to.

Motion (by Mr. DEAKIN) proposed—

That the remaining Estimates be agreed to in the form finally adopted in the Appropriation Bill just withdrawn.

Mr. McDONALD (Kennedy).—I object to the Estimates being taken *in globo*. I insist upon the various divisions being put to the Committee in the ordinary manner, since the Government have decided to bring in a new set of Estimates and a new Appropriation Bill. Furthermore, I intend to raise the point that the Estimates are not properly before us.

Mr. ISAACS.—The House assented to their consideration in Committee.

Mr. McDONALD.—The point I intend to take is that a new set of Estimates cannot be considered unless they have been recommended by a message from the Crown.

Mr. G. B. EDWARDS.—The Governor-General's message recommended an Appropriation for the services of the current year.

Mr. DEAKIN. — The point which the honorable member intends to raise is a proper one, and it occurred to me. Upon looking into it I found that it would hold good unless action was taken to rescind all our proceedings until we returned to the original message. That we have done, and

have started again from that message. I assure the honorable member that the precedents show that when that course is followed the original message may form the basis of a new set of Estimates.

Mr. McDONALD.—I do not think that our action in rescinding previous resolutions is in accordance with the practice of either the House of Commons, or the Parliaments of the States. Of course, we have no precedents of our own to guide us. I shall put the point before the Speaker, and I think that in fairness to him, and to the House, the matter should then be left over until to-morrow, so that he may have full time to consider it before giving a ruling.

Mr. GLYNN (South Australia).—Section 56 of the Constitution provides that—

A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.

Therefore the message can come at any time. The rule of the House of Commons, however, is that the message must come first, and then follow the resolutions and the Bill.

Mr. McCAY (Corinella).—Is it not competent for you, Mr. Chairman, to put more than one division at a time to the Committee? Is there anything in the Standing Orders to make it necessary to put each division separately? These Estimates from division 3 onwards are letter for letter and figure for figure the same as those to which we have already agreed.

Mr. McDONALD.—That makes no difference; they are a new set of Estimates.

Mr. McCAY.—Unless we are to have discussion on the various divisions, there is obviously no good purpose to be served by having them put separately. There are many subjects upon which I should like to speak; but I think it is about time that the session came to an end. If we are going to deal with the Estimates afresh, the electoral rolls will be ready before we prorogue.

Mr. FISHER (Wide Bay).—No doubt it would suit the convenience of honorable members generally to take the Estimates *in globo*, but if the honorable member for Kennedy persists in his objection it will be a daring thing for you, Mr. Chairman, to do other than to put them before the Committee in the usual way.

Mr. McCAY.—We have on previous occasions passed forty or fifty divisions at a time.

Mr. FISHER.—If so, it was with the general concurrence of honorable members. The Appropriation Bill having been withdrawn, these are new Estimates.

Mr. McCAY.—The Estimates are not new, though the Appropriation Bill will be.

Mr. FISHER.—I contend that they are new, and that we are entitled to discuss every item in them. The Government have been able to obtain a majority in favour of several increases which were refused when the old set of Estimates was before us, and surely it is possible that honorable members may be able to obtain reductions in some other items. At any rate, honorable members have a right to move such reductions. Does the honorable and learned member for Corinella deny that we have that right?

Mr. McCAY.—The honorable member could move the reduction of any item.

Mr. FISHER.—If that be so, we could commence with the first item. I hold, however, that the Chairman must submit the Estimates in the usual way. They can be submitted *in globo* only with the unanimous consent of the Committee.

The CHAIRMAN.—The honorable member for Kennedy raises a point of order.

Mr. McDONALD.—I did not raise a point of order, but I objected to the course adopted by the Prime Minister.

The CHAIRMAN.—I may point out to the honorable member that there is nothing in the Standing Orders providing that the Estimates shall be dealt with in any particular way. The Estimates are referred by the House to the Committee, which deals with them as it thinks proper. The practice has been to submit the Estimates by divisions; but it is quite competent for the Prime Minister to move that the whole of the remaining Estimates be agreed to. It will be competent for honorable members to discuss any item included in the Estimates not already passed.

Mr. McDONALD (Kennedy).—Is it seriously contended that the Prime Minister can move that the whole of the Estimates be agreed to upon one vote? If that be so, what is the use of submitting them to Parliament?

Mr. G. B. EDWARDS.—The honorable member can object to any of the items.

Mr. McDONALD.—But suppose that the Estimates were submitted in the first instance by an unscrupulous Government, and that a motion were proposed that the Estimates as a whole should be agreed to. If the Government had a majority at their backs, honorable members would be perfectly helpless. I defy any honorable member to quote an instance in which that course has been followed in any British Parliament. If the Committee were prepared to allow such a motion to go without objection, well and good.

Mr. G. B. EDWARDS.—That is the Chairman's ruling.

Mr. McDONALD.—I have objected to the motion being submitted in that form, and I maintain that as a member of this Chamber, and a representative of the people, I have a perfect right to raise a dissenting voice in such a case. No departure can be made from the ordinary course without the unanimous consent of the Committee. I hope that the Prime Minister will not allow his desire to rush through the Estimates to cause him to make a serious departure from the ordinary practice in this Chamber.

Mr. DEAKIN.—Does the honorable member desire to discuss any particular items in the Estimates?

Mr. McDONALD.—Yes. I desire, in connexion with the Electoral Department, to discuss the way in which the rolls have been collected, and other matters in connexion with the management of electoral affairs.

Mr. GLYNN.—There is nothing to prevent the honorable member from discussing that subject now.

Mr. McDONALD.—I know that we could enter upon a general discussion in the same way as upon the Budget; but it is preferable that we should discuss each matter in connexion with the vote proposed for the Department with which it is associated.

Mr. DEAKIN.—I desire to withdraw my motion.

Motion, by leave, withdrawn.

Mr. DEAKIN.—I now move—

That divisions 2 to 18, inclusive, be agreed to. This will enable the honorable member to discuss the matter to which he has referred in connexion with the vote for the Electoral Office in the Home Affairs Department.

Mr. CONROY (Werriwa).—Whilst I am anxious to see the Estimates passed, in order that the Appropriation Bill may be

forwarded to the Senate, I must support the contention of the honorable member for Kennedy, that if any honorable member objects, the Estimates cannot be submitted as a whole.

Mr. McDONALD (Kennedy).—I understand that the Senate is waiting for the Appropriation Bill, and I do not wish to delay business. In view of the fact that the Prime Minister has been good enough to withdraw his original motion and to concede my point, I shall not pursue my original purpose.

Motion, by leave, withdrawn.

Motion (by Mr. DEAKIN) agreed to—

That the remaining Estimates be agreed to in the form finally adopted in the Appropriation Bill just withdrawn.

Resolutions reported.

Motion (by Mr. WATSON) proposed—

That the Estimates be recommitted for the purpose of reconsidering division No. 1, item, "President's messenger, £204."

Mr. McDONALD.—I desire to ask your ruling, Mr. Speaker, upon a matter of considerable importance. I wish to raise the question whether these Estimates are in order. I understand that these are entirely new Estimates, and I contend that they should have been preceded by a message from the Crown in the ordinary way. As they have not been so accompanied I should like your ruling as to whether they are in order.

Mr. SPEAKER.—I have no hesitation in ruling upon the point raised by the honorable member. Probably the honorable member would not have asked the question if he had noticed the terms of the resolution passed this afternoon, to the effect that the Standing Orders be suspended in order to enable the Treasurer to move that all the resolutions of the House and Committee relating to the Appropriation Bill 1903-4 from and after the resolution referring the Estimates as received from the Governor-General to the Committee of Supply be rescinded, and to enable a new Bill to be introduced and passed through all its stages without delay. Therefore we have gone back to the point at which we received the Estimates from His Excellency the Governor-General in the usual way. The whole of the procedure since that point has been rescinded, and therefore the message from His Excellency holds good.

Question resolved in the affirmative.

*In Committee*—(Recommittal)—

PARLIAMENT.

Division 1 (*Senate*).—£6,684.

Mr. WATSON (Bland).—In view of the fact that the Senate is now waiting for the Appropriation Bill, I wish only to explain that several honorable members were absent when the item covering the salary of the President's messenger was passed upon the voices, and that my sole desire is to have a vote taken in a fuller Committee.

Mr. GLYNN (South Australia).—Before the honorable member moves in the direction of reducing the item, I desire to ask the Prime Minister if he will see that the increased salary proposed is paid to the senior messenger. I understand that the officer who would receive this salary as President's messenger is not the senior messenger on the Senate side, but is only third in rank, and that two other officers have been passed over. Perhaps it will be as well to amend the item. I therefore move—

That the item "President's messenger, £204," be amended by the addition, after the word "messenger," of the words "being the senior messenger."

Mr. DEAKIN.—I have made some inquiries since this salary was brought under notice, and I find that on the Senate side there is only one messenger senior to the President's messenger. This messenger, Mr. Aplin, has received from the President a letter guaranteeing that his seniority shall not be affected by the proposed increase. Under the Public Service Act the President of the Senate occupies towards the officers of the Senate the position of the Public Service Commissioner, and is therefore able to give such a guarantee.

Mr. WATSON.—That would not bind his successor.

Mr. DEAKIN.—Yes, it would bind his successor in office acting as Public Service Commissioner.

Sir MALCOLM McEACHARN.—But he has no right to give such a guarantee.

Mr. DEAKIN.—I am informed that the President has given Mr. Aplin a letter guaranteeing that his seniority shall not be affected by this proposal, and therefore he will not suffer any injustice.

Mr. POYNTON (South Australia).—I hope that the Committee will not proceed to a vote upon this subject before they understand some of the circumstances. If the amendment were agreed to, the increase of

salary would go to the senior messenger who has been named. That officer has been very ill-advised to complain in the way he has done, and thus cause dissension and unpleasantness.

Mr. WATSON.—He is not responsible for my action.

Mr. POYNTON.—He is responsible for the action of other honorable members. Mr. Aplin has secured a position for his wife in connexion with one of the Government establishments at a salary of £50 per annum.

Mr. FISHER.—Does she not work for her salary?

Mr. POYNTON.—I suppose she does. I do not understand why a "set" should be made against the President's messenger. It has been stated that he was only temporarily employed in the State service, but that is incorrect, because he was appointed to the permanent staff in the State service in 1888. I do not care to discuss the question whether he is receiving too much or too little in the way of salary. I think it is a great pity that all this trouble should have arisen. Parliament should have nothing whatever to do with these messengers, and a radical change should be brought about.

HONORABLE MEMBERS.—Hear, hear.

Mr. POYNTON.—As we have already agreed to the increases proposed in favour of more highly-paid officers, I hope that honorable members will not discriminate against the President's messenger.

Mr. McDONALD (Kennedy).—I desire to ask the Prime Minister whether in the event of his continuing in office next session he will introduce a short Bill to amend the Public Service Act with the object of placing parliamentary messengers under the control of the Public Service Commissioner?

Mr. DEAKIN.—That was the original proposal of the Government; but, before committing myself to again introducing it, I should like to take advantage of the experience we have gained, with a view to ascertain if the Act requires amendment in this particular. I will undertake to do that. It may be that experience will enable us to place these officers under the control of the Public Service Commissioner, without in any way wounding the susceptibilities of Parliament.

Mr. WATSON (Bland).—I was not previously aware that the wife of one of the senior messengers in the Senate was engaged

in the Public Service of the Commonwealth. I am rather surprised to learn that the wife of an officer who occupies a fairly remunerative position should be so employed. There are plenty of widows or women whose husbands have deserted them who would be extremely glad to earn £1 a week for the purpose of maintaining their children. Of course, it is true that that has nothing whatever to do with the question which we are now considering.

Mr. FISHER.—But there may be other officers whose wives are employed in the service of the Commonwealth.

Motion negatived.

Motion (by Mr. WATSON) put—

That the item "President's Messenger, £204," be reduced by the sum of £16.

The Committee divided.

Ayes...	...	...	...	19
Noes...	...	...	...	24
Majority				5

#### AYES.

Bonython, Sir J. L.	Macdonald-Paterson, T.
Brown, T.	McEacharn, Sir M.
Fisher, A.	O'Malley, K.
Fuller, G. W.	Quick, Sir J.
Glynn, P. McM.	Spence, W. G.
Higgins, H. B.	Thomson, D.
Isaacs, I. A.	Tudor, F.
Kennedy, T.	<i>Tellers.</i>
Kingston, C. C.	M'Donald, C.
Kirwan, J. W.	Watson, J. C.

#### NOES.

Chapman, A.	Mauger, S.
Clarke, F.	Paterson, A.
Conroy, A. H.	Poynton, A.
Cook, J.	Skene, T.
Cooke, S. W.	Smith, S.
Deakin, A.	Solomon, E.
Edwards, G. B.	Solomon, V. L.
Edwards, R.	Wilks, W. H.
Forrest, Sir J.	Willis, H.
Fowler, J. M.	<i>Tellers.</i>
Knox, W.	Groom, L. E.
Lyne, Sir W. J.	McCay, J. W.
Mahon, H.	

#### PAIRS.

Salmon, C. C.	Sawers, W. B. S. C.
Ronald, J. B.	Turner, Sir G.

Question so resolved in the negative.

Motion negatived.

Resolution reported and adopted.

*In Committee of Ways and Means:*

*Resolved* (on motion by Mr. DEAKIN)—

That towards making good the Supply granted to His Majesty for the services of the year ending 30th June, 1904, a sum not exceeding Two millions



six hundred and forty-eight thousand four hundred and thirty-seven pounds be granted out of the Consolidated Revenue Fund.

Resolution reported and adopted.

Ordered—

That Sir George Turner and Mr. Deakin do prepare and bring in a Bill.

Bill presented (by MR. DEAKIN) and passed through all its stages.

## PATENTS BILL.

Bill returned from the Senate with the following message :—

The Senate has considered message No. 34 of the House of Representatives, in reference to the Bill for "An Act relating to Patents or Inventions," and acquaints the House that the Senate does not insist on its disagreement to amendment No. 19 of the House of Representatives, and has agreed to the amendment of that House in new clause 23A.

## RULES PUBLICATION BILL.

Bill returned from Senate with the following message :—

The Senate has agreed to the Bill returned herewith, intitled "A Bill for an Act for the publication of Statutory Rules," with the amendments indicated in the annexed schedule in which amendments the Senate desires the concurrence of the House of Representatives.

Resolved (on motion by MR. DEAKIN)—

That the message be taken into consideration forthwith.

In Committee :

Senate's Amendment.—Insert new clause :—

"5A. Any printed paper purporting to be a copy of statutory rules made by a rule-making authority, and to be printed by the Government Printer, shall in all courts within the Commonwealth be evidence that such statutory rules have been duly made by the rule-making authority, and are in force."

Motion (by MR. DEAKIN) agreed to—

That the amendment be agreed to.

Clause 6—

2. All such regulations shall be notified in the *Gazette*, and, notwithstanding anything hereinbefore contained, shall thereupon have the force of law.

Senate's Amendment.—Leave out "notwithstanding anything hereinbefore contained."

MR. DEAKIN.—The second amendment omits the words which I introduced last night in sub-clause 2, and which, it was afterwards pointed out, were unnecessary. I refer to the words "notwithstanding anything hereinbefore contained." The provision in clause 4, which allows provisional

rules where necessary to come into operation, provides for that emergency. I move—

That the amendment be agreed to.

Motion agreed to.

Resolutions reported ; report adopted.

## SEAT OF GOVERNMENT BILL.

Bill returned from the Senate with the following message :—

The Senate returns to the House of Representatives the Bill for "An Act to determine the Seat of Government of the Commonwealth," and acquaints the House that the Senate insists upon its amendments disagreed to by the House of Representatives, and disagrees to the amendment of the House of Representatives in the words proposed to be left out by amendment No. 2 of the Senate.

The Senate desires the reconsideration of the Bill in respect of such amendments.

Motion (by MR. DEAKIN) proposed—

That the consideration of the message stand an Order of the Day for Tuesday next.

MR. McDONALD (Kennedy).—Why do not the Government inform the House that they propose to drop the Bill? In any event I think that we should hear the views of the representatives of New South Wales.

MR. SPEAKER.—The only question open to discussion is the date on which the message shall be taken into consideration.

MR. McDONALD.—I move—

That the words "Tuesday next" be omitted, with a view to insert in lieu thereof the word "to-morrow."

I move the amendment because I think that it is necessary that an effort should be made to finally settle this question as early as possible. The Government should endeavour to secure a compromise between the two Houses. They should think over the matter to-night, and come forward to-morrow with a new Bill definitely proposing that the seat of government shall be at or near Lyndhurst for example. That would be a compromise as between Bombala and Tumut.

MR. THOMSON (North Sydney).—It seems to me that before we agree to the Prime Minister's proposal some statement should be made by the Minister in charge of the measure as to the intentions of the Government. We are asked to take a certain course, and we desire to know why it should be followed, and what the Government propose to do if their proposition be accepted. We have had sufficient shilly-shallying with this measure, and it is time

that we knew definitely that the Ministry are not only in earnest but have mapped out a course of action which should induce us to agree to the motion. I do not think that when there is an important difference of this kind between the two Houses we should merely be asked to shelve the measure—because that is what the motion means—without any reason being given for the course proposed and without any assurance being given to honorable members as to the future action in relation to this question. I consider that the Minister for Trade and Customs, who has had charge of the measure from the outset, owes it not only to the Parliament, but to the Commonwealth, and particularly to the State whence he comes, to make a statement such as I have indicated. Unless he does so, his conduct will be interpreted as indicating a readiness on his part to accept the practical shelving of the measure without any suggestion that the Ministry are prepared to take upon themselves the responsibility which they ought to accept. I, for one, would ask the Minister to make some statement to the House, and through the House to the Commonwealth, as to the attitude to be adopted by the Government.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—The Bill which has just been returned to us arrives in a form so absolute in its rejection of the proposal indorsed by a large majority of honorable members of this House that it has become plain that a conference, which might in other circumstances have been a judicious expedient, could not be expected to yield any fruits at the present time. In those circumstances, I propose to allow the Bill to be placed on the notice-paper for Tuesday next, that being the mildest way of saying farewell to it. So far as the question of sites is concerned, the difference between the two Chambers at the present moment is unqualified. I am informed that the majority in favour of Bombala in another place to-day was relatively as large as it was on a previous occasion, notwithstanding the fact that the will and the wish of this House had been most emphatically conveyed, both by the speeches made here and by the votes registered. In these circumstances, it appears hopeless to expect that, at this stage in the life of the Parliament, anything in the form of a compromise can be accomplished by way of conference. Therefore, nothing remains but for

the Government to take up the threads where they have been laid down, and to adopt such necessary steps as may permit of this question being considered by the next Parliament in circumstances which, it is to be hoped, will materially contribute towards an agreement between the two Chambers.

Mr. THOMSON.—Are those steps to be taken as soon as the new Parliament meets?

Mr. DEAKIN.—Certain propositions in relation to the procedure to be taken have been considered by my honorable colleague who has had charge of this measure, but they have been only partly discussed by the Cabinet, and therefore are not yet ripe for enunciation. The position which has been adopted from the first is not departed from by the Government. Ministers entertain the conviction, and entertain it very strongly, that the question is one which requires to be settled as speedily as is consistent with a wise determination.

Mr. THOMSON.—Will not the Government accept their responsibility in the matter?

Mr. DEAKIN.—I do not wish to introduce any contentious matter into the debate; but I think that questions of that kind are directed not so much with a view to assist in the choice of a site as with a view to their being employed for militant party purposes.

Mr. THOMSON.—No.

Mr. DEAKIN.—They appear to be. Putting aside party considerations, the result of the election, whatever it may be, will not alter the opinion which I have always strongly held that this is one of the questions that call for speedy settlement. It demands the earliest decision that can be arrived at by the Parliament of the Commonwealth consistently with the discharge of its obligations to the people as a whole—consistently with its endeavour to make a selection that will have in view the illimitable future of Australia and the possibilities of its development. The site of the Capital must not be selected from any mere submission to the convenience of the moment or of particular localities or interests which now exist. Those considerations, of course, require to be recognised and provided for, but the larger interests of the people of Australia, as they will ultimately be, require to occupy the first place in our attention. The site of the Capital should be such

that it may be in permanence the proper seat of government of the Commonwealth.

Mr. THOMSON.—Is this a new question? Are we to have the whole thing over again?

Mr. DEAKIN.—It ought not to be new. The honorable member can draw the inference which may fairly be drawn from what I have said. In my personal opinion these large aspects of the questions have been too much neglected. In the minds of some honorable members the interests of the immediate present have completely overshadowed all other considerations. That can be said without reference to any particular site.

Mr. THOMSON.—The House has acted throughout on the suggestion of the Ministry.

Mr. DEAKIN.—It has acted freely on suggestions from the Ministry, and on such other suggestions as honorable members have been able to gather from different sources. Take my own case. I have not seen one of the sites, but have trusted to the evidence collected first of all by the expert authorized by the Government of New South Wales and then by those appointed by my honorable colleague. From a consideration of those reports, and particularly from a consideration of the very striking and suggestive views of Mr. Oliver, I have formed the opinion which is an honest one, quite unbiased by other considerations, that, looked at from the Commonwealth standpoint, Bombala is the best site. That opinion may be erroneous. I must confess that in the course of the debate we have had contributions from members like the honorable member for Kennedy, the honorable member for Darling, and one or two others whose personal experiences in regard to that particular site have affected my mind to some degree. When I was compelled to make a second choice I without hesitation turned to what, from a Commonwealth standpoint, appeared to be the next best site—Tumut.

Mr. SYDNEY SMITH.—That was a great mistake.

Mr. DEAKIN.—That is the way in which the evidence at present commends itself to me, and I take it that other honorable members are in the same position. I have not asked myself, nor do I propose to do so, the question which site should be preferred, if I regarded the interests of only the State to which I belong; nor have I sought to forget the fact that, not only the great State within whose territory the Capital requires

to be placed, but every State in the Commonwealth is entitled to be considered in this regard.

Mr. THOMSON.—That has all been dealt with.

Mr. DEAKIN.—I venture to say that those who have come to the House with formed opinions, unless derived from personal inspection of the sites, must feel as I do. Although I was perfectly willing, in order that a choice might be made, to know the district in which the Capital should be selected only from the information put before the House in the reports submitted to us, still I could not but feel, as I still feel, that there was lacking that full and adequate knowledge of the precise spot within it on which the Capital should be established that we may yet hope to obtain.

Mr. HIGGINS.—Will information be collected in the meantime?

Mr. DEAKIN.—That will follow as a matter of course. The fact that this Bill is to be laid aside is merely a legislative incident. It does not affect the administrative side of the question. Whatever may be the means adopted, the Government propose to continue inquiries as to those sites which are evidently the most preferred, and have been most highly recommended.

Mr. McCAY.—And the country between them?

Mr. DEAKIN.—I do not wish to impose any conditions. To use such an expression might imply too large and general a search to be productive of much good. No long period can elapse before the meeting of the new Parliament, and when it does meet, it will have before it a report of what the Government has undertaken. It will be able to say whether the Government, in the inquiries which it will pursue from this time forward without more interruption than is rendered absolutely necessary by reason of the elections, are following right and reasonable lines to arrive at a settlement of this vexed question, or whether any other or further step should be taken. It is the conviction of every one of us that it is a menace and an injury to legislation to leave the question in its present unsettled state. The sooner it is dealt with the better it will be for every State and for both branches of the Legislature. Its removal from the arena of politics will be of the greatest advantage to the transaction of business. The persistent inquiry and consideration which we have

hitherto given to this question will not be desisted from in the future until a final, and I hope early, conclusion has been arrived at.

Mr. JOSEPH COOK.—That is not very definite. Is the debate closed, Mr. Speaker?

Mr. SPEAKER.—Yes. The Minister spoke in reply.

Mr. FISHER.—Surely the Minister's reply cannot close the debate when there is an amendment before the House. He must be taken to have spoken to the amendment.

Mr. SPEAKER.—The Standing Orders provide that when the mover of a motion has replied no further debate shall take place, either upon the motion or upon any amendment of it, and, of course, no further amendment can be moved.

Amendment negatived.

Question resolved in the affirmative.

#### PATENTS ADMINISTRATION.

Sir LANGDON BONYTHON asked the Prime Minister, *upon notice*—

1. How long a time will probably have to elapse before the Federal Patent Office is established and in operation?

2. Will time be allowed after the arrangement of regulations and procedure to enable applicants in England and elsewhere to become aware of the forms and requirements of the new law?

3. Is it intended that the Federal Commissioner of Patents shall have charge of the cognate Departments of Trade Marks and Design Patents?

4. Is it the intention of the Government to introduce Bills next session to provide for Federal Trade Marks and Federal Design Patents respectively, so that all three Departments—viz., Patents, Designs, and Trade Marks—shall be transferred simultaneously from State to Federal control?

5. Will provision be made that when applications have been lodged for provisional protection or letters patent for an invention in the six States of the Commonwealth, such combined applications may be taken up and dealt with under the Federal Patent Act?

6. Will similar provision be made in reference to Trade Marks and Design Patents?

7. Or will any other provision be made for dealing with applicants who have paid their fees under the conditions referred to in Questions 5 and 6?

Mr. DEAKIN.—The answers to the honorable member's questions are as follow:—

1. This is a matter for expert advice. The earliest time the Act can conveniently be proclaimed is immediately after the regulations have been made and the officers appointed.

2. The regulations will be published before the commencement of the Act, and the Act and regulations will come into force together. Sufficient notice will be given to enable applicants in the Commonwealth to become aware of the forms and requirements of the law before it comes into force.

3 This will probably be done.

4. It is the intention of the Government to introduce Bills relating to Trade Marks and to Designs next session. But the Government does not intend to delay the bringing of the Patent Bill into force to enable the three Departments of Patents, Designs, and Trade Marks to be transferred simultaneously.

5. It is not proposed to interfere with applications and provisional protection under State Acts, nor to make them operate to confer on the applicant any right to a patent under the Federal Act.

6. This will be considered when the Bills relating to Trade Marks and to Designs are being prepared.

7. As regards patents, see clauses 6, 7, and 8 of the Patents Bill. As regards Trade Marks and Designs the matter will be considered.

#### CAPITAL SITES COMMISSION.

Mr. BROWN asked the Minister for Home Affairs, *upon notice*—

1. When and why did Mr. Furber resign the office of secretary of the Federal Capital Sites Commission?

2. What interim took place between the resignation of Mr. Furber and the appointment of Mr. Mills as secretary to this Commission?

3. What were the conditions of Mr. Mills' appointment as secretary to this Commission, and what amount has been paid in connexion with this appointment?

4. Is it a fact that Mr. Mills did not accompany the Commission on its inspection of the sites referred to it by Parliament, and yet was permitted to assist in compiling the Commissioners' report?

5. Is Mr. Mills' appointment as secretary in the Department of Customs a reward for services rendered to the Federal Capital Sites Commission?

Sir JOHN FORREST.—In reply to the honorable member's questions, I beg to state—

1. 23rd March last, upon the order of his medical adviser.

2. Two months.

3. His services were borrowed from the State, the Commonwealth, as usual in such cases, engaging to reimburse the State the amount of his salary, and to pay customary travelling expenses. In addition, he has been paid a gratuity of £75 for the extra work involved.

4. The Commission had, prior to Mr. Mills' appointment, inspected all the sites with the exception of that at Dalgety, to which place he accompanied them, and afterwards assisted in compiling their report.

5. No.

#### EXCHANGE OF LAND.

Mr. THOMSON asked the Minister for Home Affairs, *upon notice*—

1. Whether, in reference to the exchange of land at the corner of Peel and Victoria streets, Melbourne, owned by the Commonwealth, for land at the junction of Elizabeth and Victoria streets, owned by the City Council, the agreement is subject to the approval of Parliament?

2. If not, whence does he derive the power to make such exchanges with corporations or individuals without the assent of Parliament?

3. Does he intend to continue exchanges of this nature without submission to Parliament?

4. What means were taken to ascertain the relative value of the two blocks of land?

5. Will he lay a copy of the papers referring to the matter on the table of the House?

Sir JOHN FORREST.—In reply I beg to state—

1. No.

2. Section 3 of the "Property for Public Purposes Acquisition Act 1901" provides that the Governor-General may agree with the owners of any land, which is required for a public purpose, for the exchange of such land for any land of the Commonwealth.

3. Yes, under the law, if the interests of the Commonwealth require it.

4. The proposed exchange was reported upon by officers of the Defence Department and Department for Home Affairs, and personally inspected by the Minister for Defence.

5. It is not proposed to place them on the table of the House as they are voluminous, but they are available for the perusal of honorable members.

## MARITIME LEGISLATION.

Mr. KINGSTON asked the Prime Minister, *upon notice*—

1. Does the fixed policy of Ministers include appropriate legislation for early next session, extending the provisions of the Arbitration Bill introduced by the Government, and relating to certain British shipping, to all shipping, to whatever country belonging, and whether oversea or otherwise, trading in Australia, further than for carrying mails and also for landing and discharging in Australia, passengers or cargo from abroad, and for shipping in Australia passengers or cargo for abroad?

2. Will any proposed legislation to this end be a short measure, or embodied in a long Navigation Bill of general application?

Mr. DEAKIN.—The answers to the right honorable gentleman's questions are as follow :—

1. Yes. The absence of railway communication between Western Australia and the rest of the Commonwealth makes the position of that State exceptional, but whether this will require to be specially allowed for in the proposed legislation cannot be determined until the new mail contracts have been concluded.

2. Probably in a complete Navigation Bill.

## "POSTAGE DUE" STAMPS.

Mr. CLARKE for Mr. CROUCH asked the Postmaster-General, *upon notice*—

1. Whether the Postal Department refuses to sell to collectors "postage due" stamps at their full face value?

2. Why similar stamps are sold by the Department to dealers?

3. Is the Postmaster-General aware that these stamps are for sale by dealers, and can be bought in stamp shops, and can he explain how this happens?

4. What reason does he give for not selling these stamps to the public?

Mr. DEAKIN.—The answers to the honorable and learned member's questions are as follow :—

1. The Postal Department sells to all applicants sets of "postage due" stamps, lightly postmarked, at their face value.

2. 3. and 4. These are answered by the reply to question 1.

## BENDIGO TELEPHONE COMMUNICATION.

Sir JOHN QUICK asked the Postmaster-General, *upon notice*—

What steps he has taken to remove the obstruction to telephone communication between Bendigo and Eaglehawk, caused by the electric tramway works?

Mr. DEAKIN.—The answer to the honorable and learned member's question is as follows :—

The Postmaster-General has approved of the necessary expenditure to provide common return wires in connexion with the telephone system at Bendigo and Eaglehawk as advised by the Electrical Board of the Department, and recommended by the Telegraph Engineer and Chief Electrician, Melbourne.

## ADDRESS TO THE GOVERNOR-GENERAL.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I move—

That an Address be presented to His Excellency the Governor-General, in consequence of his approaching departure from the Commonwealth, in these terms :—

"MAY IT PLEASE YOUR EXCELLENCY,

We, the members of the House of Representatives in Parliament assembled, desire to express to Your Excellency our deep sense of the services rendered by you to the people of the Commonwealth during your term of office as Governor-General, and our sincere regret at your impending departure from Australia.

The high duties whose discharge you are about to relinquish carried with them many obligations especially onerous in these the early days of our national existence.

Your Excellency's position has been arduous, but large as have been its demands, you have, with the devoted assistance of Her Excellency, maintained its dignity most amply; fulfilling all public and social responsibilities with a tact, ability, and courtesy, which have won the respect and esteem of the whole community.

In offering to Lady Tennyson and yourself our heartfelt wishes for your health and happiness, we feel confident that we are giving expression to the universal feeling of the people of Australia."

I think we all realize how fortunate the Commonwealth has been in obtaining as its second Governor-General a gentleman of ability bearing the renowned name of the present occupant of the position. We have had, during recent years in the history of the mother country, a number of instances in which men whose reputations were won in the fields of literature, have been appointed to high offices in which they have fully proved their capacity. The present Prime Minister, the Viceroy of India, the High Commissioner for South Africa, and other occupants of the highest positions in the Empire, furnish such instances. It is therefore no surprise to the people of Australia that a man of His Excellency's training and culture proved himself so universally popular in the State of which he was first appointed Governor, and has, in a larger field of usefulness, succeeded in winning the confidence and enjoying the esteem and regard of all with whom he has been brought into relation. He has not confined himself to any class, but has joined freely in all public movements in the interests of the community. He has rendered us a signal service by showing that the view was sound which many held, that it is possible to fulfil the political and social functions devolving upon His Majesty's representative in Australia without extravagance, and without making a larger demand upon the public purse than the sum provided in the Constitution. He has, on more than one public occasion, taken the opportunity to speak from his own experience of the sufficiency of his allowance, and we are indebted to him for this, as well as for the manner in which he has discharged the high and, in many instances, extremely difficult duties which fall to his lot. Those who have been brought more immediately into association with him, have seen his grasp of mind and keen practical sense of affairs, while those who at public gatherings have heard him discuss such questions as come within his scope, must have been struck by his capacity for taking those broad and national views which appeal to the people, especially when uttered by one occupying so high a station. It is impossible to omit from the address, and

*Mr. Deakin.*

from these few remarks, the name of Her Excellency, Lady Tennyson. Her unvarying and generous interest in charitable and other movements particularly for the benefit of her sex has been deeply appreciated in every State in which she has spent any of her time. I am sure that she has been in every sense an admirable helpmate to His Excellency, in the great posts which they have been called upon to fill.

Mr. SYDNEY SMITH (Macquarie).—After the very able and kindly way in which the Prime Minister has referred to His Excellency the Governor-General and Lady Tennyson it is hardly necessary for me to utter more than a few words. I think we have had every reason to congratulate ourselves upon the selection which was made by the Imperial Government when they appointed Lord Tennyson Governor-General. We can all remember the heated discussion which took place upon the question of the allowances to a former Governor-General, and the exception which was taken to the attitude of honorable members who objected to any undue extravagance in connexion with the Governor-General's establishment. It was pleasing to find that His Excellency Lord Tennyson was ready to occupy the distinguished position of Governor-General at the salary fixed by this House. We all regret his early departure. During the short period he has occupied his present position, he has discharged his high office with the utmost satisfaction to all interests, and we have felt that in him the people of the Commonwealth have had a true friend. His administration has been generally appreciated, and he has earned universal respect. I feel no hesitation in saying that we are now losing the services of a gentleman who has distinguished himself very highly in his exalted position and whose loss will be greatly felt. I have much pleasure in supporting the motion.

Mr. WATSON (Bland).—In view of the full knowledge which the community has of the good qualities of the Governor-General, it is not necessary for me to do more than indorse the eloquent statement of the Prime Minister. Lord and Lady Tennyson have earned the deepest respect of all classes of the community, and we shall have every reason to be gratified if we always have in this high office so good an administrator as His Excellency has proved himself to be.

Question resolved in the affirmative.

## PUBLIC SERVICE REGULATIONS.

*In Committee* (Consideration of Senate's Message):

## Regulation 4—

The hours of attendance of officers in the general division . . . should be, as far as practicable, from 8 a.m. to 5 p.m., with half-an-hour off for luncheon, and on Saturdays from 8 a.m. to 12 noon.

*Senate's Amendment.*—Omit "half-an-hour," and insert "three-quarters of an hour."

Mr. WATSON (Bland).—The amendments recommended by the Senate are comparatively few. The first relates to the time which is allowed to officers in the general division for luncheon. Under the regulations, the officers are allowed half-an-hour for luncheon out of the ordinary working hours between 8 a.m. and 5 p.m. If a full hour were allowed for luncheon, eight hours would remain as working time. The suggestion of the Senate to increase the luncheon period to three-quarters of an hour would reduce the working time upon ordinary days to eight and a quarter hours. That I think is a reasonable proposal. At any rate, it does not err on the side of liberality, and I trust that the Committee will agree to it. I move—

That the amendment be agreed to.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I am not sure that in regard to this amendment the honorable member has the persons affected behind him. When the luncheon hour was fixed, their wishes were consulted. As the honorable member points out, the officers in the general division work eight and a quarter hours per day, the extra quarter of an hour being intended to make up to some extent for the Saturday half-holiday. Therefore, taking the whole six days of the week, they work something less than eight hours per day. The officers of the general division were asked by the Public Service Commissioner whether they were prepared to take more than half-an-hour for their lunch, and to make up the extra time by working a little longer in the evening. They, however, preferred to have a half-hour for lunch and to stop work sharp at five. The Public Service Commissioner has no objection to granting three-quarters of an hour for lunch if the officers are willing to work a little later in the evening. The matter is purely one of adjustment. No representations have been made to the Commissioner in favour of

a change; if the officers are not satisfied there will be little objection to meeting their wishes. That being the view of the Commissioner, I think that the honorable member might refrain from pressing his proposal.

Mr. WATSON (Bland).—My experience has tended to show that workmen as a rule prefer to have a short luncheon term if an extension of the time would involve working later at night. The amendment, however, would not affect the working hours which are specified in the regulation. The extension of the luncheon time would involve the reduction of the working hours by a quarter-of-an-hour. In view of the fact that the officers of the clerical division are required to work only from 9 until 4.30, I do not think that too great a concession is being asked for the officers in the general division.

Mr. DEAKIN.—Although 4.30 is the hour at which the officers of the clerical division are supposed to cease work, they are very frequently asked to stay until 5.30 and 6.

Motion negatived.

## Regulation 66—

Where an officer is necessarily required to attend on a Sunday for the whole day, the permanent head or chief officer may authorize the grant of a day's pay, or if employed for less than a day a sum proportionate to the time so employed. . . .

*Senate's Amendments.*—After "officer," line 1, insert "having already worked six days during the week in addition thereto"; omit "a," line 4, insert "one and one-half."

Mr. WATSON (Bland).—These amendments are very important, because the question of Sunday work is involved. It is intended that the regulation, as amended, shall read—

Where an officer, having already worked six days during the week, in addition thereto is necessarily required to attend on a Sunday for a whole day, the permanent head or chief officer may authorize the grant of one and a half day's pay.

The object is to discourage Sunday work as far as possible. The only way in which that can be done is by insisting that extra pay shall be given. The first suggestion of the Senate is to insert qualifying words which will prevent the clause from applying to those officers whose services are required on Sunday in order to complete their week's work. The new regulation, so far as extra pay is concerned, will apply only to those officers who, after having already worked six days in the week, are called upon to

work for a full day on Sunday. The regulation will provide for overtime payment, and at the same time will afford some guarantee against officers being called upon unnecessarily to perform Sunday work.

Sir JOHN FORREST.—Our experience is that the men are eager to obtain Sunday work.

Mr. WATSON.—No doubt a few men would be so; but as a rule neither Government nor private employes care for Sunday work. In any case it is a practice which ought to be discouraged by the Commonwealth. Therefore I move—

That the amendments be agreed to.

Mr. TUDOR (Yarra).—I trust that the Prime Minister will accept the amendment proposed. Cases have been brought under my own notice, in which watchmen who are employed in the Customs Department have been compelled to work every night throughout the year. The ex-Prime Minister promised that that practice should be discontinued as far as possible.

Mr. DEAKIN.—I think that it has been.

Mr. TUDOR.—I know of watchmen who are engaged in the Customs Department, and who have to work upon seven days in the week continuously.

Mr. KINGSTON.—But they receive an allowance for it in the wages which are paid to them.

Mr. TUDOR.—They do not. I trust that the Government will agree to the amendment.

Mr. MAUGER (Melbourne Ports).—I have been hammering away at this question for some considerable time, and without having received very much satisfaction. The right honorable member for South Australia persistently declares that the men who are engaged in the Customs Department are paid for performing this additional duty. I hold that they are not, and I know that they are shamefully overworked.

Sir JOHN FORREST.—The Public Service Commissioner does not say so.

Mr. MAUGER.—I know that a number of men are employed upon the Customs launches who are required to work seven days a week all the year round.

Sir MALCOLM McEACHARN.—But during one-half of their time they are not actually engaged in work.

Mr. MAUGER.—The honorable member is not always working during business

hours. Surely that is not a right attitude to assume in regard to this matter. These men have to be at the call of duty upon seven days a week, and the fact that they are not actually engaged in work during the whole period does not affect the position. I trust that the Government will agree to the amendment. At the present time we compel private employers to allow their workmen one day's rest in seven. The members of every trades union are paid time and a half at least, and in some cases time and three-quarters, for Sunday duty.

Mr. KNOX (Kooyong).—I object, as much as does any one, to requiring a man to perform more than six days' honest work in a week. At the same time, I protest against amendments in regulations such as these being brought forward at the close of the session, when honorable members have no knowledge of what will be their probable effect. I think that every one is entitled to full pay for six days a week. I do not believe in Sunday work if it can be avoided. I regret that we do not know what the financial effect of this proposal will be upon the Estimates which we passed to-night. I should like information upon that point.

Mr. HIGGINS (Northern Melbourne).—I am strongly in sympathy with this amendment. I do not think that the words which have been inserted by the Senate will effect the desired object, and if the amendment be carried I ask the Prime Minister to regard it in the nature of an instruction from Parliament to the Public Service Commissioner.

Sir MALCOLM McEACHARN (Melbourne).—I quite agree with the first portion of this amendment. I believe that officers who are called upon to work seven days a week should be paid at the rate of time and a half for the seventh day. But I rose chiefly to reply to the remarks of the honorable member for Melbourne Ports, who referred to the men who are engaged upon the Customs launches and to the watchmen who are employed by that Department. The first portion of this regulation reads—

Where an officer is necessarily required to attend on a Sunday for the whole day the permanent head or chief officer may authorize the grant of a day's pay, or if employed for less than a day a sum proportionate to the time so employed. No allowance shall be paid for Sunday duty where an officer is in residence and where his attendance is intermittent and for brief periods.



This regulation has been amended by the Senate to read—

Where an officer, having already worked six days during the week, in addition thereto is necessarily required to attend on a Sunday for a whole day, the permanent head or chief officer may authorize the grant of one and a half day's pay.

I believe that the employment of launchmen is of an intermittent character, and therefore I hope that the amendment proposed will not be made applicable to such a class of labour.

Mr. FOWLER (Perth).—I am in thorough sympathy with the amendment proposed, and in spite of the disclaimers which we have heard, I am satisfied that there is a good deal of Sunday labour going on in the Commonwealth service, for which no payment is made. I am in receipt of communications from Western Australia which indicate that the practice of working upon Sunday is in vogue to a considerable extent in the Postal Department there. Although I am not in a position to give specific instances, I am convinced that my information is perfectly accurate. I trust that the Government will lay down the principle that where Sunday labour is necessary it shall be paid for at a special rate.

Mr. DEAKIN.—With the objects of this proposal we are all entirely in sympathy. Those objects are the discouragement of Sunday labour, its limitation to the briefest possible period, and its adequate remuneration. Of course, my remarks do not apply to cases in which a respite from work is always granted upon the seventh day, and in which it is open to officers to occasionally work upon Sunday, with a view to secure another day's leave in lieu thereof. In such cases the Public Service Commissioner finds that there is a rush on the part of officers, who are anxious to get a certain number of their Sundays exchanged for week days. The amendment does not propose to deal with those cases. It refers only to officers who are required to work seven days a week continuously. That is a practice which ought not to be encouraged. Even if a man be willing to work seven days a week throughout the year it is not to his interest or to that of his employer that he should be permitted to do so. I am quite prepared to accept the suggestion of the honorable and learned member for Northern Melbourne to regard the amendment as indicative of the feeling of the Committee.

Of course, there may be cases in which the employment is of an intermittent or casual character, and in which the Commissioner may think it well that this proposal should not apply.

Motion agreed to.

Regulation 149—

The following shall be the scale of travelling allowances:—

Division.	Salary.		Daily Allowance.	Daily allowance after one week's residence in same place.	Hourly rate
	From	To			
	£	s	s. d.	s. d.	
General Division	Over 300	300	12 0	10 0	1/24th of daily rate for each hour when officer is absent for more than one-fourth of a day.
	201	300	10 0	8 6	
	111	200	7 0	6 0	
	110 and under		6 0	5 0	

Senate's Amendments. — In column "Daily allowance" omit "7s." insert "8s."; omit "6s." insert "7s."

Mr. WATSON (Bland).—The question involved by this amendment is the amount of travelling allowance to be given to those in the lowest branch of the service—the general division. The allowances are so arranged that if a man be away from his usual place of employment for a few days he receives a certain specified sum per day, whereas if he remain away for a period longer than a week the daily allowance is considerably reduced. That is a reasonable provision, because if a man remains in one place for several weeks he can make arrangements to live more economically than when he is daily changing his place of residence. In the regulations as now framed members of the general division of the Public Service receiving over £111 per annum, and under £200 per annum, are at first granted 7s. per day as a travelling allowance, while those who receive £110 per annum and under are allowed only 6s. per day.

Sir JOHN FORREST.—They have to travel a good deal.

Mr. WATSON.—Some of them are required to do so. I would draw attention to the fact that if they are called upon to travel for several weeks at a time, after the first week they will receive instead of 7s.

and 8s. per day only 5s. and 6s. per day. No one can expect a man, however humble his mode of living may be, to travel on 6s. per day. He may be able, if called upon to remain for more than a week in one place, to live there on that allowance, but I do not see how we can expect even the lowest-paid individual in the initial stages of his travels to live on 6s. per day, even if he puts up at the most common-place hotels.

Mr. JOSEPH COOK.—This allowance includes the cost of feeding a horse.

Mr. WATSON.—In some cases.

Mr. GLYNN.—How many men are affected?

Mr. WATSON.—I do not know; but men in the general division are often called upon to travel.

Mr. TUDOR.—A number of line repairers are compelled to travel.

Sir JOHN FORREST.—They are not expected to keep a horse out of this allowance.

Mr. JOSEPH COOK.—They do so.

Mr. WATSON.—This table does not throw any light on the point. The Senate amended the regulation so that officers receiving over £111 and under £200 per annum will receive 8s. instead of 7s. per day, and those receiving £110 per annum and under, an allowance of 7s. instead of 6s. per day. It will be seen that the officers in the administrative, clerical, and professional divisions receive not less than 10s. per day, whilst some of them are entitled to allowances of 17s. 6d. per day.

Sir JOHN FORREST.—They are not called upon to travel very frequently.

Mr. WATSON.—When a man receives only a small allowance it is not to his advantage to be called upon to travel. If a man is receiving an allowance of only 6s. per day the less he travels the better it is for himself.

Sir JOHN FORREST.—If he were always travelling he would make special arrangements.

Mr. WATSON.—If a man were frequently called upon to travel in a district with which he was familiar he would arrange with friends to provide him with board and residence at a low rate.

Sir JOHN FORREST.—Many of the men camp out.

Mr. WATSON.—Are we to base our travelling allowances on the assumption that men will camp out in order to save the cost of lodgings? I move—

That the amendments be agreed to.

I think it only reasonable that the travelling allowance should be increased as proposed.

Mr. JOSEPH COOK.—There will be a reduction of 2s. per day in the allowances which many of these men received in New South Wales before being transferred to the Commonwealth service.

Sir JOHN FORREST.—I am informed that officers in the clerical division are put to greater expense than are officers in the general division, and that they travel only occasionally. On the other hand, officers in the general division are always travelling. No doubt the latter statement refers to linemen and those whose duties require them to be constantly moving from place to place. The Commissioner informs me that—

The effect of the proposal to omit the 6s. and 7s. daily allowance to general division officers getting less than £200 a year will be to largely increase the cost of travelling of the general division officers, as by far the greater portion of travelling is done by officers of this class. As an exemplification of this the case of Victoria may be cited, where for a period of six months the travelling expenses of the general division officers of the Commonwealth service amounted to £244, whereas for the same period the travelling expenses of the administrative and clerical divisions amounted to £261 only. It will thus be seen that the reduction proposed in the higher divisions will not materially decrease the cost of travelling to the Commonwealth, but the raising of the general division rate will largely increase it.

The Commissioner considers that there is no adequate reason for raising the allowance of any officer, as experience shows that positions to which travelling is attached are now eagerly competed for, and not the slightest difficulty is found in filling them. He urges that the adoption of the proposal must be to largely increase the cost of working the services.

Mr. WATSON.—There are periods when it is possible to obtain the services of men at starvation wages.

Sir JOHN FORREST.—Appointments in the service which involve travelling are much sought after. If a man were to put up at an inn I do not think that the allowance would be too much; but a lineman, who in most parts of Australia, would not think of lodging at a hotel, would do very well.

Mr. JOSEPH COOK.—What about his horse?

Sir JOHN FORREST.—I have no definite information before me, but I am certain that he is not expected to provide for a horse out of this allowance.

Sir MALCOLM McEACHARN.—Regulation 164 provides for those who have to keep horses.

Sir JOHN FORREST.—Quite so. These allowances relate only to personal expenses.

Mr. WATSON.—The allowance of 8s. per day will be only for the first week of travelling. It will not apply to subsequent periods.

Sir JOHN FORREST.—The matter has been carefully considered by the Senate, and I will accept the opinion of the Committee in regard to it.

Mr. SPENCE (Darling).—I think that the reasons advanced by the Minister for retaining the allowances fixed by the Commissioner are very poor ones. We have provided that those who have been three years in the service shall receive a minimum wage; but had we been influenced by considerations of cost we should probably have allowed them to remain in receipt of sweating wages. It is certainly unjust that the salaries of these men should be reduced by their being called upon to incur expenses over and above the allowances granted to them. I shall strongly support the amendment, because I know of cases in which the earnings of men have been reduced by their having to pay personal expenses in excess of their allowances.

Sir MALCOLM McEACHARN (Melbourne).—I do not think that there is a great deal involved in this amendment. It appears to me that if the men in question have to absent themselves from their homes even for a few nights at a time the allowance fixed by the regulation is if anything rather low. I do not think that the scale proposed by the Senate is too high, and, inasmuch as it will apply only to the first week of travelling, it seems to me that the proposition is a very fair one.

Mr. TUDOR (Yarra).—As the Minister has practically agreed to accept the amendment made by the Senate, I rise only to bring under notice the fact that under a new regulation framed either by the Commissioner or some of his officers no allowance is given to some of the linemen, who have to travel from place to place in the performance of their duties. I believe that the new regulation provides that if men leave their homes after 6.30 a.m. and return before 11 p.m. they shall receive no allowance, notwithstanding that during the interim they may have

had to travel twenty or thirty miles by road and to take a bag of tools with them. If they are unable to return by 11 p.m. they receive an allowance for every mile travelled by them. Those who are called out at night receive an allowance, and any one who is familiar with the duties of linemen knows that they are compelled very often to turn out at night. I am informed, also, that those whose claims have been acknowledged by the Department have been called upon to give particulars of the various items of their expenditure. They are actually asked to show a receipt for the shilling which they may have had to spend on a meal. No such questions are put to officers in the other divisions.

Sir JOHN FORREST.—The details of the claims must be stated in every case.

Mr. TUDOR.—I do not think that officers in other divisions are called upon to produce a receipt for every meal in respect of which they make a charge. A lineman, with whom I am acquainted, was recently called upon to travel from Werribee to Newport in order to discover a break in the line, and found it necessary to obtain a meal at some wayside house. The Department asked him whether he could produce a receipt showing the payment made by him for the meal. How many honorable members would be able to comply with a demand of that kind if they were placed in a similar position? I trust that the Minister will ascertain from the Public Service Commissioner whether any new regulations have been introduced; that he will see that the regulations now before us are observed, and that those who have to travel twenty or thirty miles a day are fairly treated.

Motion agreed to.

Resolutions reported; report adopted.

### SPECIAL ADJOURNMENT.

*Resolved* (on motion by Mr. DEAKIN)—

That the House, at its rising, adjourn until tomorrow at 2 p.m.

### ADJOURNMENT.

INTER-STATE CERTIFICATES: ELECTORAL ADMINISTRATION: FEDERAL CAPITAL SITE: WESTERN AUSTRALIAN TRANSCONTINENTAL RAILWAY.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. FISHER (Wide Bay).—It has been reported, and the Minister in answer to a

question has partly admitted, that he intends to greatly modify, or, as he puts it, simplify, the form of Inter-State certificates. I respectfully suggest to him and to the Government that this is not a time when any such alteration should be made. The matter is of great importance to the smaller States, whose rights and revenues are concerned. It is of the utmost importance to them that the Inter-State certificates shall continue to be so framed that at the end of the book-keeping period this Parliament will have the fullest information about the movements of trade within the Commonwealth, in order to arrive at a proper decision as to what alteration, if any, should be made in our financial system. I would point out to the Government that this Parliament is on the eve of a dissolution, and cannot give consideration to the matter, and that, furthermore, nothing should be done until the subject has been carefully inquired into by the Governments of the States.

Mr. THOMSON.—Why should not the form of the certificates be simplified? That will not affect the States.

Mr. FISHER.—No doubt all would be well if the States could be assured that no change would take place which could affect their interests. I contend that no change whatever should be made now until the new Parliament has been elected, and has an opportunity to consider the matter in the light of full information. If an alteration were made, and a form were adopted which did not provide for the giving of full information with regard to the movements of trade, it would be very difficult, if not impossible, to afterwards rectify the mistake. No great injury can be done to any one by continuing for a few weeks longer to use the present form of certificates. This is a matter in regard to which some consideration should be shown to the Governments of the States. In my opinion it is exceedingly undesirable that the Minister should alter a document which has been drawn up by so great an authority as his predecessor in office. I understand that he proposes to take action at the request of chambers of commerce and of individual merchants, who desire that the certificates shall be simplified as much as possible. It is very natural for the trading community to wish to have the simplest certificates possible to fill in; but in the interests of the people generally, and particularly of the smaller States, it is our duty to see that no alteration

is made until its full effect can be discussed and ascertained. I believe that the Governments of Queensland and Tasmania have already protested.

Mr. THOMSON.—The Minister cannot do anything affecting the revenue of the States without their consent.

Mr. FISHER.—An alteration might be made in the form of the certificates which might make the information contained in them as to the consumption of dutiable goods imported into Melbourne or Sydney, and afterwards consumed in Queensland or Tasmania, inaccurate or incomplete, and that might bring about loss of revenue to the smaller States.

Mr. THOMSON.—The smaller States have their rights.

Mr. FISHER.—Yes; but if they have no documentary proof that they are entitled to be credited with the consumption of certain goods they will have no remedy. All I ask is that the certificates shall remain as they are until a new Parliament has been elected, because the matter deserves the fullest consideration.

Mr. BROWN (Canobolas).—I understand that, although the House is to adjourn until to-morrow, it is not the intention of the Government to invite us to consider any more business. That being so, I wish to bring under the notice of the Minister for Home Affairs a matter which I consider of considerable importance. It has regard to the conduct of the forthcoming general elections. It is undoubtedly a big undertaking to bring into operation a new piece of machinery such as the Electoral Act, and the changes necessary to obtain uniformity throughout the States may lead to considerable misunderstandings on the part of the electors. I fear that unless special efforts are made to inform the electors of the provisions of the Act many of them will be entirely disfranchised, while many others will be practically disfranchised by sending in informal ballot-papers. In New South Wales, for instance, it is the practice under the State electoral law for a voter to indicate his choice by marking out the name or names of the candidates for whom he does not desire to vote. Under the Commonwealth law, however, which is about to come into operation for the first time, voters will be expected to place a cross in a square opposite the name of the candidate or candidates for

whom he wishes to vote. The difference is a trifling one, but to prevent the casting of a large number of informal votes special pains must be taken to instruct the electors in regard to it. There are other matters upon which they require to be educated, and, in my opinion, this can best be done by the issue of a sheet containing short and concise instructions. These sheets should be distributed as widely as possible, and posted at the various polling booths.

Mr. JOSEPH COOK.—The Minister has already written a treatise on the subject.

Mr. BROWN.—A pamphlet will be of little use, because most electors will not read it. I think my suggestion a better one. The Minister also stated a few nights ago, in reply to a question asked by me, that it was the intention of his Department to appoint officers in the Departments of the Postmaster-General and the Minister for Trade and Customs to act as divisional returning officers. He said that that rule would be departed from only where the services of a suitable and competent officer are not obtainable. I think, however, that the adoption of that practice will create a considerable amount of trouble during election time. In New South Wales postal officials have been appointed electoral registrars, and have been used for the enrolment of electors and the compilation of rolls; but they have never been asked to undertake the important work of carrying out an election. That has been done by officials specially selected, who have qualified themselves for the discharge of their duties by years of experience. The officers appointed should be acquainted with the best means of access to the polling places, and be able to enlist the services of the best men to act as poll-clerks. If Government officials, unacquainted with election work, are placed in charge of extensive country electorates, of which they have no knowledge, the whole of the arrangements will probably be thrown into a state of confusion. At the last Federal election the Returning Officer for the State at the most populous centre within a division was appointed Divisional Returning Officer, and the Returning Officers for the other State electorates included within that division were appointed as Assistant Returning Officers. In the Canobolas electorate, for instance, Mr. J. M. Paul, the State Returning Officer for the electorate of Orange, was appointed

as Divisional Returning Officer, and he enlisted the assistance of the State Returning Officers at Molong, Ashburnham, Condobolin, and Grenfell. Each of these officers performed all the work within the electorates for which they had acted on behalf of the State. Now, the Government are appointing officers of the Postal Department and others to perform the work which was formerly carried out by experienced men. If the present arrangements are persisted in, I am afraid that we shall have a bungled election. How is it that in some of the electorates a Government officer is considered good enough to act as Divisional Returning Officer, whereas in other electorates it has been thought necessary to appoint the State Returning Officer? In the Hume electorate, for instance, the Government apparently could not find an officer in their own Departments competent to act as Divisional Returning Officer, and, therefore, appointed the State Electoral Officer to act in that capacity. The same thing applies to some eight or ten other electorates, whilst in other cases it has been thought sufficient to appoint postal or other officials. In the case of Canobolas, the postmaster at Condobolin has been appointed as the Divisional Returning Officer. Condobolin is not by any means the most populous centre in the electorate, because the great majority of the electors reside in and around Orange. It would have been much more convenient if the Divisional Returning Officer had been located at Orange instead of at Condobolin, which is more remote and more inconveniently situated as regards mails. The arrangements for voting by post could best be carried out by a Divisional Returning Officer located at the principal centre. I believe that in enlisting the services of the postmaster at Condobolin the Government have secured an excellent man. But the objection I take is to the position that Condobolin occupies in regard to the electorate as a whole. Three thousand nine hundred voters are registered at the two polling booths in Orange, whereas only 740 electors are registered at the Condobolin booth. Still Condobolin has been made the head-centre of the division for electoral purposes. I have consistently endeavoured to serve the interests of Condobolin for many years past, but my duty to other portions of the electorate impels me to speak in the way I have done.

I consider that the great majority of the voters will be placed at a disadvantage, owing to the arrangements which have been made. I think that some explanation should be given.

Sir JOHN FORREST.—Why did not the honorable member come to the Electoral Office and inquire?

Mr. BROWN.—The Returning Officer for the State at Orange sent in an application for appointment as Divisional Returning Electoral Officer, which I supported by personal and written representations. He received a reply that the Minister must appoint a Federal officer. I am sorry that I have not had a better opportunity to deal with this matter. I realize that at this stage it is difficult to engage the close attention of honorable members. I am afraid that, unless the arrangements are much improved, serious bungling will occur in connexion with the forthcoming election.

Mr. JOSEPH COOK (Parramatta).—I desire to direct attention to the statement made by the Prime Minister with regard to the question of the Capital site.

Mr. McCAY.—I rise to a point of order. I understand that the Seat of Government Bill is on the notice-paper for next Tuesday, and I ask whether the honorable member is in order in anticipating debate upon that measure.

Mr. SPEAKER.—It would be quite out of order for the honorable member to discuss that measure, or to in any way anticipate debate which may take place next week. It will not, however, be improper for him to make remarks incidental to the matter so long as he does not discuss the Bill itself.

Mr. JOSEPH COOK.—It is all very well for the representatives of Victoria to sit back and laugh. They have won upon the Capital question, and, therefore, they are entitled to laugh. I think, however, that we have a right to complain of the statement made by the Prime Minister with regard to this very important matter. As usual, he uttered beautiful words which simply meant nothing, and which afforded very poor comfort to those who are intensely interested in the selection of the Capital site. In the multitude of words he used, however, there were one or two expressions to which I think we might fairly call attention. The Prime Minister took it upon himself, as head of the Government, to tell us for the first time that, in his opinion, we

had not nearly enough information upon the subject. It is a pity that he did not make that communication before. It is a matter for regret that the necessary information was not obtained before the Capital site question was submitted to the House for discussion. Has it been the opinion of the Government all along that this question was not ripe for settlement? Have they been saying to their friends in Victoria and elsewhere who have been with them in this business that the question was not ripe for settlement? If so, would it not have been fairer to us, who have been waiting for a solution, if they had told us that they were not prepared to submit the question in a definite form, because they had not sufficient data?

Sir WILLIAM LYNE.—We do not admit anything of the sort.

Mr. JOSEPH COOK.—The Prime Minister said that in his judgment we had not sufficient information to determine the question.

Sir MALCOLM McEACHARN.—He said that he had not visited the sites, and had not sufficient information himself.

Mr. JOSEPH COOK.—Although the Prime Minister may not have been speaking for the members of the Cabinet, he was speaking as their responsible mouth-piece, and I contend that he had no right to allow this question to come before the House at all, if he believed that it was not ripe for settlement, and that there was important information which should have been obtained in order that Parliament might arrive at a just and fair conclusion. He tells us that next session the Government intend to resume the quest for further information. That is to say, we are going to play over again the sorry farce which has been played in this Parliament. As soon as the new Parliament meets, presumably the Government intend to appoint a Commission, and to send them searching through the country for other sites—to ascertain if a particular kind of gooseberry grows in one part of the State, some big potatoes in another district, or if suitable building stone can be found somewhere else. I have no hesitation in characterizing the whole proceedings of the past six or nine months as the veriest farce. The honorable gentleman justified the delay in taking Members of Parliament around to see the sites. I do not want to go into that matter again. I am prepared to accept his statement that it could not be done before:

but he should have done what he was urged to do at the time. Honorable members who visited the sites should have been enabled to form an opinion as to the selection of the territory within which the Capital was to be located—to say, for instance, whether it should be in the Bombala district or in the Lyndhurst district, or whether it should be in the north. They should have been in a position to say, broadly, where the locality should be. Further investigation should then have been made as to the site upon which the Capital should be erected. That is what we are now told has to be done, after the territory has been selected. The criticism has been justly made that we are “putting the cart before the horse.” There is no doubt that the territory should be selected before the site is chosen. The Prime Minister now tells us that he is going to start in search of a locality as soon as the new Parliament meets. That undertaking carries with it, I suppose, the appointment of a Royal Commission to make a further investigation and report, and it will also carry with it the usual reasons for further delay, until the decision of the matter is once more postponed right up to the end of the second Federal Parliament. Then it may be that an undesirable site will be selected. What has caused the present crisis, and the dead-lock? Simply the selection of a site which is not practicable for many years to come—a site involving, we are told, on the authority of experts, an expenditure of £5,000,000 or £6,000,000. I refer to Bombala. Including the port, the defences, and other works, the location of the Capital there, would involve the expenditure of about £6,500,000. I am not disappointed at the result. Candidly, I have been expecting it for months; but I have done all that I could to arrive at a very different ending, and I feel very strongly that the persons who are responsible for the fiasco are the members of the Government themselves. The Minister in charge of this matter could have had the territory selected twelve months ago had he chosen. We were in as good a position then to choose the territory as we are now. Had it been chosen, there would have been no difficulty in arriving at the selection of a suitable site on which to place the Capital. But we look for light and leading to the Prime Minister, and in the closing hours of this Parliament, and in probably the last speech which he will make, he tells us that he

does not believe that we have sufficient information to enable us to deal satisfactorily with the selection of the Capital site. The only proposition he makes is to delay it until the next Parliament, and that in the meantime we shall continue our search for more information. It is time that the Government made up their minds as to what they will do. So far the question has been treated as a non-party question. My own opinion is maturing that the question will not be definitely settled until it is made a very acute party question. There will have to be a Federal Capital party in this House before the matter is settled as it ought to be. I hope soon to see a party formed which will take care that the site is settled, and settled soon, or demand to know the reason why. The matter must come up for consideration in all the States at the elections. In my judgment, it will be a very acute question in the State of Victoria. I hope that some means will be arrived at in my own State for making it an acute question there, and that a solid vote for the selection of the Capital by the next Parliament will come from New South Wales. The responsibility of securing a settlement of the question will have to be accepted by some party in this House. We cannot continue in this fashion very much longer. I protest against the statement which the Prime Minister has made this evening. I regret that he did not inform us of his real sentiments earlier in the debate. He has now declared that the question is not ripe for settlement. In other words he has been guilty of playing a trick upon the House by allowing time to be occupied in the consideration of business concerning which he now says that further inquiry is necessary.

Mr. WILKS (Dalley).—The honorable member for Parramatta has covered a good deal of the ground which I had intended to traverse. He has referred to the eloquence of the Prime Minister, and to the rounded periods in which the honorable gentleman indulged. But the people of New South Wales will not be satisfied with his assurance that in the dim and distant future the question of the Federal Capital site will be settled. That is a nice sort of Christmas box to offer them.

Sir WILLIAM LYNE. — The honorable member knows that his statement is not

correct, and he is merely making it for party purposes.

Mr. WILKS.—My answer to the Minister for Trade and Customs is that he did not fight, as he might have fought, for the settlement of the Capital site question.

Sir WILLIAM LYNE.—I fought as hard as anybody could, and the honorable member knows it.

Mr. WILKS.—The honorable gentleman fought up to a certain point; but he ought to have fought as did the right honorable member for South Australia, Mr. Kingston, who recently severed his connexion with the Ministry rather than have his will in a certain matter thwarted.

Sir WILLIAM LYNE.—A lot of good his action did to himself and his cause.

Mr. WILKS.—When representatives of New South Wales use practical language in dealing with this question, we are told that we are parochialists. But if any honorable member fights in the interests of Victoria, he is immediately regarded as a heaven-born statesman. The Victorians know very well that, for the time being, they have jostled New South Wales out of the possession of the Federal Capital. But the electors of that State will take care that the language of the Prime Minister does not deceive them. They want the Capital site selected. So far, the only result of our efforts to settle this question has been that two towns have been flying flags. At the present time they are flying them at half-mast. I believe that in the near future flags will be flying at Lyndhurst. My answer to the remarks of the Minister for Home Affairs is that there is no necessity to make this question a party one. The Ministry, however, should make it a Government question. The Prime Minister has declared that he was largely influenced by the report of Mr. Oliver. Yet the Commissioners who were appointed by the present Government reported against Bombala, which was the site recommended by that officer. I realize that it is sheer waste of time to discuss this question at any length at the present stage of the session. The representatives of New South Wales who countenance the abandonment of the measure—and that is the effect of the Government proposal to postpone its consideration until Tuesday next—will be subjected to a very rude awakening. The people of that State do not care

what site is selected. Their grievance is that the constitutional compact has not been observed, and that this Parliament has neglected to select a site. From the utterances of the Prime Minister, it seems as if he is relying upon a precept of the Baconian philosophy—"Time, the great innovator." He imagines that time will kill the desire for a settlement of the Capital site. He will find that the very reverse is the case. The people of New South Wales will be more determined than ever to see that effect is given to the letter as well as to the spirit of the Constitution. In spite of all the promises of the ex-Prime Minister, we now find, at the close of the first Commonwealth Parliament, that we have to return to New South Wales with the sorry Christmas box which the Government now offer us. Simultaneously, Victoria is endeavouring to delay the establishment of the Federal Capital, upon the ground of the expense which would be involved in giving effect to the constitutional compact.

Mr. FOWLER (Perth).—In ordinary circumstances I should have been entitled, upon the motion for adjournment this afternoon, to an opportunity to reply to the criticisms of honorable members. That opportunity, however, was denied me, and, therefore, I crave the indulgence of the House whilst I refer to one phase of that debate regarding which a great deal was made by the right honorable member for South Australia, Mr. Kingston. I refer to the contention that the transcontinental railway should not be constructed unless the Western Australian Government undertake to build a line from Esperance to Coolgardie. I am in possession of evidence which proves that that is not the attitude which is assumed by the residents of the gold-fields. It is easy to understand why this should be so. The Esperance scheme does not fill the requirements so well as the other. Let us take the Esperance scheme in its relation to traffic with the eastern States. What does it mean? A passenger from Adelaide to Kalgoorlie would first require to undertake the train journey to Port Adelaide. The steamer trip from that port to Esperance would occupy at least two days. Upon landing at Esperance, if the line were constructed, he would be compelled to undertake another railway journey of 250 miles to reach Kalgoorlie. Yet it is seriously



urged that that work should be undertaken simultaneously with the construction of the transcontinental railway. It must mean a certain amount of competition; and those who are in earnest about the transcontinental railway will surely not advocate the construction of another line which would interfere seriously with the success of the more important scheme. I have shown the time and trouble involved in travelling between South Australia and Kalgoorlie, *via* Esperance. In the case of the transcontinental railway, a passenger would step on board the train at Adelaide, and in thirty-six hours, according to the calculations of Federal engineers, he would arrive, without any trouble whatever, at Kalgoorlie. It has been shown that even live stock and other heavy cargo could be conveyed by the transcontinental line much more cheaply, and certainly much more quickly, than by any other means.

Sir MALCOLM MCEACHARN.—Not much more cheaply, because food would have to be provided on the journey.

Mr. FOWLER.—When we consider the frequent handling of heavy goods on the other route, it is at once seen that the transcontinental railway is the much more preferable means of transit.

Sir MALCOLM MCEACHARN.—Not in the least.

Mr. FOWLER.—I have here the *South Australian Register* of 7th October, in which appears a report of the debate which took place in the Parliament of Western Australia, on a motion for adjournment, with reference to some statements of Mr. Jenkins, the Premier of South Australia, as to the attitude of the people of the gold-fields towards the transcontinental railway. Mr. Jenkins had quoted the *Kalgoorlie Miner*—which is the source of all the Esperance agitation—in proof of an assertion that the gold-fields people would make the construction of the transcontinental railway contingent on the construction of the Esperance railway. One member of the Western Australian Parliament after another, as representing the gold-fields of the State, protested emphatically against that being regarded as the attitude of the residents of the gold-fields. I have the report of the speeches here, but I think my word may be taken as to their purport. When South Australia comes to consider the two schemes on their merits, there will be no doubt as to which is the better, because immediate

and direct contact with the gold-fields in some thirty-six hours puts the Esperance proposal out of the question. Having explained this situation I feel sure that this House will not knowingly or willingly connect itself with a disgraceful intrigue to damage the great scheme which Western Australia has a right to expect from the Federation.

Mr. G. B. EDWARDS (South Sydney).—I do not like to detain the House at this late hour, but I wish, without any such heated feeling as has been displayed, to say two or three words on the Capital site question. We ought not to part to-night with any exhibition of bitterness. The whole proceedings in regard to this question of the Capital site have been a fiasco. I did hope that the matter would have been settled this session, and I think the Government are very much to blame for what has occurred. I am looking forward, however, to what may possibly be done towards having the question settled in the succeeding Parliament. The Ministry invited the House to take a free hand, and that invitation has resulted in a fiasco. At the same time, the discussions have explained the opinions of the various sections of the House, and it now devolves on the Government to assume their proper responsibility, and to come forward next session with a definite proposal. It is a travesty on responsible government that we should have an important question like this brought before us, with at least three Ministers, if not more, entertaining different views; and that division of opinion should disappear before the next Parliament meets. It is now open to the Ministry to obtain all the information they require. The Prime Minister has said that, after hearing the discussion, he does not feel sufficiently fortified with information to decide the question; but, as I say, all the necessary information can be gathered before the next Parliament meets. It is acknowledged by the whole Commonwealth that there are practically three sites "in the running," namely, the two sites on which the two Houses differed and Lyndhurst. The whole question can be thoroughly discussed in the Cabinet, and differences may be reconciled, thus enabling the Government to assume their proper responsibility and submit any site which they consider to be the best. To introduce this matter in the same way as in this session would be to invite a similar result: and

unless the Prime Minister insists on a definite proposal being made, the whole Commonwealth will be dissatisfied with the attitude of the Government. This must be made a Government measure, and an endeavour made to get the House to adopt the site which in the opinion of the Government is the most suitable. If the Government fail they must take the consequences. This question is of such importance that, until it is settled, all other matters should remain in the background. The longer a settlement is delayed, the more difficult will be the solution of the problem, and the more angry and exasperated will different sections of people and the different States become. If the Ministry do not definitely make up their minds, and endeavour to force a proposal through Parliament, we shall be in revolution. We have made the experiment of submitting the question as a non-party one, and it has failed. A similar failure will follow similar proceedings on a future occasion.

Mr. L. E. GROOM (Darling Downs).—I trust the Minister for Trade and Customs will pay some attention to the protest of the honorable member for Wide Bay, in reference to Inter-State certificates. It has been suggested that the Minister is about to issue a series of regulations which, if passed as drafted, may seriously affect the revenues of Queensland. According to the Constitution, Queensland, for instance, is entitled to duties which are collected in Sydney on goods consumed in Queensland, and it has been suggested that the Government propose to adopt a system based upon the law of average, under which they will abolish Inter-State certificates, and have merely an entry, assessing at a certain sum the value of goods coming into Queensland.

Mr. THOMSON.—That can be done only with the consent of the State.

Mr. L. E. GROOM.—There is some difficulty on that point. According to section 273 of the Customs Act, it is provided that until the expiration of the first five years after the imposition of uniform duties and until Parliament shall otherwise provide, "the Customs shall, in manner prescribed, collect particulars of the duties."

Mr. G. B. EDWARDS.—The regulations cannot override the Constitution.

Mr. L. E. GROOM.—That is my point, but I further desire that a series of regulations should not be issued which we might

afterwards have to call in question. My suggestion to the Minister for Trade and Customs is that he should allow this matter to stand over until the next Parliament.

Sir WILLIAM LYNE.—Certainly not.

Mr. L. E. GROOM.—Or, if in the meantime he insists upon proceeding, that he should consult with the Treasurer of Queensland, and not alter the present practice with respect to Inter-State certificates so far as Queensland is concerned until he obtains the sanction of that Minister. I can quite understand that it is desirable that we should facilitate trade and commerce between the various States. It is my desire to do so; but seeing that Queensland is drawing something like £100,000 a year from Inter-State duties I desire that the rights of that State should be preserved. I point out further that under the operation of the uniform Tariff there has been a considerable change in the flow of commerce. Imports are coming into the two large distributing centres of Melbourne and Sydney and are flowing from them into the other States. This is a very serious matter to the other States, and especially to Queensland, in view of what is now proposed.

Sir MALCOLM MCEACHARN.—Does the honorable and learned member mean that they are sent to the other States in bond?

Mr. L. E. GROOM.—I have seen statistics which show that large imports are coming into Sydney and Melbourne and are afterwards transferred to the other States.

Mr. KINGSTON.—Not duty paid?

Mr. L. E. GROOM.—In some instances the duty upon these imports has been paid.

Sir MALCOLM MCEACHARN.—There must be very few cases of that kind.

Mr. L. E. GROOM.—I do not desire to occupy too much of the time of honorable members; but I may say that a great deal of raw material comes into Victoria and New South Wales for the purpose of manufacture, and I take tobacco as an illustration. An excise duty is levied upon this tobacco, which is manufactured in those States, and import duty is paid on the leaf. Large quantities of tobacco used to be manufactured in Queensland, but it is not being manufactured there to the same extent now. It is largely manufactured in New South Wales and Victoria, and excise duty is collected upon it in those States. As a great deal of it is consumed in Queensland, we desire that that State shall receive her share of the excise and import duty

in proportion to the quantity consumed by her people.

Mr. KINGSTON.—Queensland is getting about £100,000 annually by Inter-State adjustments at the present time.

Mr. L. E. GROOM.—That is so, and owing to altered circumstances brought about by the operation of the Tariff, I believe that the Inter-State duties to which the State is entitled are increasing. I ask the Minister for Trade and Customs to consult the Treasurer of Queensland before he takes any steps which may seriously affect the revenue of that State. I understand that there is some friction in New South Wales and in Victoria in connexion with the Inter-State certificates. I certainly desire to see a simple form of Inter-State certificates adopted, but not at the expense of the Queensland revenue. I should like to ask a question of the Minister for Defence with respect to the naval forces of the Commonwealth. In the Defence Bill we provided for the appointment of a Naval Commandant to be in charge of the Naval Forces of Australia, and when the Naval Agreement was being discussed we were given to understand that the Australian Naval Forces would be preserved.

Mr. McDONALD.—We were told so distinctly.

Mr. L. E. GROOM.—I think it is not desirable that those forces should be under the control of a military head. I think we should have a Naval Commandant appointed. I believe there is one naval officer, and there may be several in Australia who would fill the position satisfactorily. I should like the Minister for Defence to give us some assurance that the Naval Forces of the Commonwealth will be preserved, and that a Naval Commandant will be appointed.

Mr. MAHON (Coolgardie).—If the Prime Minister has a few moments to spare from the worries of Queensland and New South Wales, I should like to remind him that, owing to the operation of the Standing Orders, he has not been able, as he should have done, to give a statement of the position of the Government in reference to the motion made to-night by the honorable member for Perth.

Mr. DEAKIN.—I shall do so later.

Mr. MAHON.—I am very pleased to hear that. Now, a word or two in reference to the speech made by the right honorable member for South Australia, Mr. Kingston, this afternoon. He was good enough to

nicely describe and liberally quote from some remarks I made in favour of the construction of the Esperance railway about a year ago. The right honorable gentleman has managed to discover rather late in the day some virtue in those remarks, and in the resolution which I then submitted to the House. He was at the time a member of the Ministry, and if there was any good in that resolution, and any force in my speech, that was the time for the right honorable gentleman to recognise the fact, and not now, when he has changed his position. What I have to say now about the matter is this: The Esperance railway is, according to some authorities, purely a State matter. It is for the State Government to grant or withhold its construction. I am not sure, although I have consulted nearly every Federal authority of standing, that the Commonwealth may intervene in a matter of that kind, but I am quite certain that the State of South Australia has no such power. I hope that Western Australia will resent as an impertinence any action on the part of the Government of another State to interfere with her domestic concerns.

Mr. KINGSTON.—Then why did the honorable member move his resolution?

Mr. MAHON.—I moved my resolution because there appeared to be reasonable grounds for the belief that the Commonwealth has some latent power over the State of Western Australia to compel it to construct that line, or in default to construct the line itself in the interests of inter-State freedom of trade.

Mr. KINGSTON.—Is the honorable member of that opinion still?

Mr. MAHON.—I may have been mistaken; but of what value is my opinion against the opinions of legal and constitutional authorities? My opinion is that a railway should be built from some point on the gold-fields to Esperance, if that is what the right honorable gentleman desires to know. I am of opinion also that the State of Western Australia should be allowed to construct that line, or to refuse to construct it, without any interference from the State of South Australia.

Mr. KINGSTON.—For what in the name of fortune did the honorable member move his resolution?

Mr. MAHON.—Is it necessary for me to answer the question a second time? I have just told the right honorable gentleman that I did so in the belief, whether rightly

founded or not, that this Commonwealth Parliament had some latent or inherent power over the State of Western Australia; but I did not imply that the State of South Australia had any such power.

Mr. KINGSTON. — South Australia is equally a part of the Commonwealth.

Mr. MAHON. — Undoubtedly; but South Australia is not the whole Commonwealth yet.

Mr. KINGSTON. — Nor is Western Australia.

Mr. MAHON. — I have never contended that it is. But I say that the State of South Australia, in attempting to dominate Western Australia, in insisting upon the construction of this line, is assuming a position which she has no right to take up.

Mr. KINGSTON. — Did the honorable member ask South Australian representatives to vote for his resolution, or did he desire that only Western Australian representatives should vote for it?

Mr. MAHON. — I am speaking of the State Government of South Australia, and not of the representatives of that State in this House. I hope the right honorable gentleman will not by these clever questions endeavour to trip me up. I am quite prepared to stand by every statement I made in submitting that resolution. I never proposed to make the construction of the Esperance railway by Western Australia a condition of the construction of the transcontinental railway line. The two lines stand upon an independent footing. Whether the Esperance railway is built or not, we should have the transcontinental line constructed at the earliest possible moment. That is what I am in favour of.

Mr. KINGSTON. — That is what I have advocated — the construction of both; I made no conditions.

Mr. MAHON. — Then I am with the right honorable gentleman, and I am at a loss to understand why he should put his somewhat hostile questions.

Mr. KINGSTON. — Because of the honorable member's somewhat foolish attitude.

Mr. MAHON. — That is a matter of opinion. I am of opinion that the right honorable gentleman cut a very foolish figure in this House this afternoon; but I should have been too polite to say so if he had not driven me into the rejoinder. His attitude did not commend itself to me as being either judicious or fair, and I did not consider his attacks upon his late colleague

in the best possible taste, to say the least of them. I wish to make it quite clear that I am in favour of the construction of both railways. The State of South Australia has no right to attempt to dictate to the people of Western Australia what they shall do in the matter. That is my position. The right honorable member for South Australia, Mr. Kingston, although very explicit on other points, was careful to avoid touching upon South Australia's breach of faith in connexion with this railway. I believe that the right honorable member as well as you, Mr. Speaker, and your successor as Premier of South Australia, gave as distinct and as emphatic a pledge as could have been given, that the South Australian Parliament would pass a measure corresponding with that passed by the Western Australian Parliament to sanction the construction of this railway by the Commonwealth Government. That promise has never been fulfilled, and the present Premier of South Australia has shuffled in a manner which should bring the blush of shame to his cheeks, if it be possible for him to blush at anything. All we want is fair play. I do not desire any misrepresentation of my advocacy of these two lines. The position which the representatives of Western Australia take up — and I think I may fairly claim to voice the sentiments of the honorable member for Perth and the honorable member for Fremantle in this matter — is that we consider that the refusal of Western Australia to build the Esperance line, which neither of my honorable friends oppose, should not be made an excuse for any delay in the construction of the transcontinental railway.

Sir MALCOLM MCEACHARN. — The honorable member wants the Commonwealth to find the money.

Mr. MAHON. — Surely the honorable member does not think that Western Australia is the only State in the Federation which should not receive any advantage from the Union.

Sir MALCOLM MCEACHARN. — I think that Western Australia does very well with her five years special impost.

Mr. MAHON. — No one in Western Australia imagines that we receive any advantage in that respect. All that can be said is that we have taxed ourselves in respect of Inter-State imports in order to make up a certain amount of revenue which would have been taken from the people in some other way.

Mr. KINGSTON.—Western Australia has access to our markets; but will the other States have access to her markets?

Mr. FOWLER.—What can we send to the markets of the Eastern States?

Mr. MAHON.—This is too vast a subject to be dealt with by me at this hour of the evening, and at this stage of the session. I defy any one to successfully refute the general statement that Western Australia is the only State in the Federation which has not only received no benefit from the union, but which, on the contrary, has been subjected to very serious deprivations. Any one who cares to dispute this statement may fight it out with me on any public platform.

Mr. FULLER.—What has New South Wales got out of it?

Mr. MAHON.—She has got the capital.

Mr. FULLER.—Not yet.

Mr. MAHON.—Western Australia is not to blame for that. So far as the representatives of Western Australia are concerned, New South Wales might have had the Federal Capital at any time within the last eighteen months. No representative of the Western State has done anything to prevent the carrying out of the constitutional bargain. We did not pledge ourselves to support any particular site. We exercised, as I hope every other honorable member did, our right to vote for what we believed to be the most suitable site. I have no desire at this stage to touch on the Western Australian Tariff; but I contend that Western Australia, instead of being advantaged, has been in many respects burdened by entering into the Union. There is one other matter to which I should like to refer in a casual way. I believe that the amendments made by the Senate in the Public Service regulations were discussed at an earlier stage. I had not an opportunity to be present, but on a previous occasion I drew the attention of the Government to what I consider to be an illegality in regulations 149 and 155. Section 80 of the Public Service Act distinctly states that the Governor-General shall have power to make regulations—

For regulating and determining the scale or amount to be paid to officers for transfer or travelling allowance or expenses.

I contend that that provision has not been fairly used. Two distinct scales of allowances have been framed, and certain officers in the Postal Department who do not remain for more than a few days at a time in one place,

are receiving about 50 per cent. less as allowances than is given to officers in other Departments. There are some other points in which these regulations appear to contravene the Public Service Act, and I would suggest that during the recess the officers of the Attorney-General's Department should avail themselves of an opportunity to re-examine the regulations and see how far they are in accordance with that measure.

Sir JOHN FORREST.—We have agreed to an amendment of regulation 149, altering in certain respects the scale of allowances.

Mr. MAHON.—I am referring more particularly to the power of the Commissioner to frame two scales of allowances, and I have my doubts on the point. I must apologize to the House for having addressed myself to these questions at such length.

Mr. McDONALD.—Why apologize?

Mr. MAHON.—Probably because I am an unobtrusive Western Australian member. If I came from some of the other States whose representatives make much more noise, and who, I am glad to say, have had considerable attention paid to their requirements, I possibly should not offer any apology. I was led to speak to-night only because of my desire that my attitude in regard to those two lines of railway should not be misunderstood. I wish to make the position clear, and having done so I shall not further detain the House.

Sir WILLIAM LYNE (Hume—Minister for Home Affairs).—I had intended earlier in the debate to reply to some of the statements made by honorable members of the Opposition in regard to the attitude of the Government, and more particularly to my own action in relation to the question of the Capital site. I should not like to characterize those reckless statements in the terms which they deserve; but it seems to me that an attempt has been made to flog the Ministry in these last moments of the present Parliament simply in the political interests of the party opposite. This is the third series of speeches and attacks which have been made in regard to the Capital Site question, for the purpose of having them published in the electorates of the honorable members who have made them.

Mr. SYDNEY SMITH.—Many more such speeches should have been made.

Sir WILLIAM LYNE.—No such speeches should have been made; they were and are not justified. If the honorable member had fought as hard as I have fought for the settlement of this question, he would have something to be proud of; he has done nothing but snarl and delay. I have not ceased since I became a member of this Parliament to further it.

Mr. JOSEPH COOK.—If the honorable member's colleagues prevented a settlement of the question, he should have left them.

Sir WILLIAM LYNE.—That is a flip-pant remark to make. If I had left the Ministry, I should have been in a worse position, because I should have had less influence in regard to the matter. It was not reasonable to expect any other action than has been taken, since the Ministry were not able to obtain the views and opinions of members of the two Houses of Parliament in regard to the proposed sites until after the 23rd of last month. In the discussions which have taken place since that date, many features of the proposal have been referred to, which have given rise, in my mind, to various ideas in regard to the essential requirements of a site. Those ideas were the result of the strong light produced by the discussions which have taken place. Was it the fault of the Government that the Senate refused the proposal for a joint sitting? No. The discussion of the Government proposal, however, took time.

Mr. JOSEPH COOK.—The Government might have known that the Senate would decline to agree to a joint sitting.

Sir WILLIAM LYNE.—The Government did not know it. They can deal with facts only as they come before them. But having ascertained the feeling of the Senate we commenced another course of procedure, and introduced the Seat of Government Bill, which we prosecuted until to-night, when even members of the Opposition admitted that it would be ridiculous to proceed further with it. Then, why this tirade of abuse? Why should we be blamed, since we have done our best? I have never had the matter out of my mind, nor ceased trying to force it to a successful issue, since I joined the Ministry. But I would remind the House that no Federation has ever settled a question of this kind with a wave of the hand. It has always taken time. This site, when chosen, will remain the seat of government,

not for a year, or 100 years, but for all time.

Mr. JOSEPH COOK.—The Minister is only just finding out how foolish he has been in submitting the matter to Parliament at all.

Sir WILLIAM LYNE.—No, I am not. I have my own opinion as to which is the best site, but it is not reasonable to expect honorable members to come to a conclusion on the subject without fair and judicious consideration. I regret that the question has not been settled this session, but the debates which have taken place have given us further information in regard to two or three sites which may come under review in the future. If I can prevail upon my colleagues, I shall obtain all the information necessary to enable this matter to be dealt with early next session. I hope the Ministry will submit it as early as possible in the session. The people of New South Wales have a right to expect that there will be no delay in fulfilling the terms of the compact which is embodied in the Constitution. We should not allow the matter to linger. We should obtain all the additional information we can as to the sites likely to be considered, the principal item of which would be derived from contour surveys, and submit it for the consideration of honorable members. I hope that most of those who are here now will be members of the next Parliament. To blame the Government in connexion with this matter is ridiculous. With regard to the statement that the Bill should have been a Government measure, it was pointed out last night by some honorable members that a Government measure is not necessarily a party measure. While to-night some of the members of the Opposition say that a Government measure must be a party measure.

Mr. THOMSON.—Who said so?

Sir WILLIAM LYNE.—The honorable member for South Sydney.

Mr. G. B. EDWARDS.—No; I said that the Government should take the responsibility of selecting a site.

Sir WILLIAM LYNE.—And deal with the matter in a Government and party measure. An important question of this kind, if it is dealt with in a Government measure, must be dealt with in a party measure.

Mr. G. B. EDWARDS.—The Judiciary Bill was a Government Bill, but not a party measure. If Ministers reconciled their own

differences, the question would soon be settled.

Sir WILLIAM LYNE.—It would be ridiculous, until we have arrived at a much more forward stage, to deal with this question as a Government or as a party measure.

Mr. G. B. EDWARDS.—It must be made a Government measure.

Sir WILLIAM LYNE.—Well, it is not at the present time; though the day may come when it will have to be dealt with as a Government measure. The debates which have taken place recently have brought us a little closer to a settlement, and further debates will bring us still closer to the time when the subject can be dealt with as a Government and party measure. The Prime Minister to-night said all that he could be expected to say in regard to this matter, and he should not have been attacked as he was.

Mr. DEAKIN.—The attack was not personal, it was merely political.

Sir WILLIAM LYNE.—There is sometimes a personal sting as well as a political object in these attacks.

Mr. JOSEPH COOK.—Honorable members on this side were blaming, not the Prime Minister, but the late Prime Minister, and the Minister for Trade and Customs, who have both repeatedly pledged themselves to have the question settled during this Parliament.

Sir WILLIAM LYNE.—The honorable member will always do anything he can to try to hit me, whether what I propose is right or wrong. He blames me when I am doing the very best to serve the interests of Australia. It is the desire to injure me that has actuated him throughout. This is not creditable to him, since he knows what I have done. Thank God, however, no one in New South Wales believes that his attacks upon me have any basis of truth or reason. He is only too well known there. He speaks about this matter being allowed to drift, and no one caring as to what becomes of it. A policy of drift might be possible under the honorable member, but I have taken care that this matter shall not drift. The Government could not compel the Senate to do what they wish not to do. The members of this Chamber have responded readily to our requests, but it was not possible to compel the Senate to agree with us.

Mr. JOSEPH COOK.—The Government are responsible for what is done in the Senate.

Sir WILLIAM LYNE.—It is unfair, and if the word were parliamentary, I would say, cowardly, for the honorable member for Paramatta to make the assertions which have come from him. However, these speeches, which have now been made for a third time, will be published in the Sydney newspapers, and that is what honorable members desire. I do not think that they will have any effect, because the people of New South Wales know that those who are intrusted with the carrying out of this matter have done, and will do, the best they can. I wish now to say a word or two in regard to the proposed transcontinental railway and the Esperance railway. I had quite a different idea of the wealth and resources of Western Australia before I visited that State from that which I have now. I was afforded an opportunity by the State Ministry to visit the gold-fields and several places on the coast, and though I did not see all, I saw a great deal of its natural resources, and unhesitatingly stated that I was in favour of the construction of the proposed transcontinental line, and would do my best to bring it about; and largely, I think, at my instance, a sum of £800 or £900 has been expended in getting information and a report from the State Engineers-in-Chief regarding the line. When I was on the gold-fields, I had the privilege of receiving a deputation of 800 or 900 persons in reference to the Esperance line, and the reply I gave was that it was a matter for the State, not the Commonwealth, to deal with, and that any interference by the Commonwealth in that regard should be, and probably would be, resented by the State. But the significant fact is that the line would bring Esperance in direct communication with Adelaide by water. I call it a shandygaff substitute for a transcontinental railway, because there would be a water break to direct the traffic from Esperance to Adelaide.

Mr. KINGSTON.—Between Esperance and the Eastern States.

Sir WILLIAM LYNE.—Principally Adelaide. When one is on a large steamer it does not matter very much whether he goes round by the Leeuwin or not. The principal reason why I think the Esperance line should be made, although by the State, is to enable the gold-fields population to get to the sea.

Sir JOHN FORREST.—They can get to Fremantle.

Sir WILLIAM LYNE.—I know they can; but it is a long journey. I am only stating the conviction which I formed at the time of my visit—that an immense population in a hot climate should be provided with an opportunity to get to the sea for a change at the nearest possible point.

Sir MALCOLM MCEACHARN.—Albany is a lovely spot to visit.

Sir WILLIAM LYNE.—It is a lovely spot, but it is a long distance from the gold-fields. That line could never take the place of a transcontinental railway, although I should like to see its construction undertaken by the State. If there is to be quick and direct communication with the Eastern States from Western Australia it must be by means of a transcontinental railway. I undertake to say that if any trade advantage were to be obtained, New South Wales, and probably Queensland, would not think much about constructing a line of that kind. For instance, in New South Wales we have constructed railways at a cost of £2,000,000 and £3,000,000 to develop the country and give communication, and the lines have developed the country and done good work. New South Wales was not afraid to incur that expenditure. Does any one mean to tell me that it is not worth while to go to a little expense to try to bring the Eastern States, for commercial purposes, closer to the great State of Western Australia, which, I freely admit, is wealthier than I had the slightest conception of? There will be great development—perhaps greater—in Western Australia in the near future than in any other State. It is only on the fringe of its development. My visit to the State quite altered my view of its potentialities. I desire to say a few words with reference to the question of Inter-State certificates. No alarm need be entertained by honorable members. I am trying to devise an arrangement to make trade among the States freer if possible. So far as the payment of duties is concerned, trade is free; but it is greatly hampered and harassed by requiring formal Inter-State certificates, just as was done when duties were payable. Is it necessary to continue these certificates in order to give effect to the bookkeeping provisions of the Constitution? It is a difficult question to deal with, but honorable members from Queensland need not be alarmed. I have had a communication sent to the Premier, and also I think to the

Treasurer of that State. So far, neither Queensland nor Tasmania is agreeable to the abolition of these certificates, but the former does not feel so strongly on the subject as does the latter. I believe that the other States are agreeable to the abolition of the certificates. If I cannot do any more, I shall, with the concurrence of the States, introduce complete Inter-State free-trade in all the States except Queensland and Tasmania. On the borders of these States certificates of some kind will have to be given—if they will not allow it to be done by proclamation—to ascertain that they are not robbed of the rightful amount with which they should be credited. Where the States are agreeable to the abolition of the certificates there is no harm in taking that course. I have a report proposing the adoption of another kind of certificate which is not so troublesome or intricate. It is recommended by the officers of the Treasury as one which will meet the case of the other States, and will not cause half the trouble or annoyance that the present certificate does. For the year 1902-3 the amount credited to Queensland was £114,935, and to Tasmania £97,798, and it is estimated that for the year 1903-4 Queensland will be entitled to £125,000, and Tasmania to £110,000, showing in each case a development of the trade from the larger States. It will be seen that for the year there is an estimated increase of £12,202 in the case of Tasmania, and £10,065 in the case of Queensland. I am not going to do anything which will frighten the Queensland Treasurer. I only desire, in common with every one else I think, to make our borders as reasonably free as we can when we are supposed to have Inter-State free-trade, and, at the same time, not to do anything which would injure Queensland or Tasmania. I have been asked not to deal with this question until after the elections have been held. If I can make an arrangement with the Queensland Government or the Tasmanian Government, and it seems to be a fair one, why should I wait until the elections have been held, when it is only those Governments which have to consider the question? I shall not give a promise not to deal with the matter until the elections have been held; but I shall give a promise not to act in antagonism to the wishes of the Governments of those States, or in any way which would be likely to



interfere with the credit which they have had in the past or are likely to have in the future.

Mr. SYDNEY SMITH (Macquarie).—I do not think that the Minister for Trade and Customs was justified in speaking as he did of honorable members on this side of the House who took exception to the attitude of the Government on the Capital site question. We have complained from time to time of the delay which has occurred in connexion with that question, because we felt that the matter was not receiving the consideration which it deserved, and that the interests of New South Wales were not being sufficiently studied. The Minister recently submitted a return to which I took exception on the ground that it did not fairly state the number of voters represented by honorable members who supported the three principal sites—Lyndhurst, Tumut, and Bombala. The Minister omitted to give the results of the voting upon the semi-final count, which showed that there was a majority of 400,000 voters in favour of Lyndhurst as against Bombala, and a majority of nearly 200,000 voters in favour of Lyndhurst as against Tumut. If the representatives of New South Wales and Victoria were excluded from consideration, it would appear that Lyndhurst was supported by a larger number of voters in other States than any of the sites. I desire also to refer to another matter. The question of offering a bonus for the manufacture of iron within the Commonwealth has been very fully discussed in this House. Eventually a Commission was appointed to inquire into the matter, and the honorable and learned member for South Australia, who was then Minister for Trade and Customs, was appointed as the chairman. I notice that in the *Melbourne Age* of 2nd October a report was published which purported to give a summary of the conclusions arrived at by the Commission, and some reference was also made to a minority report. Of course it is not unusual for one newspaper to obtain information which is denied to others; but, in this instance, a particular journal was specially favoured. I do not blame the right honorable and learned member for South Australia for having communicated this information, because I know that the relations between him and the proprietors of the journal referred to are not such as would induce him to show them any special consideration.

Mr. KINGSTON.—I think that there are other reasons which would lead the honorable member to the same conclusion.

Mr. SYDNEY SMITH.—The right honorable and learned gentleman must admit that it was not right to communicate information to the press regarding the conclusions of the Commission until the report was finally adopted and presented to Parliament, and until those who were in a minority were in a position to submit their statement of the case. In view of all the circumstances, I think that honorable members will share my regret that the report of the Commission, together with the evidence taken by them, has not yet been submitted for consideration by the House. I notice that the Prime Minister, in reply to a question asked by the Mayor of Lithgow recently, stated that it would be impossible to deal with the matter at this late period of the session, but that he intended to make it a prominent plank in his platform at the next election. I think that honorable members have a right to ask that the report of the Commission and the evidence which has been taken at considerable trouble and expense should be submitted to them. According to the statement appearing in the *Age*, a great deal of discussion took place upon the report of the Commission, and it was agreed to on the casting vote of the chairman. There was also a minority report. I do not know whether this information is reliable; but I think that we are entitled to some authentic information upon the subject.

Mr. KINGSTON.—I think it is highly objectionable that the report of the Commission should have been communicated to the press before it was presented to Parliament.

Mr. SYDNEY SMITH.—I was quite sure that my right honorable and learned friend would not approve of what had taken place. I do not wish to say anything unkind at this stage of the session. The time is approaching when we shall have to draw our swords and engage in a severe political battle. It is possible that we may have to say some very hard things—not of a personal character, I hope—in regard to the manner in which public business has been conducted in Parliament; but I do not think it would be becoming of any honorable member at this stage to say anything that would give

rise to unpleasantness. In connexion with the selection of the Capital site, I notice that a number of telegrams have been sent backwards and forwards. I understand that the Minister for Trade and Customs sent a large number of flags to Tumut for use in connexion with the festivities indulged in at that place, and that subsequently the Minister for Defence requested that the flags, for which no further use was to be found at Tumut after the rejection of that site by the Senate, might be forwarded to Bombala. I would ask my honorable friends not to destroy those flags, but to carefully preserve them in order that they may be used in connexion with the celebrations which will take place when the final choice of this Parliament falls upon Lyndhurst. I desire to make a few remarks with regard to another very important matter which has been referred to by the honorable and learned member for Canobolas. I believe that the arrangements in connexion with the preparation of the rolls, and the conduct of the elections, leave a great deal to be desired, and that they have been left so late that nothing short of a miracle will safeguard the electors against serious inconvenience. I hope that my honorable friend the Prime Minister will authorize the necessary information to be given, so that arrangements may be made to effect an alteration, and so that there may not be any bitterness or dissatisfaction owing to proper provision not being made for electors to record their votes. I have seen reports in the newspapers that, owing to there being no proper supervision, large numbers of electors have been left off the rolls. I hope that the head of the Government will take active and energetic steps to see that whatever mistakes have arisen in the past will be rectified before the general election.

Mr. THOMSON (North Sydney).—The reply given by the Prime Minister to my inquiry regarding the Federal Capital, and the remarks of the Minister for Trade and Customs, in stating that the members of the Opposition were raising this question simply for election purposes, and were cowardly in their statements, require an answer. So far as I am concerned, and I believe so far as most of the New South Wales members are concerned, this question has never been raised in a party spirit. Our whole desire has been to assist the Government, and not to block them in carrying out the proposals

they have made for the selection of the Capital site. The majority of those who condemn them now are not members of the Opposition, but supporters of the Government, and the members of the Ministry itself are divided in the view they take of this matter. Before we commenced this inquiry, the report of Mr. Oliver was in the possession of this Parliament. But Ministers told us that that report was not sufficient, and that they must have a report from Inter-State experts. To-night the Prime Minister said that he was influenced in his decision by Mr. Oliver's report.

Mr. DEAKIN.—Not only his report; I had the pleasure of seeing him personally.

Mr. THOMSON.—I am not reflecting upon Mr. Oliver's report, nor upon his honesty and ability. In spite of the fact that the experts appointed by the Government placed a certain site at the bottom of the list, four members of the Government voted in favour of it. Is not that an extraordinary condemnation of the action of the Government?

Mr. KINGSTON.—Is there not a supplementary report by Mr. Oliver?

Mr. THOMSON.—There is a supplementary report defending his previous report.

Sir WILLIAM LYNE.—And a very stupid document it was.

Mr. THOMSON.—I am now speaking of the action of the Government, and showing that a particular member of it falls back on Mr. Oliver's report, which was in possession of this Parliament before the inquiry by the experts commenced. At a later stage, Ministers decided that there should be an opportunity given to members of this Parliament to visit the sites. That opportunity was afforded.

Sir WILLIAM LYNE.—Not many members availed themselves of it.

Mr. THOMSON.—I visited the sites, although I did not avail myself of that opportunity. I would not come to any decision until I had seen them all. Yet, to-night, one reason given by the Prime Minister as to why the House was not in a position to decide upon the question, was that he and others had not visited the sites. We shall never be in a position to decide, if the neglect of some members to take advantage of opportunities is to constitute a reason for non-selection. Whether they go or not is their concern, but if they do not go they ought to consider themselves

in a position to decide without going. The late Prime Minister and the present Minister for Trade and Customs were very careful to say to the people of New South Wales that they pledged the credit of the Government to push this matter to a conclusion as rapidly as possible,

Sir WILLIAM LYNE.—And the Government have done it.

Mr. THOMSON.—They said that it would be the business of the Government to push it to a conclusion. I do not say that they contended that the selection of a particular site was to be made a Government question, but they did say that the Government would be responsible for pushing the matter to a conclusion.

Sir WILLIAM LYNE.—And the Government have done that.

Mr. THOMSON.—It has not been brought to a conclusion in this Parliament. The Government merely brought in a Bill and consulted Parliament as to filling in a blank in it. They then sent the Bill on to the Senate, where the representatives of the Government took charge of it. That Bill was defeated by the Senate, who, I admit, were quite within their rights in defeating it. The only way for the Government to push it to a conclusion now is for them to take the responsibility in the next Parliament. But the Government absolutely refuse to say whether they will take the responsibility or not.

Mr. MACDONALD-PATERSON.—The same Government may not be in power then.

Mr. THOMSON.—This Government is not responsible for what another Government may do. I contend that the present Government ought to take the responsibility. As to the statement that these criticisms are being made for the sake of being reported in the newspapers, I reply that I do not expect to be reported at this time of night. The Minister has said several times before what he has said in his speech to-night. There was not a word in it that he has not repeated time after time. But I wish to know the future intentions of the Government. I recognise that we can do nothing now to alter what we have already done, irrespective of whether our action was right or wrong. Is it the intention of the Ministry to press this matter to a conclusion at an early period during the first session of the new Parliament, or shall we again be

invited to go through the process of searching for a site, only to find at the prorogation that, owing to the inaction of the Government, no settlement has been arrived at? Then I invite honorable members to look at the money which has been expended in this connexion. Has that expenditure been justified? I do not make these remarks with a view to belittle Ministers. If I desired to do so, especially in the case of the Minister for Trade and Customs, I could speak very strongly. But I merely desire the Prime Minister to make some more complete announcement than he has already made upon this subject.

Mr. McDONALD (Kennedy).—I should not like this session to close without saying a few words concerning two very important Bills which the Government have abandoned. I refer to the Conciliation and Arbitration Bill and the Papua Bill. The latter was brought down in haste by the Government, and an endeavour was made to force it through the House upon the assurance of the ex-Prime Minister that it was absolutely necessary to pass it at the earliest possible moment. Yet, immediately an amendment was inserted in it, at the instance of the honorable member for Kalgoorlie, the Government dropped it. Another important amendment, the effect of which was to prohibit the sale of liquor in New Guinea, was submitted by the honorable member for Melbourne Ports, and carried in opposition to the Ministry. I unhesitatingly affirm that, simply because certain interested parties waited upon the late Prime Minister in respect of that Bill, it was ruthlessly sacrificed. That was a most discreditable course for the Government to adopt. If this House is merely to be a Chamber in which the desires of the Government shall be registered, the sooner some alteration is made in the Constitution, and our services are dispensed with, the better. I think we have also a right to know whether the Ministry intend to alienate any lands in New Guinea during the recess, or before Parliament has an opportunity to legislate for that territory. In view of the amendment which was carried in this House, and which declared that no land in New Guinea should be alienated, I claim that the Prime Minister should make a statement upon the subject. I confess that I was not in the least surprised that the Government so promptly dropped the Conciliation and Arbitration Bill. That measure was merely held

out as a bait to secure support. The fact that they were prepared to make the Bill of as little value as possible was conclusive proof to my mind of their insincerity. I trust that when the measure is re-introduced the Government will make it as comprehensive as possible. Undoubtedly it should deal with Inter-State disputes. Yet the Bill which was submitted to this House did not cover that ground. The great bulk of the workers of Australia did not come within its scope. I trust that the Prime Minister will adopt an entirely different attitude from that of the ex-Prime Minister, more especially in dealing with the railway employes of the States. In declaring the Ministerial policy, I hope that he will make an explicit statement as to whether it is intended to bring the public servants of the Commonwealth and the States, as well as railway employes, under the operation of that measure. I maintain that if 50,000 or 60,000 persons who are engaged in an Inter-State industry are excluded from participating in the benefits which will be conferred by such a Bill it will be so incomplete as to be unworthy of discussion. If the measure does not embrace railway and other civil servants in the various States, and also seamen, it will hardly be worth discussing; and if it be introduced I shall personally be inclined to oppose it.

Mr. FULLER (Illawarra).—I desire to refer to a subject which was mentioned by the honorable member for Macquarie, and which I regard as very important. I am a member of the Royal Commission which has dealt with the question of a bonus for the establishment of the iron industry in Australia; and this morning a copy of the *Melbourne Age* was shown to me containing the full text of the majority report, which was adopted on the casting vote of the Chairman, the right honorable member for South Australia, Mr. Kingston. It has been stated by the Prime Minister that the bonus proposals will form part of the Government policy in their appeal to the electors. I was one who on this side of the House voted against the bonus when it was so strongly advocated by the right honorable member for South Australia, Mr. Kingston; and in justice to the free-trade members and to those who do not believe in the bonus policy, I ask that gentleman, as Chairman, to call the Commission together to-morrow morning in order that not only the majority report but the minority report

shall be submitted to the House and be placed before the people of Australia.

Mr. FISHER.—Who gave the report to the *Age*?

Mr. FULLER.—I do not know; but the Chairman of the Royal Commission ought to endeavour to find out who handed this confidential document to the press. As I say, the least the right honorable member can do is to call the members of the Commission together, so that the two reports may honestly appear side by side before the public. Somebody has played false to the Commission, and I appeal to the right honorable member to do his best to find out who that person is.

Mr. KINGSTON (South Australia).—I am sure that all my brother Commissioners will acquit me of the slightest participation in the disclosure of any part of their proceedings. My fellow Commissioners will recollect that in view of past disclosures, altogether unaccounted for, I deemed it desirable to mention to them the utmost importance of treating all the proceedings as confidential.

Mr. FULLER.—Both sides ought to be published, whereas only one side has appeared in the press.

Mr. KINGSTON.—I think the *Age* must have been in possession of both reports.

Mr. SYDNEY SMITH.—Both sides are never given.

Mr. KINGSTON.—We know what a partisan press is; but that is a fertile subject with which I am not going to deal. Nobody feels more strongly on this matter than I do. It is simply monstrous that the accounts given by different journals of presumed the same event differ so widely as to be unrecognisable. One section of the press is as bad as the other, and the other is no better than the one. I do not believe for a moment that any member of the Commission, either by wilful act or indiscretion, brought about this disclosure.

Mr. FISHER.—How did the newspaper get hold of the report?

Mr. KINGSTON.—All that I can say is that the newspaper did not get hold of it properly.

Mr. FULLER.—Why was not the minority report published?

Mr. KINGSTON.—Because of the partisanship of the journal.

Mr. FULLER.—How did this journal get hold of the majority report?

Mr. KINGSTON.—As I say, it cannot have been got hold of properly. It must have been obtained under circumstances, which an experienced journalist must have known, precluded publication. The journal either directly stole the document, or got hold of it knowing that it had no right to publish it; and I regard its action as almost a breach of parliamentary privilege.

Mr. FISHER.—Good old Victorian journalism!

Mr. KINGSTON.—Could any journalist of standing and experience connected with either of the journals of Melbourne have believed that the mere possession of a document of this description gave the right to publish. Such an action is altogether against the proprieties of journalism.

Mr. THOMSON.—Those who got hold of the document knew they had no right to publish it.

Mr. SPENCE.—They do not care for that.

Mr. KINGSTON.—The whole affair is a puzzle to me, and I should be only too delighted to ascertain how the disclosure arose, and lay the facts before the House. I shall be very pleased indeed to discuss the matter with my fellow Commissioners tomorrow.

Sir JOHN QUICK.—Will the minority report be published?

Mr. KINGSTON.—Both reports will be published.

Sir JOHN QUICK.—When?

Mr. KINGSTON.—I hope within the next few days; and the sooner the better. I know that my fellow Commissioners feel very strongly about the disclosure; and it is positively indecent and improper that documents of a confidential nature should be published in the press under circumstances which do not entitle publication; the rules of reputable journalism preclude anything of the sort. I do not know what our powers in regard to a Royal Commission may be, but as to a Select Committee the unauthorized publication of the proceedings is a breach of parliamentary privilege. I hope that if we find out who has been guilty of this breach of confidence, we may also find out that we have the power to punish, and that we shall not hesitate to exercise that power, and make an example for the benefit of all concerned. As to the simplification of procedure in the early initiation of practical Inter-State free-trade, no one has been more anxious than myself in this connexion. At

the same time two difficulties presented themselves; and here I take the privilege of discharging the duty of acknowledging the assistance I have received from suggestions by various honorable members, notably, by the honorable and learned member for Bendigo, in simplifying the Inter-State certificates. The simpler we can make these certificates consistently with efficiency and with the discharge of obligations imposed by the Constitution, the better. With the aid of the honorable and learned member for Bendigo, I reduced the certificate to what I venture to think is the simplest form possible. While, as Minister for Trade and Customs, I desired to remove all obstacles to Inter-State free-trade, there were, as I say, two difficulties. One was the obligation cast on us in regard to the two years' provision of collecting the difference between the duty paid on importation and the duty under the Federal Tariff, and the other was the work of collecting statistics for the purpose of adjusting accounts between the various States. The two years have now expired; and here I would like to say that with the commencement of the financial year we placed ourselves in communication with the various States for the purpose of ascertaining whether in the short period between the 1st June and the 8th August they would dispense with the necessity of collecting. But the answers received from one or two of the States were altogether against our suggestions and we were unable to take the course we desired.

Sir WILLIAM LYNE.—Two States objected.

Mr. KINGSTON.—The smaller States of Queensland and Tasmania objected, and that might be expected, because they receive the larger amounts under the certificate system. I understand that some States are willing to arrive at a rough mode of assessment, dispensing with the Inter-State certificate, and that the Minister for Trade and Customs is disposed to assent to that course. We should, of course, all like to see Inter-State free-trade initiated as early as possible; but at the same time the scheme of the Constitution is that for five years accurate accounts shall be kept, showing the movements of dutiable goods between the States, so that we may be able to form a conclusion as to what should be done when we have the power to make other arrangements.

Mr. FISHER.—It is the only guide we shall have.

Mr. KINGSTON.—Whilst I shall be glad to see any unnecessary cause of friction removed, I trust that we shall not sacrifice accuracy in this connexion to any hasty desire for the accomplishment of a purpose which was not intended by the framers of the Constitution to be brought about until the end of five years. I sympathize entirely with the desire expressed by the Minister for Trade and Customs, to do what he can to simplify the Inter-State certificates. At the same time, I say that he should be careful that he does not sacrifice accuracy in such a way as to prevent us obtaining at the right time the particulars respecting Inter-State adjustments which it will be necessary we should have to enable us to come to a right conclusion at the end of the five years. The figures we have already received are of use, but they are to some extent abnormal. The condition of affairs is rapidly approximating to normal, but in the earlier stages of the Federation it was affected by particular conditions, which are now passing away. I think the framers of the Constitution did well in providing that five years' actual experience should be obtained; and whilst, as I say, I am favorably disposed towards any simplification of Inter-State certificates, I do trust that, so far as is conveniently practicable, accuracy will not be sacrificed, with the result that we shall not know exactly what we ought to do when the time comes for providing another method for the disposal of our revenue than that which at present obtains.

Mr. FISHER.—This is a timely note of warning from one who knows.

Mr. KINGSTON.—I have spoken sufficiently in connexion with the Capital site question, but I think I may add to what I have said that I fully agree that the Government have done what they could for the purpose of giving us information upon this subject. I know, and have known for a long time, how strongly the Minister for Trade and Customs has felt in this connexion, and how he has worked. I believe that at the present moment there is no man who is more impressed with the desirability of securing a declaration in favour of Tumut at the earliest moment. I hope that the diverse opinions which exist between members of the Ministry upon this question, as testified by their votes, will shortly be brought into

agreement. How can they expect the House to agree when they cannot agree amongst themselves? Fearing, as I have said before, what this struggle about the Federal Capital may degenerate into if longer continued, I shall indeed welcome the day when the Government in a Government measure will advocate one site, and impressed with this, above all other considerations, that it ought to be part of the public policy that the matter should be settled, will, by concentrating their efforts in one direction, and exercising all constitutional powers to that end, endeavour to bring about that object which, I venture to say, Parliament generally has in view, and Australia expects will be achieved, in the interests of the Commonwealth, at the earliest possible date. I do not propose to refer unnecessarily to matters which have been discussed at another stage of this afternoon's proceedings; but in connexion with the Esperance railway and the Inter-State railway it has been put most unfairly that I have suggested an alternative. I have done nothing of the sort. I have declared that I am in favour of the construction of both the railways referred to—that connecting Port Augusta and the gold-fields and that connecting the gold-fields and Esperance. As regards the reflections cast upon the Government of South Australia, I am in no way responsible for their action, but I venture to say from my intimate knowledge of the gentlemen who constitute that Government, that they are as little likely to fail to recognise honorable obligations as any men to be found in any of the States. I have had the pleasure of being associated with most of them for many years. I know how keenly they would resent the criticisms to which they have been subjected to-day, which, to my mind, are altogether undeserved, and which, I venture in their behalf, and in the interests of fair play, to repudiate with all my might. Something has been said with respect to Federal questions and the opinions of State members. This is a Federal Parliament in which districts are represented by honorable members returned for Federal electorates. We have a right as regards the wants and interests of particular districts to pay attention to the utterances of honorable members returned to represent them. Put as strongly as honorable members like what some State members have said in other places, we have here for our guidance in imparting useful

information upon the subject, the Federal members for the gold-fields districts. They have expressed themselves upon this question. I am not going over the ground again. They have spoken without any instigation on the part of any other honorable members, and in fulfilment of their undoubted mission to represent their constituents before this Assembly. They have told us that the injustice to which the people of these districts are subjected by the denial of the railway to which I refer is intolerable. The matter has been put in this way—that it is equivalent to the denial of absolute freedom of Inter-State trade contemplated by the Constitution. That was contained in the resolution moved by the honorable member for Coolgardie. The honorable member submitted figures and facts, and amongst other things as regards the circuit which has to be made by people from the gold-fields to effect communication with the eastern States, the honorable member has said that the journey by way of Fremantle is very much like going round by way of Brisbane in order to reach Bourke, in New South Wales, or that we might imagine a Brisbane resident, whose destination is Winton, being compelled to sail round Cape York Peninsula and proceed from Normanston. That is practically the position of one journeying to the eastern States from the gold-fields of Western Australia. I need not repeat here what the honorable member has stated. I am glad that his speech has been reprinted, and is at our service. He speaks most eloquently to show the interest we have in people from the other States. He shows that proposals for the private construction of the railway have been refused, and that whilst the intercolonial railway might suffice for passenger and goods as regards the question of water carriage to the eastern States, and as regards the heavier goods, the absence of a connecting railway at the port of Esperance necessitates a further journey of at least 700 miles by sea, with an addition of an extra 160 miles by railway.

Sir JOHN FORREST.—It is not 700 miles, no matter who says so.

Mr. KINGSTON.—How far does the right honorable gentleman say it is?

Sir JOHN FORREST.—It is about 550 miles.

Mr. KINGSTON.—Then the honorable member for Coolgardie has overstated the distance?

Sir JOHN FORREST.—He has.

Mr. KINGSTON.—But, in addition, we have the distance of 390 miles from the gold-fields.

Sir JOHN FORREST.—It is 350 miles from Coolgardie.

Mr. KIRWAN.—It is about 387 miles from Kalgoorlie.

Sir JOHN FORREST.—But the junction is at Coolgardie.

Mr. KINGSTON.—I shall not quarrel about a mile or two at this hour of the night. I give my authorities, and I guess that they were considered at the time to be sufficient. They have impressed me. The facts have been put forward by those best qualified to instruct us—the representatives of Western Australia. They have made out a splendid case for the construction of both the trans-continental line and the Esperance railway, and I should be only too pleased to see them constructed at the earliest moment. The only other matter to which I desire to refer is the Conciliation and Arbitration Bill. I heard the Minister for Trade and Customs, when he was being baited by an honorable member of the Opposition, in reference to some action of mine in this connexion, assert this evening that I had not done much good for the cause.

Sir WILLIAM LYNE.—I was told that I ought to resign.

Mr. KINGSTON.—I am perfectly certain that the remark was not made by the Minister in any ill spirit.

Sir WILLIAM LYNE.—Hear, hear.

Mr. KINGSTON.—I am not inclined to resent it, for under the same provocation to which the Minister was subjected I might have had a great deal more to say. Whether I have done much good for the cause remains to be seen. I could not remain a member of a Ministry which introduced a Bill which seemed to me to be a farce. It appeared to present for the popular acceptance a stone instead of the promised bread. I have since asked various questions in the House in reference to the matter, and have received various answers. The answer which I obtained to-day to a question which I put was of the usual evasive character. It was not the sort of answer which I had a right to expect, and did expect from the Government. This is simply putting off the day when the Government will declare where they really are in regard to this matter. I have no doubt as to my position in this connexion, and as to what it

will be hereafter. I shall be consistently advocating a measure in which I thoroughly believe, and, if my advocacy of it necessitates the keenest criticism of those who would make a mockery of the whole thing, I shall be prepared to take the consequences.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I shall only say, in reply to my right honorable friend, that he had to-day an answer to his question which no other honorable member would have received, because we should not have recognised that any one else had a right to ask for the policy of the Government in advance. We devoted much of the time of two Cabinet meetings to the work of shaping our policy ahead so that we could inform the honorable member of its general lines. The statement which the right honorable gentleman received to-night is as fair an indication as could be given to any one outside the Cabinet of the trend of those two prolonged discussions, to which, simply out of consideration for him, we devoted much of the time required for other matters. I do not resent the condemnation offered by the Opposition upon the action of the Government with reference to the Capital site. I recognise it as being part of the familiar campaign material which they are quite justified in accumulating, and I pass it by as such. But I have listened with amazement to the various versions of what I thought I had so simply and plainly stated a few moments ago, in regard to several points of this vexed question. For instance, I mentioned that I had not seen any of the sites. I made that remark not because of any desire to cast a reflection on the choice which had been made, but in order that I should not assume before the House an authority for my opinion which I did not possess. I had no other purpose in view than that of indicating in all fairness the basis of my judgment.

Mr. BROWN.—But the Prime Minister was not guided by the expert Commissioners appointed by the Government.

Mr. DEAKIN.—Was any Government ever expected by reasonable men to be bound by the opinions of a body of men whom they had appointed to inquire into the physical features and geographical situations of particular sites? The Commissioners were appointed to collect the facts. They did so, and laid the facts before us in a series of tables, to which they did not endeavour to

assign relative values. Some people, they said, would give first consideration to the question of accessibility, and others to the question of climate, while others again would give special consideration to the relation of a site to great centres and populous districts. They left us, as they were bound to do, perfectly free in respect to the value which we might attach to their judgment; and, although it is perfectly true that, from their point of view, they placed Bombala in one sense at the bottom of the scale, they affected my judgment to a considerable extent when they lifted Tumut to a position which, in my opinion, it had not been justified in occupying before. My mind was affected by a perusal of their report, but not sufficiently to alter the opinion I had formed on reading Mr. Oliver's report and on hearing from him his justification of it. I certainly did not say or imply that the question was not in a fit state for solution, so far as we had proposed to solve it. All that we proposed in the Bill was to select a district in which the site should be chosen. I was careful to say that, having selected the district, we should require to determine the precise spot in that locality at which to establish the Capital. That is a clear distinction. We have arrived at one of the agreements which we held out as being possible under the Bill. We have for a time at all events, reduced the territories, roughly speaking, to two.

Mr. G. B. EDWARDS.—To three.

Mr. DEAKIN.—If we are to commence to calculate votes we have reduced the number to three; but by the decisive votes of each House the suggested districts have been reduced to two. No one has yet attempted to specifically say where in either of those localities the precise site of the capital should be. What we have been discussing have been questions which I endeavoured to persuade the House to brush aside—questions as to the area to be taken over, as to the rivers to which it should extend, and other extraneous matters. As I said before, having settled upon one district, what we shall require to do will be to cause an examination of that district to be made, with a view to the selection of the best site for the establishment of the Capital. We must also show a reasonable amount of territory which should surround it, so as to enable the application of the doctrine of the unearned increment to receive fair play. The question of accessibility and other



considerations may also be considered. Until we choose the actual site of the Capital we do not know what territory we may desire to take over. We may wish to acquire a considerable amount of territory, but we have to deal with physical conditions, and to consider the State and the people who will be called upon to hand over the required area. While I think that we have arrived at a stage—a long stage—on the journey that we have to take, I submit that we have not yet reached that stage at which it is possible for us to lay our fingers on the precise spot in either of these districts which would be best for the purposes of the Capital; nor are we yet able to state in advance the precise shape or boundaries of the territory to be acquired. I have been actuated in this matter—and I have been able to be so actuated—with no sense of attachment to my colleagues. Had there been only one representative of the Cabinet interested in the question I might possibly have been drawn towards him. With two I have been perfectly impartial. I have determinedly resisted all influences of that kind both inside and outside this Chamber, and have formed my opinions as if I were the most independent member upon the back Opposition benches. I have looked at maps and plans, and read reports, had conversations with persons who have a knowledge of the sites, and have formed a judgment according to the best of my ability. I made my remarks on the subject to-night from that personal point of view. I spoke generally as to the intentions of the Government in the future; but I wanted to be quite fair to the House, and to explain to honorable members the attitude I had taken, and why I thought that up to the present, and for some time to come, we are pursuing the only course possible in refusing to treat this as a party matter. If I were sitting on the back Opposition bench, I should refuse to follow the leaders of the party on a question of this kind, and I should take the same position if I sat on the back Ministerial bench. Until we have reduced the number of sites to two or three—

Mr. KINGSTON.—So we have.

Mr. DEAKIN.—Practically we have, and in doing so we have approached closely to the stage when we can say, "This is the district in which the Federal Capital is to be built. The territory is to consist of such and such an area, and to have such and such a configuration." When we arrive

at that stage the Government must make a definite proposal, and we shall not shrink from doing so. But, like others who have not visited the proposed sites, I have yet a great deal to learn in regard to them, either by a personal inspection, or by obtaining information from others. I have been greatly swayed towards the Tumut site by the testimony of the honorable members for Kennedy and Darling, both of whom are practical and unprejudiced men, and able to base their judgment on many years' experience.

Mr. SYDNEY SMITH.—Does not the Prime Minister think it fair to give further consideration to the Lyndhurst site?

Mr. DEAKIN.—None can refuse to give consideration to a site that has such marked advantages as Lyndhurst possesses.

Mr. JOSEPH COOK.—Does the Prime Minister propose to consider a dozen sites?

Mr. DEAKIN.—No. Such a proposition would undo all that has been done. Lyndhurst, however, is undoubtedly the next site after Tumut and Bombala. We have done a great deal in reducing the sites to two or three, and have educated ourselves in the process. We have arrived with all reasonable rapidity at the present stage. Because the question is one of immense complexity. If I could have done so, I would have taken a jump in regard to the selection of an area in order to get the question settled. That has failed for the moment. If other honorable members, like myself, keep their minds open for the reception of fresh knowledge, they will be able to consider the question in an absolutely unbiased and fair manner.

Mr. JOSEPH COOK.—Will the Prime Minister now tell us what he intends to do?

Mr. DEAKIN.—The Government propose to continue their investigations. That does not mean that we shall appoint another Royal Commission. We have already had enough Royal Commissions. Any further inquiry should be undertaken by the officers of the Government. For the time being, we have had sufficient investigation by experts and Commissioners. They can do a great deal, but what they can do has been excellently done, and we do not need to repeat the work. We have arrived now at a new stage.

Mr. BROWN.—Does the Prime Minister propose to have an investigation made of the territory surrounding the three sites which have been mentioned?

which was carried yesterday, and received the following reply :—

Commonwealth of Australia.

Governor-General.

GENTLEMEN,

I have been profoundly touched by the signal honour you have done me in handing me the Address from each of your two Houses, authoritatively representing as they do the warm-hearted people of Australia. That you have been kind enough to give such generous expression to your feeling that I have done my duty by my Sovereign, the Empire, and Australia during my term of office as Governor-General will be to me an ever-grateful remembrance, and I shall value this Address as one of the highest honours I could possibly receive.

I wish to thank my Ministers and the Members of the first Commonwealth Parliament of Australia for their unvarying kindness and courtesy to me and mine; and Lady Tennyson, who has throughout been closely associated with me in the performance of my duties, and, may I add, richly merits your encomium, desires me to convey to you her heartfelt gratitude for your kind words and wishes. She and I have spent five truly happy years among you, and the people of Australia will always be very near our hearts, while you may rest assured that, wherever I am, I shall continue to advocate their interests to the best of my ability.

It is true that I came into office at a time when many grave difficulties had to be encountered, but by your "common sense," patience, and perseverance these especial difficulties have been overcome. I shall ever remember with pride that I was His Majesty's chief representative in Australia when the Constitution of the Commonwealth was being established on a firm basis—that as such I assented to the four great Acts which are the four corner-stones of the Constitution, and helped to place the coping stone on the edifice by the creation of your strong Federal High Court.

In my journeys through Australia I have been enabled to see for myself how wonderful the resources—how rich the products of your country are, and how splendidly loyal are the people.

I have full belief that United Australia will take a high and worthy rank among the nations of the world, and add her contribution to the welfare and the glories of the British race, and aid the Mother country to fulfil her great Imperial mission.

TENNYSON.

22nd October, 1903.

## PAPER.

Senator PLAYFORD laid upon the table the following paper :—

Correspondence with reference to the proposed transcontinental railway.

Ordered to be printed.

## PUBLIC SERVICE REGULATIONS.

The PRESIDENT reported the receipt of a message from the House of Representatives intimating that it had agreed to the

amendments made by the Senate in the Public Service Regulations, with the exception of amendment No. 1, to which it had disagreed.

## FEDERAL CAPITAL SITE.

Senator STANFORTH SMITH asked the Vice-President of the Executive Council, *upon notice*—

In the event of the Federal Parliament not coming to a final decision regarding the Capital site this session—

1. Will the Government appoint a Commissioner or Commissioners to delimit an area of 1,000 square miles, in the neighbourhoods of Bombala and Tumut, that they consider most suitable for a Federal Capital site, giving the following information regarding each area :—(a) accessibility; (b) means of communication; (c) climate; (d) topography; (e) water supply—gravitation or pumping; (f) drainage; (g) soil; (h) building material; (i) fuel; (j) the estimated cost of resumption of each site, by ascertaining from the land-holders within those areas the price they ask for their land; (k) an estimate of the Federal expenditure that would be, in their opinion, absolutely necessary during the next ten years for each site if selected?

2. Will the Government also state whether (in the event of an area of 1,000 square miles being decided upon by Parliament) the Constitution gives them the right to acquire all Crown lands within that area free of cost, and, if not, will they ascertain what the Government of the State of New South Wales is prepared to do regarding those Crown lands outside the 100 square mile minimum?

Senator PLAYFORD.—The answer to the honorable senator's questions is as follows :—

At such short notice it is impossible to give an answer to the honorable senator's questions. The matter will be considered by the Cabinet.

## POST AND TELEGRAPH DEPARTMENT.

Senator MCGREGOR asked the Vice-President of the Executive Council, *upon notice*—

Will the Government consider the advisableness of improving the post-office accommodation at Gawler and Hamley Bridge, in the State of South Australia; and also connecting by telephone the townships of Blyth and Clare, in the same State?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows :—

The Government will obtain reports and consider the advisableness of improving the post-office accommodation at Gawler and Hamley Bridge; also of connecting the townships of Blyth and Clare by telephone.

Senator KEATING asked the Vice-President of the Executive Council, *upon notice*—

1. Is it true that the officers of the Post and Telegraph Department in Tasmania have not yet received payment for overtime work done since December last, although payment for similar work done in other States has been made?

2. If true, when will payment be made to the officers in Tasmania for the overtime work referred to?

Senator PLAYFORD.—The answer to the honorable senator's questions is as follows :—

1 and 2. The Postmaster-General has made inquiry respecting this matter, and has been advised that all claims for overtime have been settled either by payment or by allowing time off, in accordance with the Public Service Regulations.

Senator KEATING.—That is incorrect.

Senator PLAYFORD.—That is all the answer I can give.

Senator Lt.-Col. NEILD asked the Vice-President of the Executive Council, *upon notice*—

Is it intended to give the letter-sorting and carrying officials in the General Post-office a complete holiday on Christmas Day next, as promised last year but not fully carried into effect?

Senator PLAYFORD.—The answer to the honorable senator's question is as follows :—

It is intended to give the letter-sorting and carrying officials in the General Post-office as complete a holiday on Christmas Day next as the exigencies of the service and the public convenience will permit.

### ASSENT TO BILLS.

HIS EXCELLENCY THE GOVERNOR-GENERAL entered the chamber and, being seated, a message was forwarded to the House of Representatives intimating that His Excellency awaited the attendance of the members in the Senate chamber, who being come with their Speaker,

The CLERK OF THE PARLIAMENTS received from Mr. Speaker the following Bills :—

Appropriation Bill (1903-4).

Appropriation (Works and Buildings) Bill (1903-4).

Supplementary Appropriation Bill (1901-2) and (1902-3).

Supplementary Appropriation (Works and Buildings) Bill (1901-2) and (1902-3).

HIS EXCELLENCY was pleased to notify to the CLERK OF THE PARLIAMENTS his assent to the following Bills :—

Appropriation Bill (1903-4).

Appropriation (Works and Buildings) Bill (1903-4).

Supplementary Appropriation Bill (1901-2) and (1902-3).

Supplementary Appropriation (Works and Buildings) Bill (1901-2) and (1902-3).

Extradition Bill.

High Court Procedure Amendment Bill.

Rules Publication Bill.

Defence Bill.

Commonwealth Public Service Amendment Bill.

Patents Bill.

### PROROGATION.

HIS EXCELLENCY was then pleased to deliver the following speech :—

GENTLEMEN,

I am happy to release you from arduous labours, almost continuous since your election, and relieved by only one recess. The work accomplished has been highly exceptional, both in amount and importance. The duty cast upon the first Parliament of the Commonwealth of putting into actual operation the intricate provisions of the Constitution has been discharged with ability, patience, and patriotism. A complete record of your achievements touches most of the great problems that confront the people of Australia. You have faced their solution zealously, boldly, and with marked success.

During the present session the constitutional machinery of Federal government has been brought very near to completion.

The High Court of Australia has been established: its procedure has been defined, and Judges whose ability and character deserve the greatest confidence have been appointed.

A uniform system of Defence for the Commonwealth has been established, which, it is confidently hoped, will perfect the organization of our forces, while avoiding all unnecessary expenditure.

A measure has been passed which will enable inventors, with the minimum of expense and trouble, to secure complete protection for their inventions throughout the whole Commonwealth.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES :

The unanimity with which you have consented to forego six months of the normal

term for which you were chosen, for no other reason than to save the expense of a second election over the whole Commonwealth, will be remembered to your honour.

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES :

I thank you in the name of His Majesty for liberal supplies.

An agreement with the Lords Commissioners of the Admiralty, providing efficiently and economically for the Naval Defence of Australia, has received ratification.

Measures have also been sanctioned providing facilities for the naturalization of desirable aliens ; and securing a more equitable distribution of the outlay required for the grant of bounties on sugar grown by white labour.

Several measures of the first importance have been introduced, but not finally dealt with, whose further consideration will be materially assisted by the discussions that have taken place.

Conferences between the Governments interested in the Pacific Cable and between the Commonwealth and State Treasurers in respect to State debts are being arranged, from which many beneficial results are anticipated.

The partial isolation of Western Australia from the rest of the Commonwealth has not ceased to engage the attention of my Advisers. The final report of the Engineers-in-Chief has furnished much essential information, together with reliable estimates. Any authorization of railway communication must be preceded by the consent of two States. One has already agreed, and the assent of the second has been asked.

It is deeply regretted that no final agreement has been attained with respect to the locality in which the Seat of Government of the Commonwealth is to be placed, but at least substantial progress has been achieved towards the making of a choice from which great national consequences will ensue.

I now declare this Parliament prorogued until Saturday, 14th November next.

## House of Representatives.

Thursday, 22 October, 1903.

Mr. SPEAKER took the chair at 2 p.m., and read prayers.

### ADDRESS TO THE GOVERNOR-GENERAL : HIS EXCELLENCY'S REPLY.

Mr. SPEAKER.—I have to inform the House that this morning I presented to His Excellency the Governor-General the address which was yesterday adopted by this House, and that His Excellency has been pleased to make the following reply :—

Commonwealth of Australia.  
Governor-General.

GENTLEMEN,

I have been profoundly touched by the signal honour you have done me in handing me the Address from each of your two Houses, authoritatively representing as they do the warm-hearted people of Australia. That you have been kind enough to give such generous expression to your feeling that I have done my duty by my Sovereign, the Empire, and Australia during my term of office as Governor-General will be to me an ever-grateful remembrance, and I shall value this Address as one of the highest honours I could possibly receive.

I wish to thank my Ministers and the members of the first Commonwealth Parliament of Australia for their unvarying kindness and courtesy to me and mine ; and Lady Tennyson, who has throughout been closely associated with me in the performance of my duties, and, may I add, richly merits your encomium, desires me to convey to you her heartfelt gratitude for your kind words and wishes. She and I have spent five truly happy years among you, and the people of Australia will always be very near our hearts, while you may rest assured that, wherever I am, I shall continue to advocate their interests to the best of my ability.

It is true that I came into office at a time when many great difficulties had to be encountered ; but by your "common sense," patience, and perseverance these especial difficulties have been overcome. I shall ever remember with pride that I was His Majesty's chief representative in Australia when the Constitution of the Commonwealth was being established on a firm basis—that as such I assented to the four great Acts which are the four corner-stones of the Constitution, and helped to place the coping-stone on the edifice by the creation of your strong Federal High Court.

In my journeys through Australia I have been enabled to see for myself how wonderful the resources—how rich the products of your country are, and how splendidly loyal are the people.

I have full belief that United Australia will take a high and worthy rank among the nations of the world, and add her contribution to the welfare and the glories of the British race, and aid the mother country to fulfil her great Imperial mission.

TENNYSON.

22nd October, 1903.

HONORABLE MEMBERS.—Hear, hear.

## CLOSE OF THE SESSION.

Mr. DEAKIN (Ballarat—Minister for External Affairs).—I omitted last night to perform a duty which obviously belongs to us, because I understood that a more fitting opportunity would present itself to-day. I refer to the expression at the close of the session of our high appreciation of the manner in which Mr. Speaker and the officers of the House have discharged their duties. The session now drawing to a close has not been so interminably long or so gravely serious as that which preceded it, but it has been rich in legislative work and marked by achievements upon which we shall be able to look with satisfaction in the future. The officers of the House have at all times been courteous and have rendered necessary assistance to honorable members. Mr. Speaker has been, in a sense, not only our controller, but the confidant and counsellor of honorable members in all matters relating to the business of this Chamber. I take it that we are exceptionally fortunate in finding ourselves in this splendid building, surrounded by a staff of diligent and courteous officers, and presided over by a Speaker who has filled his position with dignity, and who will leave an honoured name behind him.

Mr. SYDNEY SMITH (Macquarie).—I join with the Prime Minister in expressing gratitude to Mr. Speaker for the manner in which he has presided over our deliberations, and to the officers for the courtesy and attention which they have displayed in the discharge of their duties. I think that at the close of this Parliament we have also reason to be satisfied with ourselves. We have had an exceptionally difficult task to perform. We have had to deal with the question of a new Tariff, the much-vexed white Australia question, and many other important matters.

Mr. JOSEPH COOK.—Not forgetting the Capital site question.

Mr. SYDNEY SMITH.—And also the Capital site question. Notwithstanding the difficult subjects with which we have had to deal, and the strong feeling which has been engendered on many occasions, I feel sure that we shall all be able to leave the House with feelings of mutual respect and personal good-will.

Mr. DEAKIN.—I omitted to mention the Chairman of Committees, whom I had fully intended to include in my reference to Mr. Speaker. I am sure honorable members will agree with me that our hearty thanks are due to the Chairman for the way in which he has discharged his functions.

Mr. SPEAKER.—The Prime Minister has been kind enough to make complimentary references to my services and to those of the officers of the House. I can assure honorable members that, so far as I am personally concerned, I am much obliged to him for his kindly expressions. I am greatly indebted to every member of the House for the very full and cordial support which has been extended to me in the performance of my duties throughout this Parliament. I trust that whoever may occupy the position which I now hold in the days to come will be similarly honoured. On behalf of the officers of the House, I can assure honorable members that it is their one endeavour to carry out their duties in the interests of this Parliament and of the Commonwealth which we represent.

Mr. CHANTER (Riverina).—The Prime Minister was good enough to make a kindly reference to my services as Chairman of Committees. I desire to thank him for the generous sentiments which he expressed, and honorable members for the cordial manner in which his remarks were received. I have consistently endeavoured to act impartially, to know no party, and to conduct the proceedings in Committee in accordance with the traditions of the Parliament of the great mother country. I am quite sure that honorable members entertain the same kindly feelings towards myself that I entertain towards them.

## PERSONAL EXPLANATION.

Mr. POYNTON.—I desire to make a personal explanation with regard to my remarks during the debate upon the trans-continental railway to Western Australia last evening. The inference to be drawn from the condensed report which appears in the *Argus* this morning is that in my reference to the attitude assumed by the right honorable and learned member for South Australia, Mr. Kingston, and the honorable member for Kalgoorlie, I conveyed the idea that it was a very bad thing for Australia that they were members of

this House. I wish it to be clearly understood that I had no such idea in my mind. I fully acknowledge the good work which has been done, both in State and Federal politics, by the right honorable and learned member for South Australia, and I have not the slightest reason to cast any reflection in a general way upon the honorable member for Kalgoorlie.

### ELECTORAL ROLLS.

Mr. HIGGINS.—In the absence of the Minister for Home Affairs, I desire to ask the Postmaster-General whether he will take the House into his confidence at the earliest possible date in regard to the electoral rolls of Yackandandah, and whether he considers that a horse's nose-bag is a proper receptacle for the rolls of the free and independent electors of both sexes? Would he treat the plans for the transcontinental railway in the same manner? I should further like to know whether we will give the House an opportunity to recover and purify these parliamentary rolls at an early date?

Mr. ISAACS.—Yackandandah happens to be in my electorate, and, although I am intensely grateful to the honorable and learned member for Northern Melbourne for taking an interest in that town, I wish to assure him that it was one of those places to which I specifically referred the other evening when discussing this subject. I submitted the name to the Minister for Home Affairs who took a special note of it. I thoroughly agree that a good deal of confusion has occurred in regard to the rolls, and in that locality, as well as in others, their rectification is undoubtedly necessary. I strongly urge that so important a matter, not merely to candidates, but to the whole of Australia, should receive attention at the hands of the Minister. That is only one instance in which there has been confusion. All around Wodonga, and various other towns in the same electorate—I do not think it is necessary to give their names—the immediate and earnest attention of the Government is required to the remedy of existing evils.

Sir PHILIP FYSH (Tasmania—Postmaster-General).—In the absence of the Minister for Home Affairs, I can suggest no other remedy at the present moment than to

summon the offending horse to the Bar of the House. I presume that it has eaten up the Yackandandah rolls, under the impression that they were chaff.

Mr. FULLER.—In view of the fact that these rolls have probably disappeared owing to the absence of horse-feed in the particular town referred to, will the Government consider the advisability of suspending the fodder duties?

### OFFICIALS OF DEFENCE DEPARTMENT.

Mr. HUME COOK.—I desire to ask the Minister for Defence, whether the civilian officials in his Department are to be compelled to join the Defence Forces and wear uniform, and, if so, by whose authority? In speaking of this matter the other evening, I was in error in stating that the clerks in the Department were to be compelled to join the militia forces. As a matter of fact, no compulsion is being directly applied, but an endeavour is being made to achieve the same result in an indirect way. A General Order states—

It is, however, most essential that all responsible officers in the Ordnance Department should have the status of officers or non-commissioned officers, and employés in the Department cannot look for advancement to positions of responsibility unless they have military status.

I desire to ask the Minister whether he approves of the adoption of the course proposed, and if not, whether he will inform the House what action he intends to take?

Mr. AUSTIN CHAPMAN.—In reply to the honorable member's question, I desire to say that no instructions to that effect have been given.

### PROROGATION.

THE USHER OF THE BLACK ROD was admitted, and announced that His Excellency the Governor-General desired the attendance of honorable members in the Senate chamber.

Mr. SPEAKER, accompanied by honorable members, then proceeded to the Senate chamber, where His Excellency the Governor-General was pleased to deliver a speech (*vide* page 6436), declaring Parliament prorogued until the 14th November, 1903.

Parliament was further prorogued on 11th November until the 24th, and on the 23rd was dissolved by the following Proclamation :—

Commonwealth  
of Australia  
to wit.

By His Excellency the Right Honorable Hallam, Baron Tennyson,  
Knight Grand Cross of the Most Distinguished Order of Saint  
Tennyson, Michael and Saint George, Governor-General and Commander-in-  
Chief of the Commonwealth of Australia.  
Governor-General.

WHEREAS by the Constitution of the Commonwealth of Australia it is provided that the Governor-General may from time to time, by Proclamation or otherwise, prorogue the Parliament, and dissolve the House of Representatives: And whereas the Parliament stands prorogued until the 24th day of November, 1903: And whereas it is expedient to dissolve the House of Representatives: Now therefore I, the Governor-General of the Commonwealth of Australia, in exercise of the power conferred by the said Constitution, do by this my Proclamation dissolve the House of Representatives: And I do hereby discharge the Honorable the Senators from attendance on the 24th day of November, 1903.

Given under my Hand and the Seal of the Commonwealth of Australia aforesaid, at Melbourne, this twenty-third day of November, in the year of Our Lord One thousand nine hundred and three, and in the third year of His Majesty's reign.

By His Excellency's Command,

ALFRED DEAKIN.

GOD SAVE THE KING!

COMMONWEALTH OF AUSTRALIA.

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I N D E X

TO

PARLIAMENTARY DEBATES.

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SESSION 1903.

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*May 26 to October 22.*

**PART I., SPEECHES, pages iii to xxxvii.**

**PART II., SUBJECTS, pages xxxviii to lxx.**





# PART I.

## SPEECHES.

**EXPLANATION OF ABBREVIATIONS.**—*Adj.*, motion of adjournment; *ad. rep.*, adoption of report; *amdt.*, amendment; *com.*, committee; *cons. amds.*, consideration of amendments; *cons. mes.*, consideration of message; *dis.*, order of the day discharged; *expl.*, explanation; *int.*, introduction; *mes.*, message; *m.*, motion; *m.a.o.*, motion to suspend standing orders; *obs.*, observations; *p.o.*, point of order; *q.*, question; *1R., 2R., 3R.*, first, second, or third reading; *recom.*, recommitted; *recons. amds.*, reconsideration of amendments.

**Baker, [Senator Hon. Sir Richard, K.C.M.G., K.C., South Australia :**

Appropriation Bill, *com.* (Parliament), 5837, 5843, 5846, 5848, 5849, 6239; (Treasury), 5956  
Federal Capital, *m.*, 5230  
Printing Committee's Report, *obs.*, 4805  
Rules Publication Bill, *2R.*, 6326; *com.* (notice and representation), 6328 (*p.o.*, 6331), 6333  
Saunders, Senator, Vote of, *p.o.*, 4564.  
Senate Elections Bill, *2R.*, 1595, 1597  
Senate Officers, *supply*, 5458  
Standing Orders, *com.* (opening of Parliament), 663, 664, 665, 666, 3430, 3431, 3432; (election of President), 671; (presentation to Governor-General), 672, 673; (Chairman of Committees), 674; (Deputy President), 676; (Standing Orders Committee), 676; (Printing Committee), 677; (routine of business), 679; (presentation of petition), 680, 3521; (notices), 681; (leave of Senate), 682; (previous question), 683, 3532; (clauses within title), 749, 752; (first reading), 754; (debate on first reading), 754, 759; (order of business on bill), 756, 757; (decision of Committee), 757, 3432; (relevancy of amendments), 758; (irregular amendments), 759, 761, 763, 764; (lapsed bills), 765; (bills Senate may not amend), 767, 768, 774, 777, 778, 3433, 3437; (quorum in committee), 778; (dilatory motions), 868, 982; (Select Committees: appointment), 984, 987, 988, 989, 990, 991; (evidence), 993; (draft report), 993, 995; (messages), 997; (one conference), 998; (strangers), 998, 1001; (obedience), 1002; (facing Chair), 1004; (speech not read), 1009; (extracts), 1010; (motions not debatable), 1065; (offence reported), 1068, 1069; (suspension), 1069, 1072; (Acts to be numbered), 1073; (Commons' practice), 3440; (motion for adjournment), 3521; (amendment to leave out), 3523; (reading title), 3533, 3534; proceedings in Committee), 3534; (questions), 3724, 3725;  
Sugar Bonus Bill, *recom.* (power of amendment), 1697, 1840, 1851, 2374, 2486  
Supply Bill (No. 3), *com.*, 5457, 5458

See **PRESIDENT, The (Subjects).**

**Bamford, Mr. F. W., Herbert :**

Aliens, Employment of, *q.*, 3729.  
Coffee, Bonus, *q.*, 685, 1125  
Coinage, *ad. rep.*, 1168  
Defence Bill, *com.* (interpretation), 3015; (cadet corps), 3278; (tolls), 3280; (traffic), 3281  
Divers, Alien, *q.*, 531  
Electoral Act, *q.*, 529  
Electorates, *q.*, 3084  
Queensland, *m.*, 3850  
Friday Sittings, *m.*, 2308  
Immigration Restriction Act, *q.*, 3338, 3546  
Naval Agreement Bill, *2R.*, 2327  
Papua (New Guinea) Bill, *com.* (land grants), 2975; (ordinances), 2985  
Quarantine, *q.*, 1960  
Queensland Representation, *adj.*, 2955  
Sugar Bonus Bill, *com.* (bonus), 939, 941, 1029, 2613; *3R.*, 1037  
Supply: Post and Telegraph, 5213  
Trade and Customs, Minister of, *q.*, 2748

**Barrett, Senator J. G., Victoria :**

Appropriation Bill, *com.* (Parliament), 5845; (Home Affairs), 5948, 5950  
Defence Bill, *com.* (enlistment), 4549; (regulations), 4914; (Council of Defence), 4983, 6235; (intoxicants), 4993; *m.*, 5002  
Eastern Extension Company's Agreement, *m.*, 3614  
Federal Capital, *m.*, 5264  
Judiciary Bill, *2R.*, 2706  
Military Forces: Lt.-Cols. Braithwaite and Reay, *q.*, 181; *m.*, 521; *q.*, 1456; *supply*, 1681  
Ministers in Senate, *m.*, 1466; *q.*, 1915  
Naturalization Bill, *com.* (definition), 1755; (evidence), 2188  
Naval Agreement Bill, *2R.*, 4017  
Patents Bill, *com.* (commissioner), 2210, 2212; (working), 3327; (penalty), 3336  
Public Service Regulations, *m.*, *com.* (politics), 856; (luncheon time), 2573; (Sunday work), 4201  
Royal Standard, *supply*, 1687

Barrett, Senator J. G.—*continued.*

- Sargood, Senator, Death of, *m.*, 8  
 Seat of Government Bill, *2r.*, 6165  
 Senate Elections Bill, *2r.*, 1098; *com.*  
 (scrutiny), 1604; *recom.*, 1672  
 Standing Orders, *com.* (Chairman of Com-  
 mittees), 675; (dilatatory motions), 867;  
 (motions not debatable), 1066  
 Sugar Bonus Bill, *2r.*, 1287; *com.* (power  
 of amendment), 1836; (bonus), 2498  
 Supply Bill, (No. 1), *com.* (Defence), 1681  
 Tea, Imports, *q.*, 1246  
 Victorian Council of Defence, *supply*, 1686

Barton, Rt. Hon. Sir Edmund, P.C.,  
G.C.M.G., K.C., Hunter:

- Address in Reply, 43; *obs.*, 1180  
 Alien Labour, *q.*, 5047  
 Bonuses for Manufactures Bill, *q.*, 4661, 5273  
 Budget, 4856 (*p.o.*, 4857), 4963, 5023, 5040  
 Business of House, *obs.*, 584, 746, 842, 1720,  
 2011, 2180, 2359, 2803, 2909, 2979, 3678,  
 4007, 4073, 4287; *adj.*, 4363, 4364, 4393,  
 4455; *m.*, 4498; *adj.*, 4628, 4874, 5222, 5438  
 Codlin Moth Parasite, *q.*, 1102  
 Cold Storage, *q.*, 1762  
 Conciliation and Arbitration Bill: publication  
 in *Age*, *obs.*, 1764; *q.*, 2011, 2125, 2222; *sup-*  
*ply*, 2240; *q.*, 2416; *adj.*, 2803, 4455; *obs.*,  
 4788, 4838, 4839; *adj.*, 4841; *q.*, 5008, 5049,  
 5106, 5386  
 Crotty Miners, *q.*, 443  
 Customs Fines, *q.*, 12  
 Customs Tariff (Papua Preference) Bill, *obs.*,  
 2417  
 Debts, State, *q.*, 1013, 5164  
 Defence Forces: Queensland, *q.*, 4499  
 Divers, Alien, *q.*, 532  
 Eastern Extension Company's Agreement, *q.*,  
 11; *m.*, 2595, 2775  
 Elections, *q.*, 10; *adj.*, 329; *q.*, 330, 444, 5274  
 Electoral Act, Amendment of, *q.*, 11, 444  
 Electoral Divisions Bill, *3r.*, 4587  
 Electoral Return, *q.*, 5007, 5328  
 Electoral Rolls, *q.*, 586, 910, 1181, 1355, 1403;  
*adj.*, 1455; *q.*, 1490, 1521, 1523, 2418, 2503  
 Electorates, *q.*, 1761, 2300, 2503, 3447  
 Federal Capital, *q.*, 1014, 2300, 2301, 2361,  
 2416, 2747, 2981, 3180, 3953, 4311; *adj.*,  
 4395; *obs.*, 4837; *q.*, 5105, 5165, 5273; *m.*,  
 5274, 5322; *q.*, 5384; *m.*, 5417, 5418, 5425,  
 5426, 5436, 5437; *adj.*, 5438  
 Finances: Misrepresentations, *q.*, 909, 1015,  
 1183, 1185  
 Freights, Steam-ship, *supply*, 2238  
 Friday Sitings, *adj.*, 2185, 2279; *m.*, 2330,  
 2309; *adj.*, 2565  
*Gazette*, *q.*, 5385  
 Goldring case, *supply*, 1426  
 Governor-General, *q.*, 909, 2748, 3336  
*Hansard*, Price of, *q.*, 10  
 High Commissioner, *q.*, 2012, 5008  
 High Court, *expl.*, 3264; *q.*, 5272, 5385  
 Immigration:  
   Boilermakers, *q.*, 12; *obs.*, 291  
   Carpenters, *q.*, 3338, 3546  
   Maories, *q.*, 11  
 Immigration Restriction Act, *obs.*, 291; *q.*,  
 1015, 3338, 3546, 3953  
 Imperial Service Order, *q.*, 329

Barton, Rt. Hon. Sir Edmund—*continued.*

- Inter-State Commission Bill, *q.*, 4750  
 Judiciary Bill, *2r.*, 800; *com.* (pensions), 1305;  
 (judges), 1352  
 Kingston, Mr., Resignation of, *obs.*, 2613  
 Library, *adj.*, 2565  
 Mails:  
   Canadian-Australian, *m.*, 1641  
   Contracts, *q.*, 788, 5105, 5165  
   English, *q.*, 2012  
   Services, *adj.*, 1573  
   Sorting, *q.*, 1523  
   Tenders, *q.*, 4660; *adj.*, 4689  
   Vancouver, *q.*, 1760  
 Meat, Price of, *q.*, 1181  
 Meteorological Department, *q.*, 5272  
 Metric System, *ad. rep.*, 1178  
 Military Commandant: Report, *q.*, 3547  
 Milton Post Office, *q.*, 1962  
 Ministry:  
   Position of, *q.*, 5385  
   Re-arrangement, *obs.*, 3291, 3337, 3338; *q.*,  
   4311  
 Naturalization Bill, *2r.*, 3010; *com.* (definition),  
 4862; (person naturalized in State), 4863,  
 5215; (persons who may apply), 4864, 4865;  
 (evidence), 4867; (certificate), 4868, 5215;  
 (effect), 4870; (children), 4872, 5216; (re-  
 cord), 4873  
 Naval Agreement, *q.*, 10, 686, 2302  
   Speech by State Governor, *q.*, 685  
 Naval Agreement Bill, *int.*, 1712, 1713,  
 1715; *2r.*, 1772, 2433; *com.* (ratification),  
 2444, 2459, 2461; (schedule), 2504, 2505;  
 (preamble), 2509, 2513  
 Naval Forces, *q.*, 4501  
 New Guinea:  
   British, *q.*, 1182; *obs.*, 2417; *supply*, 5067,  
   5072  
   Dutch and German, *m.*, 879  
 New Hebrides, *q.*, 1761  
 Newspapers:  
   Carriage of, *q.*, 530  
   Supplements to, *adj.*, 2565; *q.*, 3181  
 Northern Territory, *q.*, 180  
 Old-age Pensions, *q.*, 1296  
 Pacific Cable, *q.*, 788  
 Pacific Island Labourers Act, *q.*, 1181, 1402  
 Papers, Distribution of, *q.*, 529  
 Papua (British New Guinea) Bill, *2r.*, 2515,  
 2801; *com.* (commencement), 2801, 2802;  
 (continuance of laws), 2802; (seal), 2883;  
 (officers), 2883; (land grant), 2884, 2889, 2966,  
 2975; (Executive Council), 2976, 2968; (sub-  
 mission of questions), 2977; (Legislative  
 Council), 2982, 2983; (signification of  
 pleasure), 2984; (ordinances), 2984, 2986;  
 (appeal to High Court), 2987; (prohibition  
 of intoxicants), 2991; (aboriginals), 3009; *q.*,  
 4396  
 Patents Bill, *q.*, 235; *2r.*, 5216  
 Petitions, *obs.*, 2299  
 Playford, Senator, *q.*, 4311  
 Pope, Visit to, *expl.*, 1011, 1012; *q.*, 1013  
 Population, *q.*, 2504  
 Postage, Penny, *q.*, 3337  
 Postal Administration, *supply*, 2240  
 Postal Service, Victorian, *q.*, 234  
 Precedence Table, *q.*, 2125, 2223  
 Press Messages, *q.*, 3339  
 Public Servants, Vict., *supply*, 1427

**Barton, Rt. Hon. Sir Edmund—continued.**

**Public Service :**

- Classification, *q.*, 531
- Female Telephone Operators, *q.*, 1403
- Increments, *supply*, 1426
- Line Repairers, *adj.*, 747; *obs.*, 789; *q.*, 1491
- Overtime, *q.*, 1521, 1524, 1962
- Regulation, *m.* (politics), 1509
- South Australian officers, *q.*, 909
- Quarantine, *q.*, 1960
- Queen Victoria Memorial, *q.*, 2125
- Reid, Senator, *q.*, 4040
- Remounts, *q.*, 1864
- Rhodes Scholarships, *q.*, 4874
- Savings Banks, *q.*, 1523
- Senate Elections Bill, *2r.*, 1817
- Servian Insurrection, *q.*, 909
- Stamp, Commonwealth, *q.*, 444
- Standing Orders, *adj.*, 66; *q.*, 444, 1617, 5273
- St. Louis Exposition, *q.*, 291, 787
- Stores at Wyndham, *q.*, 3729
- Strahan, Capt., *q.*, 2417; *obs.*, 2504
- Sugar Bonus Bill, *com.* (bonus), 930; (power of amendment), 1963, 2013, 2609
- Sugar Rebate Abolition Bill, *1r.*, 687
- Supply :**
  - Parliament, 5058, 5060
  - External Affairs, 5064, 5065, 5066, 5072
  - Trade and Customs, 5109
- Telegraphic Delays, *q.*, 586, 686, 875, 1156
- Telephone Guarantees, *q.*, 531, 788, 1524, 1712, 3180
- Telephone Operators, *q.*, 687
- Trade :**
  - Preferential, *q.*, 3546, 4749, 5273
  - South African, *q.*, 3547
- Trade and Customs, Minister for, *obs.*, 2613; *q.*, 2748, 2857, 2980; *obs.*, 3291
- Transcontinental Railway, *q.*, 529, 875, 1157, 4916, 5007, 5273
- Vondel Case, *q.*, 234
- Weather Bureau, *adj.*, 1573
- Weights and Measures, *q.*, 1960

**Batchelor, Mr. E. L., South Australia :**

- Address in Reply, 486
- Appropriation (Works and Buildings) Bill, *com.*, 5580
- Cable Company, *q.*, 11
- Conciliation and Arbitration Bill: Publication in *Age*, *q.*, 1759; *int.*, 1768; *com.* (public service), 4769
- Customs Administration, *q.*, 4311
- Eastern Extension Company's Agreement, *m.*, 2763
- Elections, *q.*, 5274, 5781
- Electoral Administration, *q.*, 2012
- Electoral Rolls, *supply*, 5487
- Electorates, S.A., *q.*, 2748, 2981, 3084; *m.*, 3548
- Immigration Restriction Act, *q.*, 3953
- Judiciary Bill, *com.* (pensions), 1242, 1243; (qualification), 1564
- Lyster, Colonel, *q.*, 5781
- Naval Agreement Bill, *2r.*, 2160
- Pacific Cable Conference, *q.*, 5575
- Papua (British New Guinea) Bill, *com.* (land grant), 2896; (signification of pleasure), 2983; (ordinances), 2986; (prohibition of intoxicants), 2990

**Batchelor, Mr. E. L.—continued.**

- Printing Office, *supply*, 5486
- Public Service :**
  - Line Repairers, *adj.*, 746; *q.*, 1491
  - Regulation, *m.* (politics), 1506
- Seat of Government Bill, *com.* (area), 5990

**Best, Senator Hon. R. W., Victoria :**

- Appropriation Bill, *cons. mes.*, 6243
- Appropriation Bill (No. 2), *2r.*, 6349
- Federal Capital, *m.*, 5565
- Judiciary Bill, *2r.*, 2826
- Naval Agreement :**
  - Address by Governor of Victoria, *m.*, 1733
  - Memorandum by Sir John Forrest, *adj.*, 3701
- Public Service Regulation, *m.* (politics), 854
- Rules Publication Bill, *com.* (notice and representation), 6333
- Saunders, Senator, Vote of, *m.*, 632
- Standing Orders, *m.*, 661; *com.* (opening of Parliament), 667; (want of quorum), 679; (presentation of petition), 680; (leave of Senate), 682; (previous question), 682; (first reading), 754; (irregular amendments), 760, 762; (lapsed bills), 765; (amendments by Governor-General), 766; (select committees: appointment), 989; (facing Chair), 1003, 1006; (speech not read), 1009; (bills Senate may not amend), 3435; (Commons' practice), 3441; (amendment to leave out), 3522, 3523; (questions), 3725, 3726
- Sugar Bonus Bill, *2r.*, 1281; *com.* (power of amendment), 1694, 1857

See CHAIRMEN (Subjects).

**Bonython, Sir J. Langdon, Kt., South Australia :**

- Address in Reply, 341
- Art Works, Duty on, *q.*, 909, 1156
- Commandant, S.A., *q.*, 5651
- Conciliation and Arbitration Bill, *2r.*, 4264
- Correspondence, Departmental, *q.*, 5106
- Electoral Rolls, *q.*, 1618
- Electorates, S.A., *q.*, 1761; *m.*, 3558
- Federal Capital, *m.*, 5414
- Finances, South Australian, *q.*, 6205
- Forrest, Sir John, *q.*, 4365
- Governor of South Australia, *q.*, 1618
- High Commissioner, *q.*, 5008
- Judiciary Bill, *2r.*, 825; *com.* (pensions), 1240
- Kadina Post Office, *q.*, 5467
- Naval Agreement Bill, *2r.*, 2151
- Northcote, Lord, *q.*, 6359
- Patents Administration, *q.*, 6404
- Patents Commissioner, *q.*, 5961
- Playford, Senator, *obs.*, 4311
- Postage, Penny, *q.*, 3337
- Protector, Gunboat, *q.*, 2416
- Remounts, *q.*, 1864
- Riflemen, *q.*, 5671, 6102
- South Africa: Cost of Contingents, *q.*, 234
- Stamps, *q.*, 1182
- Statistics, Inter-State, *q.*, 4498, 4661
- Sugar Bonus Bill, *2r.*, 924
- Telegraphic Delays, *q.*, 585, 875
- Transcontinental Railway, *q.*, 529, 2748, 565
- Vondel Case, *q.*, 234

**Braddon, Rt. Hon. Sir Edward N. O.,***P.C., K.C.M.G., Tasmania :*

Address in Reply, 126  
 Appropriation Bill, 3*r.*, 5654  
 Bonuses for Manufactures Bill, *q.*, 5273  
 Federal Capital, *adj.*, 5668  
 Judiciary Bill, 2*r.*, 733 ; *com.* (original jurisdiction), 1050  
 Naval Agreement Bill, 2*r.*, 2312  
 Postage : English Letters, *q.*, 910  
 Rubber Boots, Duty on, *q.*, 1125  
 Seat of Government Bill, 2*r.*, 5687 ; *com.* (balloting), 5801  
 Sugar Bonus Bill, 2*r.*, 919 ; *com.* (bonus), 929, 931, 1020  
 Sugar Rebate Abolition Bill, *q.*, 688

**Brown, Mr. T., Canobolas :**

Address in Reply, 492, 532  
 Appropriation Bill, 3*r.*, 5655  
 Appropriation (Works and Buildings) Bill, 3*r.*, 5661  
 Conciliation and Arbitration Bill, *int.*, 1770  
 Defence Bill, *com.* (service outside Commonwealth), 3125  
 Eastern Extension Company's Agreement, *m.*, 2772  
 Electoral Administration, *supply*, 5087, 5103 ; *q.*, 5652 ; *adj.*, 6412  
 Electoral Divisions Bill, *com.* (divisions), 4508 ; 3*r.*, 4621  
 Electoral Rolls, *q.*, 125, 444 ; *adj.*, 1108  
 Federal Capital, *q.*, 1014, 2416, 2747 ; *adj.*, 2803 ; *q.*, 2980, 3085, 5164 ; *m.*, 5288 ; *q.*, 5384 ; *m.*, 5421, 5428 ; *adj.*, 5467 ; *q.*, 5576, 5627 ; *adj.*, 5669, 5736 ; *q.*, 6404  
 Friday Sittings, *m.*, 2308  
 Judiciary Bill, *com.* (original jurisdiction), 1131 ; (indictment), 1560 ; 3*r.*, 1904  
 Mail Services, *adj.*, 1570  
 Naval Agreement Bill, 2*r.*, 2418 ; *com.* (ratification), 2465  
 Papua (British New Guinea) Bill, 2*r.*, 2791 ; *com.* (land grant), 2899, 2966 ; (Legislative Council), 2982, 2983 ; (prohibition of intoxicants), 3006  
 Patents Bill, *com.* (definitions), 5507 ; (saving of rights), 5511 ; (administration), 5512 ; (register), 5517 ; (application), 5524 ; (prior specifications), 5596 ; (priority), 6113  
 Public Service :  
   Classification, *q.*, 5672  
   Superannuation Rights, *q.*, 2619  
 Seat of Government Bill, 2*r.*, 5704 ; *com.* (seat of government), 5826, 5904 ; (area), 5986 ; *cons. amdt.*, 6291, 6297  
 Supply :  
   Defence, 5182, 5488  
   Home Affairs, 5087, 5094, 5096, 5103  
   Post and Telegraph, 5489  
   Trade and Customs, 5129 ; (*p.o.*), 5134

**Cameron, Senator Lt.-Col. C. St. C., C.B.,***Tasmania :*

Address in Reply, 73  
 Defence Bill, *com.* (cadets), 4884, 4893 ; (courts-martial), 4901 ; (regulations), 4913 ; (council of defence), 4984, 5641  
 Military Forces :  
   Armament, *m.*, 3245  
   Tasmanian, *adj.*, 3901, 3914

**Cameron, Senator Lt.-Col. C. St. C.—continued.**

Naval Agreement Bill, 2*r.*, 3809  
 Standing Orders, *com.* (facing Chair), 1007  
 Sugar Bonus Bill, 2*r.*, 1092

**Cameron, Mr. D. N., Tasmania :**

Address in Reply, 273  
 Budget, 4961  
 Conciliation and Arbitration Bill, *com.* (public service), 4776  
 Defence Bill, *cons. amdt.* (council of defence), 6129  
 Electoral Rolls, *q.*, 2981  
 Electorates, Victoria, *m.*, 3602  
 Friday Sittings, *adj.*, 2183  
 Naval Agreement Bill, 2*r.*, 2330  
 Seat of Government Bill, 2*r.*, 5796  
 Standing Orders, *adj.*, 6216  
 Tasmanian Volunteers, *q.*, 3084

**Chanter, Mr. J. M., Riverina :**

Chairmanship of Committees, *obs.*, 585  
 Electoral Divisions : N.S.W., *m.*, 3669  
 Military Forces : Lt.-Cols. Braithwaite and Reay, *m.*, 584  
 Session, Close of, *obs.*, 6438  
*See* CHAIRMEN (Subjects).

**Chapman, Hon. Austin, Eden-Monaro :**

Bands, military, *q.*, 6252  
 Defence Bill, *com.* (citizen forces), 3120 : (cadet corps), 3270 ; *cons. amdt.* (council of defence), 6125  
 Defence, Minister of : Appointment, *adj.*, 5466  
 Federal Capital, *q.*, 1520, 2300, 3953, 4126 ; *m.*, 5387, 5422  
 Defence Department : Clerks, *q.*, 6360, 6439  
 Horse Car, armoured, *q.*, 5654  
 Mail Services, *adj.*, 1571  
 Military Commandant, S.A., *q.*, 5651, 5781  
 Milton Post Office, *q.*, 1961, 1962  
 Naval Forces, Queensland, *q.*, 5468  
 Rifle Clubs, *q.*, 5652, 5671, 6102, 6103  
 Rifle Ranges, *q.*, 5879  
 Seat of Government Bill, *com.* (seat of government), 5829, 5910 ; *cons. amdt.*, 6275, 6294, 6299  
 Troops, Australian, in South Africa, *q.*, 5880  
 Tea Duty, *expl.*, 443  
 Telephones : Eaglehawk, *q.*, 910

**Charleston, Senator D. M., South Australia :**

Appropriation Bill, *com.* (Parliament), 5845, 5854 ; (Home Affairs), 5871, 5876, 5947, 5950, 5951 ; (Treasury), 5956 ; (Trade and Customs), 5958 ; (Defence), 6005.  
*Commonwealth*, Battleship, *q.*, 1355  
 Customs Decisions, *m.*, 2297  
 Defence Bill, *com.* (enlistment), 4549 ; (permanent forces), 4554 ; (naval forces), 4562 ; (liability to serve), 4584  
 Eastern Extension Company, *m.*, 4792  
 Electoral Divisions Bill, *com.* (divisions), 4831  
 Federal Capital, *m.*, 5260  
 Judiciary Bill, 2*r.*, 3063 ; *com.* (judges), 3066, 3068  
 Naturalization Bill, 2*r.*, 1610 ; *com.* (definition), 1931 ; (persons who may apply), 1937, 1942, 1951 ; (evidence), 2197, 2199

**Charleston, Senator D. M.—continued.**

Naval Agreement Bill, 2*r.*, 4103  
 Patents Bill, *com.* (parts), 2117; (definitions), 2121, 3540; (State Acts), 2208; (commissioner), 2212, 2214; (officers), 2216, 2217, 2218; (registration), 2219; (who may apply), 3295; (drawings), 3296; (examiner's report), 3296, 3301, 3312, 3313; (infringement), 3311; (prior patent), 3314; (invalid claim), 3314; (revocation), 3318; (working), 3328; (penalty), 3536, 3538; (action on report), 3542; *recons. amdts.* (State Patents), 6324  
 Printing Committee, *ad. rep.*, 4807  
 Public Service Regulations, *com.* (luncheon time), 2571  
 Senate Elections Bill, 2*r.*, 1598; *com.* (scrutiny), 1603, 1604; *recom.*, 1673  
 South African Contingent, *q.*, 385  
 Standing Orders, *com.* (proceedings at opening of Parliament), 666, 669; (election of President), 669, 670, 671; (presentation to Governor-General), 674; (Standing Orders Committee), 676; (Printing Committee), 677; (dilatatory motions), 782, 784, 981; (select committees: appointment), 991; (amendment to leave out), 3525; (senators must vote), 3533  
 Sugar Bonus Bill, 2*r.*, 1086; *com.* (bonus), 1485, 1575, 1578, 1861; (power of amendment), 1846, 2488, 2077

**Clarke, Mr. F., Cowper:**

Address in Reply, 18  
 Custom House, Sydney, *q.*, 2012  
 Defence Bill, *com.* (cadets), 3272  
 Federal Capital, *q.*, 4239  
 Naval Agreement Bill, 2*r.*, 2333  
 Newspapers, Carriage of, *q.*, 530  
 Postal Administration, *supply*, 2231  
 Seat of Government Bill, *com.* (seat of government), 5897  
 Shipping Trade, *q.*, 3339  
 Stamps:  
     Commonwealth, *q.*, 444  
     Postage Due, *q.*, 6405  
 Sugar Bonus Bill, 2*r.*, 921  
 Telegraph Stations, coastal, *q.*, 6251

**Clemons, Senator J. S., Tasmania:**

Appropriation Bill, *com.* (Parliament), 5842, 5844; (Home Affairs), 5875, 5944 (*p.o.*, 5952); (Defence), 6013; *cons. mes.*, 6242  
 Business of Senate, *adj.*, 5958  
 Cable, Bass Straits, *q.*, 5737  
 Eastern Extension Company's Agreement, *m.*, 3617  
 Electoral Divisions Bill, *com.* (divisions), 4828  
 Federal Capital, *m.*, 5251, 5559, *adj.*, 6248  
 Military Forces, Tasmania, *adj.*, 3909  
 Naturalization Bill, *com.* (definition), 1928  
 Naval Agreement Bill, *p.o.*, 3846; 2*r.*, 4074; *p.o.*, 4220  
 Naval Defence: Memorandum by Sir John Forrest, *adj.*, 3697  
 Patents Bill, *cons. amdts.* (State Patents), 6245  
 Public Service Regulations, *com.* (Sunday work), 4197  
 Questions, *obs.*, 5627  
 Seat of Government Bill, *com.* (seat of government), 6189, 6198

**Clemons, Senator J. S.—continued.**

Standing Orders, *m.*, 660; *com.* (House of Commons practice), 662, 3440, 3444; (opening of Parliament, 663, 664; (election of President), 670, 671, 672, 3520; (Standing Orders Committee), 676; (Library Committee), 677; (want of quorum), 678; (clauses within title), 752; (decision of committee), 757; (dilatatory motions), 973, 982; (select committees: appointment), 984, 986, 989, 990, 991; (strangers), 998, 999, 1000, 1001; (when President rises), 1002; (obedience), 1002; (facing the Chair), 1002, 1003, 1005, 1006, 1007; (bills Senate may not amend), 3436; (motion for adjournment), 3521; (amendment to leave out), 3524, 3528; (questions), 3725, 3727  
 Sugar Bonus Bill, *com.* (sugar-giving contents), 1586, 1587, 1588, 1589; (power of amendment), 1851; (bonus), 2492

**Conroy, Mr. A. H., Werrica:**

Address in Reply, 345  
 Advance Vote, *supply*, 1620.  
 Conciliation and Arbitration Bill, *m.*, 2858; 2*r.*, 4041; *com.*, (application), 4678; (public service), 4752, 4787  
 Defence Bill, *com.* (intoxicants), 4068  
 Eastern Extension Company's Agreement, *m.*, 2689  
 Electoral Divisions Bill, 2*r.*, 4448; *com.* (divisions), 4511, 4539; 3*r.*, 4600, 4627  
 Electoral Rolls, *adj.*, 1105  
 Electorates, New South Wales, *q.*, 124; *m.*, 3775; Queensland, *m.*, 3786  
 Estimates, *adj.*, 968; *supply*, 1620  
 Federal Capital, *q.*, 2301; *m.*, 5324; *p.o.*, 5414; *m.*, 5437  
 Friday Sitzings, *m.*, 2305  
 Goldring Case, *supply*, 1422  
 High Court Procedure Bill, 1*r.*, 586; *com.*, (short title), 1622  
 Judiciary Bill, 2*r.*, 743, 796; *com.* (short title), 951; (original jurisdiction), 1060, 1139, 1141, 1144, 3678, 3887, 3891; (judicial power), 1145; (exclusive jurisdiction), 1150, 1189, 1195, 1197, 1201; (removal), 1216; (salaries), 1224, 1324; (pensions), 1243, 1307; (seat of High Court), 1442, 1443; (place of sitting), 1442; (jurisdiction in chambers), 1446; (justices on appeal), 1450; (appeal on constitutional questions, 1540; (indictments), 1556; (mandamus), 3892, 3895  
 Mails:  
     Canadian-Australian, *m.*, 1648  
     Tenders, *adj.*, 4692  
 Meat, Price of, *q.*, 1182  
 Metric System, *ad. rep.*, 1180  
 Ministry: Position of, *q.*, 5385  
 Naval Agreement Bill, *int.*, 1714; (ratification), 2456; (schedule), 2508; (preamble), 2512  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 3007  
 Patents Bill, *cons. amdts.* (manufacture within Commonwealth), 6262  
 Payments to States, *supply*, 2665  
 Postal Administration, *supply*, 1621  
 Rules Publication Bill, 2*r.*, 6266  
 Seat of Government Bill, 2*r.*, 5725; *com.* (balot), 5813, 5815; (seat of government), 583 5881, 5937; (area), 5986, 5989, 5993, *cons. amdts.*, 6271, 6298

**Conroy, Mr. A. H.—continued.**

Standing Orders, *q.*, 444 ; *obs.*, 1621  
 Sugar Bonus Bill, *int.*, 688 ; *2r.*, 922 ; *com.*  
 (bonus), 927, 928, 934, 938, 1016, 1026, 1035 ;  
 (calculation of bonus), 944 ; (rebates), 949  
 Sugar Excise, *q.*, 12  
 Sugar Rebate Abolition Bill, *1r.*, 687 ; *2r.*, 950 ;  
*3r.*, 1037  
 Supply : Parliament, 6384  
 Supply Bill (No. 1), *int.* (Treasury), 1620 ; *int.*  
 (Postmaster-General), 1621  
 Supply Bill (No. 2), *int.* (Treasury), 2665  
 Telegraph and Telephone Services, *supply*,  
 1621  
 Telephone Guarantees, *q.*, 1183

**Cook, Mr. J. N. H. Hume, Bourke :**

Address in Reply, 170  
 Coinage, *ad. rep.*, 893  
 Conciliation and Arbitration Bill, *2r.*, 3973  
 Defence Department : Clerks, *q.*, 6360, 6439.  
 Electoral Administration, *q.*, 125, 910 ; *adj.*,  
 6217  
 Finances, Misrepresentation, *q.*, 1015, 1183  
 Friday Sittings, *m.*, 2305  
 Judiciary Bill, *com.* (pensions), 1239, 1307  
 Metric System, *m.*, 1178  
 Military Forces : Lt.-Cols. Braithwaite and  
 Reay, *q.*, 234 ; *m.*, 584  
 Naval Agreement Bill, *2r.*, 2034  
 New Hebrides, *q.*, 1761  
 Papua (British New Guinea) Bill, *com.* (land  
 grant), 2893  
 Patents Bill, *com.* (prior specifications), 5593 ;  
 (fees), 6104, 6108, 6110  
 Powder Magazine, Maribyrnong, *q.*, 2749  
 Printing-office, *supply*, 5475  
 Public Service :  
   General Division, *q.*, 910  
   Increments, *supply*, 1420  
   Letter Carriers, *q.*, 4338  
   Life Assurance, *q.*, 1525  
   Overtime, *q.*, 1524  
   Vacancies, *q.*, 3339  
 Supply :  
   Defence, 5174  
   External Affairs, 5064  
   Post and Telegraph, 5200

**Cook, Mr. Joseph, Parramatta :**

Address in Reply, 255  
 Ammunition Factory, *q.*, 4239  
 Appropriation Bill, *2r.*, 5579 ; *3r.*, 5654  
 Appropriation (Works and Buildings) Bill, *3r.*,  
 5660  
 Budget, 4859  
 Business of House, *adj.*, 4363  
 Conciliation and Arbitration Bill : Publication  
 in *Age*, *obs.*, 1766 ; *2r.*, 4274 ; *exp.*, 4365 ;  
*adj.*, 4455, 4843 ; *supply*, 5386  
 Cotton Bonus, *m.*, 1502  
 Customs Department : Leave, *q.*, 5961  
 Defence Bill, *com.* (defence force), 3035 ; (per-  
 manent forces), 3089 ; (citizen forces), 3098 ;  
 (enlistments), 3228 ; (exemptions), 3231 ;  
 (cadet corps), 3266  
 Eastern Extension Company's Agreement, *m.*,  
 2680  
 Elections, *q.*, 5575  
 Electoral Administration, *q.*, 1523, 1761, 1863,  
 2012

**Cook, Mr. Joseph—continued.**

Electoral Divisions Bill, *int.*, 4312 ; *2r.*, 4426 ;  
*p.o.*, 4511 ; *com.* (divisions), 4535 ; *3r.*, 4594,  
 4620  
 Electorates, *q.*, 2981, 3292  
 N.S.W., *m.*, 3735  
 Queensland, *m.*, 3861  
 Tasmania, *m.*, 4325, 4342  
 Western Australia, *m.*, 4359  
 Federal Capital, *adj.*, 2360 : *q.*, 2980, 3085,  
 3338 ; *adj.*, 4394 ; *q.*, 5105 : *p.o.*, 5287 ; *m.*,  
 5308, 5416, 5422, 5426, 5428 ; *supply*, 5654 ;  
*adj.*, 6414  
 Finances, Misrepresentation, *p.o.*, 1185  
 Friday Sittings, *m.*, 2309  
 Fruit, Inspection of, *q.*, 4500  
 Goldring Case, *supply*, 1438  
 Judiciary Bill, *2r.*, 828 ; *com.* (salaries), 1226 ;  
 (pensions), 1298 ; (judges), 1344, 1351 ; (in-  
 dictments), 1561 ; *3r.*, 1902  
 Macedonia Massacres, *q.*, 5651  
 Mails :  
   Canada, *m.*, 1645, (*p.o.*, 1655), 1659  
   Oversea, *q.*, 3085  
   Tenders, *adj.*, 4687  
 Milton Post Office, *q.*, 1962  
 Naval Agreement Bill, *2r.*, 2069 ; *com.* (ratifi-  
 cation), 2462  
 Overtime, *q.*, 1296, 1521 ; *supply*, 1621 : *q.*,  
 1864, 1962  
 Papua (British New Guinea) Bill, *com.* (land  
 grant), 2890 ; (prohibition of intoxicants),  
 3002  
 Patents Bill, *com.* (administration), 5512 ; (the  
 Crown), 5623  
 Postal Administration, *supply*, 2237  
 Properties Transferred, *q.*, 3084  
 Press Messages, *q.*, 3339  
 Public Servants : Increments, *supply*, 2666  
 Queensland, Representation, *adj.*, 2963  
 Rifle Clubs, *supply*, 4341, 5476  
 Seat of Government Bill, *int.*, 5652 ; *com.*  
 (ballot), 5803 ; (seat of government), 5830,  
 5888 ; *cons. amds.*, 6280, 6294, 6298  
 Sugar Bonus Bill, *cons. mes.* (power of amend-  
 ment), 2026  
 Supply :  
   Defence, 5171  
   Parliament, 6385, 6394  
   Trade and Customs, *p.o.*, 5133  
 Supply Bill (No. 1), *int.* (Treasury), 1621  
 Telephone Guarantees, *q.*, 531, 788 ; *supply*,  
 1437, 1438 ; *q.*, 1524, 1712, 3180 ; *supply*, 5477  
 Trade, Preferential, *q.*, 3546, 4748

**Cooke, Hon. S. Winter, Wannon :**

Address in Reply, 574  
 Conciliation and Arbitration Bill, *int.*, 1771 ;  
*com.* (application), 4676  
 Defence Bill, *2r.*, 2546 ; *com.* (provisional ap-  
 pointments), 3025 ; (Army Act), 3224  
 Electoral Divisions Bill, *int.*, 4314 ; *2r.*, 4451  
 Federal Capital, *m.*, 5404  
 Judiciary Bill, *com.* (pensions), 1233, 1317 ;  
 (place of sitting), 1443  
 Library, *q.*, 5781  
 Papua (British New Guinea) Bill, *corr.* (submis-  
 sion of questions), 2977 ; (ordinances), 2985 ;  
 (appeal to High Court), 2987  
 Patents Bill, *com.* (who may apply), 5520 ;  
 (compulsory licences), 5619 ; (manufacture  
 within Commonwealth), 5667

**Cooke, Hon. S. Winter—continued.**

Seat of Government Bill, *com.* (area), 5983  
 Sittings, *Late, adj.*, 2279  
 Supply : Parliament, 5060  
 Standing Orders, *com.* (Imperial Parliament), 6215

**Crouch, Mr. R. A., Corio :**

Blind Travellers, *obs.*, 3292  
 Budget, 4387  
 Business, Private Members', *q.*, 125  
 Clothing Factory, *m.*, 1517  
 Conciliation and Arbitration Bill, *com.* (application), 4684  
 Consuls in Australasia, *q.*, 4239  
 Customs Officers, Charges for, *q.*, 531  
 Customs Revenue, *q.*, 3729  
 Defence Bill, 2*r.*, 2547 ; *com.* (permanent forces), 3092 ; (service outside Commonwealth), 3125 ; (naval forces), 3221 ; (Army Act), 3222, 3224 ; (exemptions), 3234 ; (cadet corps), 3275, 3278 ; (offences), 3286 ; (refusing to be sworn), 3288 ; (laws applicable), 3290 ; (court-martial), 4060 ; (recovery of moneys), 4060 ; (inducing to enlist), 4068 ; (intoxicants), 4071 ; *cons. amdts.* (Council of Defence), 6121

**Defence Forces :**

Commissioned Officers, *m.*, 583  
 Light Horse, *q.*, 3084  
 Pay, *q.*, 1762  
 Victorian Council of Defence, *q.*, 1962  
 Eastern Extension Company's Agreement, *m.*, 2688  
 Election : East Sydney, *q.*, 5274  
 Electoral Regulations, *q.*, 5881  
 Electoral Rolls, *q.*, 4239  
 Electorates, *q.*, 3447, 3953  
 Exports of Fodder, *q.*, 1525  
 Federal Capital, *q.*, 530 ; *p.o.*, 5414 ; *m.*, 5417, 5426, 5437 ; *adj.*, 5669 ; *q.*, 5880  
 Goldring Case, *supply*, 1434  
 Governor-General, *q.*, 909, 2748, 3336  
 High Court, *q.*, 5576  
 High Court Procedure Bill, *com.* (juries), 1630, (Commonwealth suits), 1635 ; (no execution), 1639 ; (rules of court), 1639 ; (suits against Commonwealth or State), 1717, 1719  
 Imperial Service Order, *q.*, 329  
 Judiciary Bill, 2*r.*, 717 ; *com.* (original jurisdiction), 1043 ; (pensions), 1233 ; (seat of High Court), 1441 ; (registries), 1442 ; (quorum), 1448, 1449 ; (costs), 1451 ; (barrister), 1454, 1455, 1554 ; (discharge of persons), 1530 ; (appeal on constitutional grounds), 1537 ; (justices not to hold other office), 1566  
 Naval Agreement, *q.*, 686, 2302  
 Speech by State Governor, *q.*, 685  
 Naval Agreement Bill, *int.*, 1713 ; 2*r.*, 1802 ; *com.* (*p.o.*, 2444) (ratification), 2457 ; (schedule), 2508 ; (preamble), 2514  
 Naval Forces, *q.*, 4500  
 New Guinea, *q.*, 1182  
 Newspaper Supplements, *adj.*, 2563, 3181  
 Pacific Island Labourers Act, *Supply*, 1435  
 Papua (British New Guinea) Bill, *com.* (officers), 2883  
 Patents Bill, *com.* (powers of commissioner), 5515 ; (trusts), 5518 ; (application), 5523 ; (damages), 5612 ; (compulsory licences), 5615, 5621 ; (patent attorneys), 5624  
 Petition, Language of, *p.o.*, 1011

**Crouch, Mr. R. A.—continued.**

Postage due stamps, *q.*, 6405  
 Precedence Table, *q.*, 2125, 2223  
 Quarters : deductions for, *q.*, 5386  
 Rifle Clubs, *q.*, 6103  
 Sugar Bonus Bill, 2*r.*, 917  
 Seat of Government Bill, 2*r.*, 5800 ; *com.* (seat of government), 5934 ; (area), 5981  
 Supply :  
   Defence, 5160  
   External Affairs, 5065  
   Parliament, 5062  
   Trade and Customs, 5107  
 Telephone Operators, *q.*, 686  
 Whale Oil, *q.*, 2301

**Cruikshank, Mr. G. A., Gwydir :**

Address in Reply, 308  
 Conciliation and Arbitration Bill, 2*r.*, 4286  
 Electoral Divisions, N.S.W., *exp.*, 4126  
 Electoral Rolls, *adj.*, 1115  
 Judiciary Bill, *com.* (pensions), 1235  
 Narrabri-Walgett Mail Service, *q.*, 4312, 4500  
 Seat of Government Bill, *cons. amdts.*, 6271, 6288

**Dawson, Senator A., Queensland :**

Address in Reply, 227  
 Adjournment : motions for, *m.*, 5746  
 Appropriation Bill (No. 2) 2*r.*, 6348 ; *com.* (short title), 6353 ; (schedule), 6354  
 Carroll, Major, *q.*, 5329  
 Defence Bill, *com.* (appointments during pleasure), 4492 ; (intoxicants), 4998  
 Electoral Divisions : Queensland, *q.*, 1820  
 Electoral Divisions Bill, *com.* (divisions), 4830  
 Federal Capital, *m.*, 5244  
 Naturalization Bill, 2*r.*, 1708 ; *com.* (definition), 1925 ; (evidence), 2193, 2194  
 Naval Agreement Bill, 3*r.*, 4297  
 Pacific Cable, *adj.*, 4700  
 Saunders, Senator, Vote of, *p.o.*, 4572 ; *m.*, 4649  
 Seat of Government Bill, *ad. rep.*, 6227 ; *cons. amdts.* (seat of government), 6341  
 Standing Orders, *com.* (dilatory motions), 781, 783, 784, 866, 869, 971 ; (offence reported), 1068 ; (suspension), 1069  
 Sugar Bonus Bill, 2*r.*, 1256 ; *com.* (bonus), 1380, 2501

**Deakin, Hon. A., Ballarat :**

Accounts Committee, *q.*, 5878  
 Agricultural Department, *q.*, 5577  
 Appropriation Bill, 2*r.*, 5579 ; (Parliament), 6138  
 Appropriation (Works and Buildings) Bill, 3*r.*, 5662  
 Attendances of members, *q.*, 6360  
 Attorney-General as Counsel, *q.*, 5879  
 Barton, Sir Edmund, resignation of, *obs.*, 5463  
 Business of House, *adj.*, 1663, 3131, 3899 ; 5999 ; *q.*, 6103 ; *adj.*, 6145  
 Certificates, Interstate, *adj.*, 6149  
 Coinage, *q.*, 6251  
 Conciliation and Arbitration Bill, *m.*, 2858 ; *q.*, 3546 ; 2*r.*, 2858, 4182, 4287 ; *q.*, 4288 ; *obs.*, 4366 ; *com.* (application), 4661, 4665 ; (public service), 4754, 4779, 4785 ; *adj.*, 4847  
 Consuls in Australasia, *q.*, 4239



Deakin, Hon. A.—*continued.*

Defence Bill, *cons. amds.* (interpretation), 6116; (compensation for injuries), 6132, 6133  
 Dissolution, *q.*, 5575, 5672  
 Elections, *q.*, 5575, 5781; *adj.*, 6218  
 Electoral Divisions, *m.*, 3560  
 Electoral Rolls, *adj.*, 6149, 6251  
 Estimates, *adj.*, 968  
 Extradition Bill, 2*r.*, 6134; *com.* (commencement), 6135; (terms defined), 6137  
 Federal Capital, *q.*, 3085, 4239, 5467, 5576; *supply*, 5654; *adj.*, 5667, 5669; *q.*, 5671; *adj.*, 5736; *q.*, 5781, 5880, 6103, 6204, 6249; *adj.*, 6432  
 Forrest, Sir John, *q.*, 4365  
 Fremantle Defences, *q.*, 2125  
 Fruit, preservation, *q.*, 5653  
 Goldring Case, *q.*, 586, 842, 1014; *supply*, 1411  
 Governor-General: address to, *m.*, 6405  
 High Court:  
   First Sitting, *q.*, 5577  
   Judges, *obs.*, 5463; *adj.*, 5466  
   Practitioners, *q.*, 5672  
 High Court Procedure Bill, 2*r.*, 1525; *com.* (short title), 1622; (interpretation), 1623; (repeal of Act), 1623; (district registries), 1624; (transmission of documents), 1625; (juries), 1628, 1629; (production of books), 1631; (no execution), 1638; (rules of court), 1639, 1640; (suits by Commonwealth), 1717; (suits against Commonwealth or State), 1718; (certificate of judgment), 1720; *cons. amds.*, 4238  
 High Court Procedure Amendment Bill, 2*r.*, 6137  
 Income Tax, *q.*, 788  
 Judiciary Bill, 2*r.*, 587, 838; *com.*, 950; (original jurisdiction), 952, 953, 1140, 1535, 3674, 3678, 3888; (appellate jurisdiction), 1141, 1142, 1143, 1146, 1154; (exclusive jurisdiction), 1187, 1188, 1190, 1191, 1193, 1195, 1196, 1198, 1202, 1210, 3898; (removal), 1211, 1223, 1548; (salaries), 1228; (pensions), 1237, 1241, 1309; (judges), 1337; (qualification of judges), 1440; (registries), 1442; (jurisdiction in chambers), 1445, 1446, 1447; (quorum), 1449, 1543; (remittal), 1452; (certiorari), 1453; (barristers), 1454, 1550; (criminal cases), 1526, 1527; (indictments), 1529, 1543, 1555, 1558, 1564; (points of law), 1531, 1533, 1663; (injunction), 1534; (jurisdiction of State Courts), 1535, 1545, 3898; (claims against Commonwealth), 1537, 3898, 3899; (appeals), 1541, 1543, 1544, 1661, 3896, 3897; (justices not to hold other office), 1565, 1566; (suits). 1660; 3*r.*, 1864; (mandamus), 3892, 3893, 3896  
 Kanakas, recruiting, *adj.*, 5627  
 Library, *q.*, 5781  
 Old-age Pensions, *q.*, 5878  
 Mails:  
   Canada, *p.o.*, 1655; *m.*, 1659  
   Contracts, *q.*, 5467, 5672  
   Delays, *q.*, 6360  
 Macedonia, Massacres, *q.*, 5651  
 Maritime Legislation, *q.*, 6405  
 McMillan, Sir William, *adj.*, 5465  
 Ministry, New, *obs.*, 5463  
 Navigation Bill, *q.*, 5576  
 Northcote, Lord, reception, *q.*, 6359  
 Pacific Cable Conference, *q.*, 5575

Deakin, Hon. A.—*continued.*

Patents Administration, *q.*, 6404  
 Patents Bill, *com.* (definitions), 5507, 5509, 5510; (saving of rights), 5511; (administration), 5512; (commissioner), 5514; (powers), 5514; (register), 5515, 5516; (trusts), 5518; (fraud), 5518; (who may apply), 5520, 5521; (application), 5524; (examiner to report), 5582; (previous patenting), 5585; (action on report), 5588; (acceptance), 5589, 5591; (prior specifications), 5592, 5594, 5599; (acceptance advertised), 5604; (examiner's report), 5608; (opposition), 5608, 5609; (appeal), 5610; (sealing), 5611; (additional patent), 5612; (compulsory licences), 5614; (patent attorneys), 5624; (patent agents), 5625; (falsely describing), 5625; (exhibit), 5626; (labelling), 5663; (delegation of powers), 5663; (appeal), 5664; (manufacture within Commonwealth), 5665, 6257, 6263; *recom.*, 6104; (lapse of application), 6104; (fees), 6105, 6107, 6109; (assessors), 6110; (State patents), 6110, 6252; (priority), 6112, 6113; (acquisition by Commonwealth), 6113, 6115  
 Patents Commissioner, *q.*, 5961  
 Postage due stamps, *q.*, 6405  
 Postal Deliveries, Sunday, *q.*, 5672  
 Postal Votes, *q.*, 5671  
 Preferential Trade, *q.*, 1126, 5879, 5959, 5960  
 Private Members' Business, *adj.*, 5998  
 Prosecutions, *q.*, 6360  
 Public Service:  
   Classification, *q.*, 5672  
   Examinations, *adj.*, 6149  
   General Division, *q.*, 910  
   Increments, *q.*, 1618  
   Overtime, *q.*, 6204  
   Regulations, *q.*, 5577, 5653, 6103, 6360, 6407, 6409  
 Public Service Act Amendment Bill, *in.*, 6207; *com.*, (section 80), 6208  
 Queensland, Representation, *adj.*, 2962  
 Rules Publication Bill, 2*r.*, 6264; *com.*, (notice and representation), 6267, 6268, 6401; (Statutory rules), 6266  
 Seat of Government Bill, 2*r.*, 5733; *adj.*, 5735; *com.*, (ballot), 5810; (seat of government), 5830, 5934; (area), 5937, 5971, 5974, 5987, 5995, 5996, 5998; *cons. amds.*, 6269, 6295; *m.*, 6402  
 Session, Close of, *obs.*, 6438  
 Solomon Islands: Smuggling of Arms, *q.*, 5879  
 South African Trade, *q.*, 5961  
 Standing Orders, *supply* 5581; *adj.*, 6149; *com.* (Imperial Parliament), 6209, 6215  
 Supply: Parliament, 6382, 6389, 6392, 6393, 6395, 6399, 6400  
 Tea Duty, *exp.*, 443  
 Telegraph Messages, Tax on, *q.*, 4397  
 Telephones: Bendigo, *q.*, 6405  
   Kalgoorlie, *q.*, 5881, 6102  
 Transcontinental Railway, *q.*, 3086, 5652, 6249, 6252; *adj.*, 6378, 6434

**De Largie, Senator H., Western Australia:**  
 Appropriation Bill, *com.*, (Parliament), 5843, 5847, 5854; (External Affairs), 5857; (Treasury), 5966; (Postmaster-General), 6025  
 Appropriation Bill (No. 2), 2*r.*, 6349  
 Address in Reply, 110  
 Business of Senate, *adj.*, 4656

**De Largie, Senator H.—continued.**

Bonuses for Manufactures Commission, *q.*, 4074  
 Customs Decisions, *m.*, 2291  
 Defence Bill, *com.* (domestic violence), 4556  
 Defence Forces, Tasmania, *adj.*, 3902  
 Dobson, Senator, *q.*, 3038  
 Federal Capital, *q.*, 3900; *m.*, 5235  
 Friday Sittings, *m.*, 2811  
 Japanese Officers at Review, *q.*, 182  
 Judiciary Bill, 2*r.*, 2914  
 Mails, Carriage of, *q.*, 385  
 Metric System, *m.*, 2290  
 Naturalization Bill, 2*r.*, 1739; *com.* (persons who may apply), 1954, 1957  
 Naval Agreement Bill, 2*r.*, 4030; 3*r.*, 4295  
 Old-age Pensions, *m.*, 4463  
 Patents Bill, 2*r.*, 2106; *com.* (commissioner), 2212; (examiner's report), 3297, 3302; (previous patenting), 3306, 3309; (officers not to be registered), 3335; (fees), 3539  
 Postal Department: Vacancies, *q.*, 6318  
 Post and Telegraph Act Amendment Bill, 2*r.*, 5540  
 Public Service Regulations, *m.* (politics), 849; *com.* (luncheon time), 2571; (overtime and Sunday work), 2580, 2582, 4198; (traveling allowances), 4210, 4797  
 Referendum, Fiscal, *m.*, 5330, 5345, 5347  
 Seat of Government Bill, *ad. rep.*, 6226  
 Standing Orders, *com.* (opening of Parliament), 666, 667; (election of President), 669, 3518; (presentation to Governor-General), 673; (Chairman of Committees), 674, 675; (senators' roll), 678; (President or Chairman voting in seats), 684; (dilatatory motions), 780, 871; (amendment to leave out), 3522  
 Sugar Bonus Bill, 2*r.*, 1254; *com.* (bonus), 1373, 1486  
 Supply Bill (No. 2), 2*r.*, 2731  
 Supply Bill (No. 3), 1*r.*, 5455  
 Survey, Coastal, *q.*, 1456; *m.*, 5754  
 Tobacco Monopoly, *m.*, 4182  
 Transcontinental Railway, *m.*, 2187; *supply*, 5455

**Dobson, Senator Hon. H., Tasmania:**

Address in Reply, 215  
 Appropriation Bill, *com.* (Parliament), 5846; (Attorney-General), 5868; (Home Affairs), 5868, 5877, 5944, 5949, 5950, 5952; (Treasury), 5955, 5956  
 Cable, Bass Strait, *q.*, 654  
 Chamberlain, Mr., Visit by, *q.*, 2279, 3036, 5629  
 Constitution, Amendment of, *m.*, 4792  
 Defence Bill, *com.* (power to appoint), 4478; (appointments: provisional), 4482; (appointments during pleasure), 4491; (domestic violence), 4555; (provision for families), 4582; (liability to serve), 4583; (cadets), 4875, (*p.o.*, 4881), 4882, 4889; (commanding officer), 4908; (regulations), 4913, 4914, 4915; (Council of Defence), 4989, 5646, 5648, 6234; (intoxicants), 4999; *recons. amds.*, 5001, 5002, 5004; *ad. rep.*, 5630, 5631, 5641.  
 Defence Forces, Tasmania, *adj.*, 3903  
 Federal Capital, *m.*, 5232, 5267, 5525, 5566  
 High Court: Judges, *p.o.*, 5444  
 High Court Procedure Bill, *com.* (juries), 3259; (security), 3261

**Dobson, Senator Hon. H.—continued.**

Inter-State Commission, *q.*, 1574  
 Judiciary Bill, 2*r.*, 2718; *com.* (appeals), 3139, (new trials), 3140; (exclusive jurisdiction), 3142; (jurisdiction of State courts), 3143, 3144, 3150; (pensions), 3156; (registrars), 3169, 3170; (execution), 3174; (rules), 3250; (repeal of Act No. 21), 3253  
 Mail Steamers: Coloured labour, *adj.*, 6357  
 Marriage Bill, *q.*, 1575  
 Ministers in Senate, *m.*, 1463  
 Naturalization Bill, *com.* (persons who may apply), 1942  
 Naval Agreement Bill, 2*r.*, 3821; 3*r.*, 4294  
 Naval Subsidy: Address by State Governor, *q.*, 1247; *m.*, 3405  
 Patents Bill, 2*r.*, 2092; *com.* (commencement), 2115; (parts), 2116; (definitions), 2119; (commissioner), 2209, 2213, 2215; (powers), 2215; (officers), 2217; (register), 2220; (drawing), 3296; (extension of term), 3316; (revocation), 3317; (compulsory licences), 3331; (assessors), 3331; (penalty), 3536  
 Post and Telegraph Act Amendment Bill, 2*r.*, 5555, 5526  
 Printing Committee, *ad. rep.*, 4809  
 Public Service Regulations, *m.* (politics), 857; *m.*, 2569; *com.* (luncheon time), 2572; *ad. rep.*, 5352.  
 Public Works, *m.*, 2580  
 Saunders, Senator, Vote of, *m.*, 4646  
 Seat of Government Bill, 2*r.*, 6062; (seat of government), 6195, 6198, 6200, 6201; *ad. rep.*, 6202, 6225; *cons. amds. (p.o.)*, 6344  
 Senate: Officers' Salaries, *q.*, 5736  
 Standing Orders, *com.* (irregular amendments), 762; (dilatatory motions), 782; (select committees: appointment), 985; (draft report), 994; (strangers), 999; (facing Chair), 1004, 1008; (Commons' practice), 3443; amendment to leave out, 3527; (questions), 3724  
 Sugar Bonus Bill, 2*r.*, 1083; *com.* (bonus), 1478; (power of amendment), 2407  
 Supply Bill, (No. 2), 2*r.*, 2733  
 Survey, Coastal, *m.*, 5756

**Downer, Senator Hon. Sir John W., K.C.M.G., K.O., South Australia:**

Address in Reply, 69  
 Appropriation Bill, *com.* (Postmaster-General), 6022  
 Business of Senate, *adj.*, 4659  
 Defence Bill, *com.* (naval forces), 4557; (cadets), 4886; *m.*, 5004  
 Electoral Divisions Bill, *com.* (divisions), 4833  
 Federal Capital, *m.*, 5238, 5253  
 Governor of Victoria and Federal Politics, *m.*, 3406  
 Judiciary Bill, 2*r.*, 3050  
 Naturalization Bill, 2*r.*, 1707; *com.* (definition), 1752, 1919  
 Naval Agreement Bill, 2*r.*, 3943; *p.o.*, 4217; 3*r.*, 4291  
 Naval Subsidy: Address by State Governor, *m.*, 3406  
 Public Service Regulations, *com.* (Sunday work), 4206  
 Saunders, Senator, Vote of, *p.o.*, 4565, 4576; *m.*, 4649  
 Seat of Government Bill, 2*r.*, 6050  
 Senate Elections Bill, *q.*, 1663; *recom.*, 1664, 1674

**Downer, Senator Hon. Sir John W.—continued.**

Standing Orders, *com.* (dilatatory motions), 970, 977, 983; (select committees: appointment), 985, 990; (disputed return: petition), 997; (when President rises), 1002; (facing Chair), 1003; (Commons' practice), 3440; (election of President), 3516  
 Sugar Bonus Bill, 2*r.*, 1250; *com.* (bonus), 1363; (power of amendment), 1703, 1821, 2400, 2487

**Drake, Senator Hon. J. G., Queensland:**

Acts of Parliament, *q.*, 3131  
 Address in Reply, 183  
 Adjournment: Motions for, *m.*, 5741  
 Appropriation Bill, *com.*, (Parliament), 5844, 5848, 5849, 5853; (External Affairs), 5857, 5859, 5860; (Attorney-General), 5868; (Home Affairs), 5870, 5949; (Defence), 5958, 6001, 6002, 6003, 6004, 6005, 6008, 6009, 6015; (Postmaster-General), 6019; *cons. meas.*, 6243  
 Appropriation (Works and Buildings) Bill, 2*r.*, 6040  
 Barton, Sir Edmund, resignation, *obs.*, 5439  
 Business of Senate, *obs.*, 497, 528; *adj.*, 4656, 4659, 5004  
 Cables:  
   Bass Strait, *q.*, 654  
   Eastern Extension Coy.'s, *q.*, 2468, 2469, 3038, 4008, 4628; *m.*, 3608, 3617; *com.*, 3633, 4302  
   Pacific, *q.*, 4629; *adj.*, 4698, 4704; *q.*, 4974, 5223, 5329; *supply*, 5461, 5462  
*Commonwealth*, Battleship, *q.*, 1355  
 Custom House, Hobart, *q.*, 969  
 Customs Decisions, *m.*, 1472  
 Customs Duties, Tasmanian, *q.*, 4974  
 Customs Fines, *q.*, 968, 1574  
 Customs Prosecutions, *q.*, 1574, 1820; *adj.*, 5834  
 Days and Hours of Sitting, *m.*, 69  
 Defence Bill, 2*r.*, 4467; *com.* (State Acts), 4475; (power to appoint), 4478, 4479, 5634; (performance of duties), 4480; (provisional appointments), 4482; (appointments during pleasure), 4483, 4484, 4486, 4490, 4492; (non-commissioned officers), 4493, 5634, 5635; (seniority), 4494; (distinguished service) 4494; (military and naval college), 4495; (citizen forces), 4495, 4496, 4497; (enlistment), 4548; (discharge), 4551, 5638, 6233; (juries), 4552; (permanent forces), 4553, 4454; (domestic violence), 4555; (naval forces), 4557, 4558, 4559; (Army Act), 4579; (provision for families), 4580, 4582, 4992, 5638, 6233; (liability to serve), 4583; (exemptions), 4584, 4585; (cadets), 4877, (*p.o.*, 4879), (railways), 4894; (billeting) 4894; (Crown lands), 4895; (tolls), 4895; (uniforms), 4896; (courts-martial), 4897, 4898, 4900; (contempt of court), 4904, 4993; (punishment), 4905; (active forces to attend), 4905; (summons), 4906; (counsel), 4907; (commanding officer), 4908; (power to arrest), 4909; (service beyond Commonwealth), 4909; (notice), 4911; (regulations), 4912, 4913, 4914, 4975, 5639; (Council of Defence), 4982, 5643, 5645, 5646, 5648, 6234; (resignation of commission), 4992; (discharge), 4992; (intoxicants), 4998; (schedule), 5,000; *recom.*, 5001, 5002, 5003, 5004; (Board of Advice), 5636; (trespass), 5639; *ad. rep.*, 5630, 5632  
 Defence Equipment, *q.*, 1356; *supply*, 1680, 2741; *q.*, 5525

**Drake, Senator Hon. J. G.—continued.**

Defence Expenditure, *q.*, 2078  
 Elections, Victoria, *q.*, 6047  
 Electoral Administration:  
   Regulations, *q.*, 747, 5736, 6046  
   Returning officers, *q.*, 6151  
   Rolls, *q.*, 182  
   W.A. Electoral Officer, *q.*, 1721  
 Electoral Divisions:  
   Queensland, *q.*, 1820  
   South Australia, *m.*, 4544  
   Tasmania, *m.*, 4544  
 Electoral Divisions Bill, 2*r.*, 4715, 4824; *com.* (divisions), 4828  
 Extradition Bill, 2*r.*, 5756  
 Federal Capital, *obs.*, 4789; *m.*, 5223, 5225, 5270, 5558; *cons. meas.*, 5567, 5572; *q.*, 5628  
 Flag, *q.*, 3789  
 Fortifications:  
   Albany, *q.*, 385, 654  
   Fremantle, *q.*, 2078, 2079  
 Friday Sittings, *m.*, 2812  
 Governor-General: Establishment, *m.*, 3415  
 Griffith, Sir Samuel, *q.*, 5329  
 High Court:  
   Judges, *q.*, 4874, 5222, 5329; *obs.*, 5439  
   Opening, *q.*, 5629  
 High Court Procedure Act Amendment Bill, *int.*, 5836  
 Immigration Restriction Act, *q.*, 67, 1064, 1664  
 Income Tax: Victorian, *q.*, 5525, 6151  
 Inter-State Commission, *q.*, 1574  
 Japanese Officers at Review, *q.*, 182  
 Kanakas deportation, *m.*, 5749  
 Library, Commonwealth, *q.*, 1664  
 Mails:  
   Canadian-Australian, *m.*, 1093  
   Contracts, *q.*, 385, 968; *supply*, 5460  
   English, *q.*, 2187, 4628  
   Fremantle, *q.*, 5330  
   New Guinea, *q.*, 5329  
   Service, *q.*, 747  
   South Australian, *q.*, 2692  
   Western Australian, *q.*, 2468  
 Marriage Bill, *q.*, 1575  
 Meteorological Reports, *q.*, 181  
 Military Forces:  
   Adjutants, *q.*, 4791, 4974  
   Annuities, 5223  
   Carroll, Major, *q.*, 5329  
   Commandant's Report, *q.*, 1820  
   Lt.-Cols. Braithwaite and Reay, *q.*, 182; *m.*, 522; *q.*, 1456; *supply*, 1688  
   Paid Officers, *q.*, 2364  
   Regimental Funds, *q.*, 3397  
   Staff Instructors, *q.*, 3508  
   Status of Officers, *q.*, 2078  
   Tasmanian, *q.*, 3790; *adj.*, 3905, 3912; *q.*, 4073  
 Ministers in Senate, *m.*, 1459; *q.*, 1916; *m.*, 3791  
 Ministry:  
   New, *obs.*, 5439  
   Position of, *q.*, 4789  
 Naturalization Bill, 2*r.*, 1607, 1747; *com.* (definition), 1752, 1754, 1917, 1929; (persons who may apply), 1933, 1934, 1935, 1944, 1945, 1948, 1956, 1957; (evidence), 2188, 2189, 2190, 2193, 2195, 2200, 2201, 5649; (naturalization of women), 2205, 2207; (fee-), 2201; *cons. meas.* (persons naturalized in a State), 2203, 5649; (effect), 5650; (children), 5650

Drake, Senator Hon. J. G.—*continued.*

## Naval Defence :

Memorandum by Sir J. Forrest, *adj.*, 3700Commonwealth vessels, *q.*, 3789Old-age Pensions, *m.*, 4463Papua (British New Guinea) Bill, *q.*, 4792Patents, *q.*, 497, 2362

Patents Bill, 2*r.*, 2079, 2111; *com.* (commencement), 2114; (parts), 2116; (definitions), 2117, 3540, 3541, 3543; (saving of rights), 2123, 2124, 2207; (State Acts), 2208, 6244; (commissioner), 2209, 2210, 2213, 2214, 2215; (powers), 2215, 2216; (officers), 2217; (register), 2218, 2220; (who may apply), 3294, 3295; (specifications), 3295; (examiners' report), 3297, 3298, 3301, 3303, 3312, 3313, 6246; (previous patenting), 3307; (action on report), 3310, 3311, 3542; (infringement), 3311; (lapse of application), 3311; (appeal), 3313; (prior patent), 3314; (invalid claim), 3314; (advertisement), 3315; (extension of term), 3316, 3317; (revocation), 3317, 3318; (working), 3319, 3321, 3324, 3330, 6247; (assignment), 3332, 3333, 3543; (attorneys), 3333; (registration), 3334; (privileges), 3334; (officers not to be registered), 3335; (offences), 3535; (international arrangements), 3535; (penalty), 3536, 3538; (fees), 3539, 3540; *cons. amdts.*, 6243; (deputy commissioner), 6244; (State patents), 6244, 6245, 6319, 6325; (acquired by Commonwealth), 6248

Post and Telegraph Act Amendment Bill, 2*r.*, 5538Post and Telegraph Services, *q.*, 497, 1456, 2075; *q.*, 4974

## Post Office Employés :

Deputy Postmaster-General, W.A., *q.*, 2362Embezzlement Cases, *q.*, 1456Letter Carriers, *q.*, 748, 2362, 2363, 2692Paymaster Payne, *q.*, 842Police, *q.*, 1664Sunday and Overtime Work, *q.*, 1456, 2075, 2362, 2692, 5222

## Post and Telegraph Offices :

Gawler, *q.*, 2566George-street, Sydney, *q.*, 1356, 2075Mount Gambier, *q.*, 181, 385Perth, Tasmania, *q.*, 4182Woollahra, *q.*, 968Precedence, Ecclesiastical, *q.*, 747Preferential Trade, *q.*, 747, 1064Printing Committee, *ad. rep.*, 4805Private Members' Business, *q.*, 787; *m.*, 3134

## Public Service :

Cleaners, *q.*, 4457Gratuities, *q.*, 1356Minimum Wage, *q.*, 1720Overtime, *q.*, 1820Temporary Employés, *q.*, 1249Public Service Act Amendment Bill, 2*r.*, 6248

Public Service Regulations, *m.* (politics), 844; *m.*, 2567; *com.* (luncheon), 2570; (overtime, Sunday work), 2577, 2582, 2583, 2586, 2588, 4196, 4199, 4206, 4208; (increments), 4209; (travelling allowances), 4210, 4793, 4795, 4797, 4799, 4800, 4802; (railway fares), 4802; *ad. rep.*, 5348

Public Works, *q.*, 654Referendum, Fiscal, *m.*, 5344Revenue, Adjustments, *q.*, 1456Royal Standard, *supply*, 1688Drake, Senator Hon. J. G.—*continued.*

Rules Publication Bill, 2*r.*, 6325, 6327; *com.* (notice and rules), 6328, 6330 (*p.o.*, 6331), 6332; (regulations) 6334

Sargood, Senator, Death of, *m.*, 7Saunders, Senator, Vote of, *p.o.*, 4564; *m.*, 4638Seat of Government Bill, 2*r.*, 6047, 6179; *cons. amdts.* (seat of government), 6335, 6346Senate Elections Bill, 2*r.*, 1097, 1600; *com.* (writ), 1602; (scrutiny), 1602; *q.*, 1663; *recom.*, 1667Ships' Stores, *q.*, 181Silver Coinage, *q.*, 385

## South Africa :

Cost of Contingents, *q.*, 385Landing Permits, *q.*, 182War Commission, *q.*, 4874Stamp, *q.*, 1246, 3397

Standing Orders, *m.*, 654, 662; *com.* (opening of Parliament), 665, 667, 3431; (election of President), 670, 671; (Standing Orders Committee), 676; (Library Committee), 677; (Printing Committee), 677; (Disputed Returns Committee), 678; (vacant seats), 678; (leave of absence), 678; (want of quorum), 679; Government business, 679; (presentation of petition), 679, 680; (restrictions on printing), 681; (President or Chairman voting in seats), 683; (clauses within title), 750; (bill to be in print), 755; (amendments to be relevant), 755; (irregular amendments), 759; (lapsed bills), 764; (bills Senate may not amend), 767, 772; (free conference), 3439; (dilatatory motions), 783, 874, 972, 981, 983; (select committees: appointment), 987, 989, (draft report), 993, 996; (one conference), 998; (document quoted), 998; (facing Chair), 1002, 1007; (motions not debatable), 1065, 1067; (suspension), 1073; *q.*, 1246

Statutes, *q.*, 496

Sugar Bonus Bill, 2*r.*, 1074, 1294; *com.* (bonus), 1358, 1383, 1386, 1391, 1394, 1395, 1397 (*p.o.*, 1399), 1488, 1583, 1584, 1860, 2494; (calculation of bonus), 1585, 1862; (sugar giving contents), 1585, 1586, 1587, 1588; (rebates), 1591; *recom.* (power of amendment), 1691, 1692, 1703, 2487, 2494; *cons. mes.*, 2076

Sugar Rebate Abolition Bill, 2*r.*, 1093Supply Bill, (No. 1), 2*r.*, 1675; *com.* (Defence), 1680, 1688Supply Bill (No. 2), 2*r.*, 2725, 2733; *com.* (Defence), 2741Supply Bill (No. 3), 1*r.*, 5223, 5361; *com.*, 5460Supply, Grant of, *m.*, 1458Survey, Coastal, *q.*, 1456; *m.*, 5755Tea, Imports, *q.*, 1247Telegraphs: Reuter's, *q.*, 4630Telephone Service, *q.*, 2469Tobacco Monopoly, *m.*, 1473Trade, Preferential, *q.*, 5329Transcontinental Railway, *q.*, 4791Wharfage Rates, *q.*, 1455Edwards, Mr. G. B., *South Sydney :*Accounts, Public, Committee of, *q.*, 5878Appropriation Bill, 3*r.*, 5655

Budget, 4946

Coinage, *ad. rep.*, 880, 1170; *supply*, 4327; *q.*, 6251

**Edwards, Mr. G. B.—continued.**

- Conciliation and Arbitration Bill, 2*a.*, 4170; *com.* (application), 4685; (public service), 4765  
 Customs Prosecutions, *m.*, 908, 1491  
 Debts, State, *q.*, 1619  
 Defence Bill, 2*a.*, 2524; *com.* (short title), 2563; (persons liable to serve, 3225; (exemptions), 3231, 3234; *cons. amds.* (council of defence), 6124  
 Eastern Extension Company's Agreement, *m.*, 2606  
 Electoral Administration, *q.*, 6250  
 Electoral Divisions Bill, *int.*, 4313  
 Federal Capital, *supply*, 4328; *m.*, 5320; *supply*, 5655; *adj.*, 6417  
 Friday Sittings, *adj.*, 2278  
 High Court Procedure Amendment Bill, *com.* (short title), 6138  
 Inter-State Certificates, *q.*, 1490  
 Judiciary Bill, *com.* (original jurisdiction), 1063, 1126; (pensions), 1306; (salaries), 1325; (judges), 1346; (appeal on constitutional questions), 1540  
 Library, *adj.*, 2564  
 Mails, Canadian-Australian, *m.*, 1651  
 Metric System, *m.*, 1172; *obs.*, 4365  
 Naturalization Bill, *com.* (persons who may apply), 4666  
 Naval Agreement Bill, 2*a.*, 2165; *p.o.*, 2444  
 Papua (British New Guinea) Bill, *com.* (land grant), 2887  
 Patents Bill, *com.* (transfer), 5663  
 Queen Victoria Memorial, *q.*, 2125  
 Seat of Government Bill, 2*a.*, 5714; *com.* (ballot), 5804, 5968; (area), 6279  
 South African Trade, *q.*, 5961  
 Standing Orders, *com.* (Imperial Parliament), 6213  
 Sugar Bonus Bill, *com.* (bonus), 938, 1028; (power of amendment), 2025  
 Telephone Guarantees, *q.*, 1125

**Edwards, Mr. R., Oxley :**

- Accounts overdue, *q.*, 4126; 4240  
 Cotton Bonus, *m.*, 1498  
 Customs Officers, *q.*, 1521  
 Eastern Extension Company's Agreement, *m.*, 2767  
 Elections, General, *q.*, 6103, 6217; *adj.*, 6218  
 Electoral Commissioner, Queensland, *q.*, 4239, 4499, 5047, 5048  
 Electoral Divisions Bill, *int.*, 4316  
 Electoral Rolls, *q.*, 5467  
 Electorates : Queensland, *m.*, 3847  
 Judiciary Bill, *com.* (salaries), 1333  
 Mail Service :  
   Tenders, *q.*, 4660; *adj.*, 4686  
   Vancouver, *q.*, 1759  
 Naval Agreement Bill, 2*a.*, 2321  
 Naval Forces : Queensland, *q.*, 5468  
 Queensland, Representation of, *adj.*, 2954  
 Sugar Bonus Bill, *cons. mes.*, 2612  
 Sugar Bounties, *q.*, 4396  
 Supply :  
   Parliament, 5059  
   Post and Telegraph, 5207, 5213

**Ewing, Mr. T. T., Richmond :**

- Appropriation Bill, *cons. mes.* (Parliament), 6142  
 Business of House, *q.*, 842

**Ewing, Mr. T. T.—continued.**

- Conciliation and Arbitration Bill, *com.* (public service), 4783  
 Defence Bill, *com.* (interpretation), 3022; (provisional appointments), 3024, 3026; (defence force), 3035; (citizen forces), 3105  
 Electoral Administration, *q.*, 6101  
 Federal Capital, *m.*, 5317, 5425  
 Judiciary Bill, *com.* (pensions), 1245; (salaries), 1319; (judges), 1355  
 Naval Agreement Bill, 2*a.*, 2048  
 Papua (British New Guinea) Bill, *com.* (land grant), 2889, 2901  
 Seat of Government Bill, 2*a.*, 5721; *com.* (ballot), 5810; (seat of government), 5818, 5819; (area), 5980, 5992  
 Sugar Bonus Bill, 2*a.*, 913; *com.* (bonus), 928, 929, 931, 1022

**Ferguson, Senator J., Queensland :**

- Senate Elections Bill, 2*a.*, 1099  
 Standing Orders, *com.* (dilatory motions), 870  
 Sugar Bonus Bill, *com.* (bonus), 1382

**Fisher, Mr. A., Wide Bay :**

- Appropriation Bill, 2*a.*, 5577; 3*a.*, 5655; *cons. mes.* (Parliament), 6141, 6144; (Home Affairs), 6144  
 Business of House, *adj.*, 5999  
 Conciliation and Arbitration Bill, *int.*, 1767; *q.*, 4287; *com.* (public service), 4750, 4777  
 Defence Bill, *com.* (citizen forces), 3103; (Army Act), 3224; (enlistment), 3228; (exemption), 3235; (cadet corps), 3268; *cons. amds.* (Council of Defence), 6129; (provision for families), 6133  
 Dissolution, *q.*, 5575, 5672  
 Eastern Extension Telegraph Company, *obs.*, 11  
 Electoral administration, *supply*, 5086  
 Electorates : Queensland, *m.*, 3872  
 Friday Sittings, *adj.*, 2181, 2278, 2564  
 Hunter Electorate, *q.*, 5632  
 Inter-State Certificates, *adj.*, 6412  
 Judiciary Bill, *com.* (judges), 1353  
 Kanakas, recruiting, *adj.*, 5627  
 Mail Contracts, *adj.*, 4690, *q.*, 5467  
 Naval Agreement Bill, *com.* (ratification), 2463; (preamble), 2513  
 Pacific Island Labourers Act, *q.*, 1181, 1402  
 Papua (British New Guinea) Bill, *com.* (land grant), 2907; *supply*, 5067, 5071, 5080  
 Patents Bill, *com.* (the Crown), 5622, 5623  
 Public Service Act Amendment Bill, 2*a.*, 6207  
 Public Service Examinations, *q.*, 5049; *adj.*, 6147  
 Queensland Representation, *adj.*, 2953  
 Reid, Senator, *q.*, 4040  
 Rifle Club Regulations, *q.*, 444  
 Seat of Government Bill, 2*a.*, 5795; *com.* (ballot), 5807, 5808, 5809; *cons. amds.*, 6295  
 Session, close of, *q.*, 6103  
 Standing Orders, *q.*, 1617, 5273; *supply*, 5381; *com.* (Imperial Parliament), 6210  
 Sugar Bonus Bill, 2*a.*, 924; *com.* (bonus), 927, 932, 940, 1017, 1019, 1034, 2611, 2613; *cons. mes.*, 1963; (power of amendment), 2026, 2033  
 Sugar Bounties, *q.*, 4396

**Fisher, Mr. A.—continued.**

**Supply :**

Defence, 5180  
External Affairs, 5067, 5071, 5080  
Home Affairs, 5086  
Parliament, 6385, 6393, 6397  
Trade and Customs, 5107, 5111  
Ways and Means, 5581

**Forrest, Rt. Hon. Sir John, P.C., G.C.M.G., Swan :**

Accounts overdue, *q.*, 4240  
Address in Reply, 538  
**Ammunition :**  
Colonial Company, *q.*, 10  
Commonwealth Factory, *q.*, 10, 4239  
Commandant's Report, *q.*, 2011, 2303  
Defence Bill, *q.*, 1013 ; *2r.*, 2264, 2561 ; *com.* (interpretation), 3019 ; (provisional appointments), 3024 ; (permanent forces), 3089 ; (citizen forces), 3115, 3120 ; (service outside Commonwealth), 3125 ; (Army Act), 3223 ; (persons liable to serve), 3226 ; (enlistment), 3228 ; (exemptions), 3232 ; (cadet corps), 3268, 3278, 4072 ; (general powers), 3279 ; (offences), 3286 ; (court martial), 3288, 3291, 4059 ; (recovery of moneys), 4060 ; (Council of Defence), 4063 ; (intoxicants), 4069 ; *com. amdt.*, 6116 ; (Council of Defence), 6117  
Defence Organization Scheme, *adj.*, 2182  
Defence Regulations, *q.*, 2011  
Distinguished Service Order, *q.*, 1619  
Drayton Grange Inquiry, *q.*, 234 ; *adj.*, 329  
Eastern Extension Company's Agreement, *m.*, 2759  
**Elections :**  
East Sydney, *q.*, 5274  
General, *q.*, 6103  
Electoral Administration, *q.*, 4397, 5049 ; *supply*, 5085, 5087 ; *q.*, 5467, 5652, 5881, 6101, 6204, 6250 ; *adj.*, 6315 ; *q.*, 6359  
Electoral Rolls, *q.*, 4240, 5576 ; *adj.*, 5735  
Electoralates : W.A., *m.*, 4357  
Federal Capital, *q.*, 4126, 6404  
Fremantle, Defences, *q.*, 330, 1960  
Governor of South Australia, *q.*, 1618  
Land Exchanges, *q.*, 6250, 6405  
**Military Forces :**  
Artillery, N.S.W., *q.*, 330  
Capitation Payments, *q.*, 4126  
Instructional Staff, *q.*, 4367  
Light Horse, *q.*, 3084  
Lt.-Cols. Braithwaite and Reay, *q.*, 234 ; *m.*, 584 ; *obs.*, 587  
Major Lenehan, *q.*, 235  
Mounted Infantry, *q.*, 3182  
Naval Brigade, *q.*, 3182  
Partially Paid, *q.*, 3338  
Pay, *q.*, 1762  
Queensland Allowances, *q.*, 4041  
Tasmanian Forces, *q.*, 3084  
Teachers' Volunteer Corps, *adj.*, 585 ; *expl.*, 587  
Naval Agreement Bill, *2r.*, 1985  
Naval Commandant's Report, *q.*, 3337  
Parliament House, *q.*, 4366  
Powder Magazine, *q.*, 2749  
Protector, Gunboat, *q.*, 2417  
**Public Service :**  
Examinations, *q.*, 5049  
Guarantee Funds, *q.*, 3728  
Quarters, Rent, *q.*, 6204

**Forrest, Rt. Hon. Sir John—continued.**

Regulations, *com.*, 6410  
Relieving allowance, *q.*, 4916, 5107  
Rifle Clubs, *q.*, 445, 910, 4366, 4749  
Seat of Government Bill, *2r.*, 5730 ; *com.* (seat of government), 5930, 5971 ; (area), 5991 ; *coms. amdts.*, 6298  
South Africa : Cost of Contingents, *q.*, 234  
**Supply :**  
Home Affairs, 5084, 5085, 5087, 5094, 5097, 5100  
Defence, 5150, 5165, 5186, 5193, 5194  
Transcontinental Railway, *q.*, 2619, 2748 ; *obs.*, 4397 ; *adj.*, 6364  
Typists, Female, *q.*, 5653, 5880  
Victorian Council of Defence, *q.*, 1963

**Fowler, Mr. J. M., Perth :**

Address in Reply, 306  
Defence Bill, *2r.*, 2552 ; *com.* (citizen forces), 3113 ; (naval forces), 3129 ; (exemptions), 3232 ; (cadet corps), 3271 ; (offences), 3282, 3285 ; (intoxicants), 4071  
Electoralates : W.A., *q.*, 2300 ; *m.*, 4352  
Federal Capital, *m.*, 5398, 5432  
Finances : Misrepresentations, *q.*, 909  
Friday Sittings, *adj.*, 2182 ; *m.*, 2309  
Judiciary Bill, *2r.*, 740  
Kingston, Mr., *q.*, 2747  
Letter Carriers, *q.*, 3547  
Mail Services, *adj.*, 4687  
Naval Agreement Bill, *2r.*, 2067  
Papua (British New Guinea) Bill, *2r.*, 2800  
*com.* (land grant), 2892 ; (submission of question), 2978  
Perth Custom House, *q.*, 4501  
Postal Administration, *supply*, 2232  
**Public Service :**  
Allowances, *q.*, 5653  
Regulations, *m.*, 1508 ; *com.*, 6409  
Sunday Work, *q.*, 6102  
Seat of Government Bill, *com.* (area), 5980  
**Supply :**  
Parliament, 5054  
Trade and Customs, 5127  
Telephone Service, W.A., *q.*, 2979  
Transcontinental Railway, *q.*, 2619, 5007, 6252  
*adj.*, 6361, 6416

**Fraser, Senator Hon. S., Victoria :**

Appropriation Bill, *com.* (Parliament), 5855 ; (Home Affairs), 5871, 5946  
Address in Reply, 90  
Defence Bill, *com.* (cadets), 4890  
**Defence Forces :**  
Lt.-Cols. Braithwaite and Reay, *supply*, 1689  
Tasmanian, *adj.*, 3912  
Eastern Extension Company's Agreement, *m.*, 3616  
Electoral Divisions, *adj.*, 3607  
Federal Capital, *m.*, 5249, 5563  
High Court, *obs.*, 5450  
Judiciary Bill, *2r.*, 2831 ; *com.* (jurisdiction of State Courts), 3145, 3147  
Naturalization Bill, *com.* (persons who may apply), 1943, 1950  
Naval Agreement Bill, *3r.*, 4300  
Naval Agreement : Speech by Governor of Victoria, *m.*, 1737  
Pacific Cable : Conference, *adj.*, 4707  
Patents Bill, *com.* (examiners' report), 3298, 3313 ; (previous patenting), 3308

**Fraser, Senator Hon. S.—continued.**

Post and Telegraph Act Amendment Bill, 2*r.*, 5548  
 Public Service Regulation, *m.* (politics), 853  
 Seat of Government Bill, *ad. rep.*, 6232  
 Standing Orders, *com.* (bills Senate may not amend), 773, 3437; (dilatatory motions), 782, 867, 978; (Select Committees: appointment), 987; (amendment to leave out), 3528  
 Sugar Bonus Bill, 2*r.*, 1091; *com.* (bonus), 1388, 1398; (sugar giving contents), 1587; (power of amendment), 1856  
 Supply Bill (No. 1), *com.* (Defence), 1689

**Fuller, Mr. G. W., Illawarra:**

Address in Reply, 324  
 Capital Sites Commission, *q.*, 10  
 Conciliation and Arbitration Bill, 2*r.*, 4286  
 Defence Bill, *q.*, 1013  
 Electoral Administration, *q.*, 4397  
 Electoral Rolls, *adj.*, 1114; *q.*, 6439  
 Electorates: N.S.W., *m.*, 3763  
 Electoral Divisions Bill, *com.* (divisions), 4538; 3*r.*, 4600  
 Federal Capital, *m.*, 5434  
 Immigration: Boiler Makers, *q.*, 12  
 Judiciary Bill, 2*r.*, 712  
 Naval Agreement Bill, 2*r.*, 2323; *com.* (ratification), 2443, 2455, 2461  
 Overtime:  
   Customs, *q.*, 5672  
   Postal, *q.*, 1296; *supply*, 1433  
 Patents Bill, *q.*, 235  
 Postal Administration, *supply*, 2227  
 Seat of Government Bill, *cons. amds.*, 6289  
 Supply: Trade and Customs, 5123  
 Telephones, *supply*, 1432

**Fysh, Hon. Sir P. O., K.C.M.G., Tasmania:**

Anderson, Bugler, memorial, *q.*, 4749  
 Auditing, *q.*, 4040  
 Correspondence, Departmental, *q.*, 5106  
 Eastern Extension Company's Agreement, *q.*, 2981  
 Electoral Rolls, *q.*, 6439  
 Electorates: Tasmania, *m.*, 4319  
 Electric Regulations, *q.*, 6102  
 Entry Forms, *q.*, 4855  
 Mails:  
   Canadian-Australian, *m.*, 1650  
   Narrabri-Walgett, *q.*, 4312, 4500  
   Oversea, *q.*, 3086  
   Sorting, *q.*, 1182  
   Sub-letting, *supply*, 1431; *q.*, 2222  
   Tenders, *adj.*, 4693; *q.*, 4748  
   Victorian, *q.*, 910  
   Winnecke's Gold-fields, *q.*, 2858, 3181  
 Medicine Chests, *q.*, 5165  
 Postage: English Letters, *q.*, 910  
 Post Office Employés:  
   Allowances, *q.*, 5653  
   Associations, *q.*, 5468  
   Cadets, W.A., *q.*, 2979  
   Deductions for quarters, *q.*, 5386  
   Grievances, *supply*, 4342  
   Holidays, *q.*, 4500, 5468  
   Increments, *q.*, 2981  
   Letter Carriers, *q.*, 3547  
   Minimum Wage, *q.*, 3729  
   Operators at Eucla, *q.*, 4855  
   Overtime, *q.*, 1186, 1296, 1864, 2417  
   Sunday Work, *q.*, 6102

**Fysh, Hon. Sir P. O.—continued.**

Post Offices:  
   Hours of Opening, *q.*, 330  
   Kadina, *q.*, 2748, 2947, 2980, 3546, 5467  
 Public Service:  
   Commissioner's Decisions, *q.*, 4499  
   Relieving Allowances, *q.*, 5048  
   Savings Bank, W.A., *q.*, 2857  
   Stamps, *q.*, 1182  
 Supply: Post and Telegraph, 5210  
 Telegraphs:  
   Coastal Stations, *q.*, 6251  
   Direct Working, *q.*, 5049  
   Jundah to Stonehenge, *q.*, 1125  
   Sandown Park, *q.*, 3729  
 Telephones:  
   Eaglehawk line, *q.*, 910  
   Exchanges, *q.*, 2594  
   Guarantees, *q.*, 1125, 1183.  
   King Island, *q.*, 4040

**Glassey, Senator T., Queensland:**

Appropriation Bill, *com.* (defence), 6003 (Postmaster-General), 6026  
 Customs Decisions, *m.*, 2296  
 Defence Bill, *com.* (provision for families), 4581; (laws applicable to courts-martial), 4901; (regulations), 4915; *recom.*, 5003.  
 Electoral Divisions Bill, *com.* (State divisions to be Commonwealth divisions), 4835  
 Letter Carriers, *q.*, 748  
 Ministers in the Senate, *m.*, 1460, 1464  
 Naturalization Bill, *com.* (definition), 1920; (persons who may apply), 1941, 1949; (evidence), 2197  
 Old-Age Pensions, *m.*, 4459  
 Pacific Cable Conference, *adj.*, 4714  
 Patents Bill, *com.* (commissioner), 2212  
 Personal Explanation, 4542  
 Post-office Employés' Overtime, 5222.  
 Public Service Regulations, *m.*, 1664; *com.* (time for luncheon), 2567, 2574; overtime, 2585; (travelling allowances), 4793, 4798  
 Senate Elections Bill, *recom.*, 1667  
 Standing Orders, *p.o.*, 661; *com.* (presentation of petition), 680; (President or Chairman voting in seats), 684; (dilatatory motions), 975; (Select Committees: appointment), 986; (suspension), 1072  
 Sugar Bonus Bill, 2*r.*, 1288; *com.* (bonus), 1357, 1373, 2483, 2489, 2493, 2495, 2499, 2593, 1369, 1576, 1582; (power of amendment), 1692, 1831, 2483  
 Temporary Employés, *q.*, 1249

**Glynn, Mr. P. McM., South Australia:**

Address in Reply, 143  
 Appropriation Bill, 2*r.*, 5580  
 Conciliation and Arbitration Bill, *q.*, 3546; 2*r.*, 4133; *com.* (application), 4661, 4682; (public services), 4768  
 Customs Administration, *supply*, 1433  
 Defence Bill, *cons. mcs.* (compensation), 6131.  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2749  
 Electoral Administration, *q.*, 6204.  
 Electoral Divisions, *q.*, 3447; South Australia, *m.*, 3552; Queensland, *m.*, 3854  
 Electoral Divisions Bill, 2*r.*, 4408; *com.* (State divisions to be Commonwealth divisions), 4501

Glynn, Mr. P. McM.—*continued.*

Federal Capital Site, *m.*, 5424  
 Goldring Case, 1433  
 High Court Appointments, *q.*, 5385  
 High Court, Opening of, *adj.*, 5626  
 High Court Procedure Bill, 2*r.*, 1525; *com.* (interpretation), 1623; (proceedings in district registries), 1623; (trial of issues), 1626, 1627; (production of books), 1631; (evidence at trial), 1633; (security), 1635; (death of party), 1635; (Commonwealth suits), 1636; (no execution), 1637; (suits against Commonwealth or State), 1719  
 High Court Procedure Amendment Bill, *com.* (short title), 6138  
 Judiciary Bill, 2*r.*, 616; *com.* (original jurisdiction), 950, 957, 1536, 3885; (mandamus: prohibition), 1141, 3893, 3894, 3895, 3899; (appeals from States Supreme Courts), 1142, 3898; (Federal jurisdiction of States Courts), 1144, 1451; (exclusive jurisdiction), 1154, 1187, 1189, 1190, 1198, 1204, 1210, 1544, 1547, 1548, 3898; (removals), 1218, 1452, 1549; (pensions), 1238, 1307; (salaries), 1310; (Judges), 1336, 1352; (justices not to hold other offices), 1441; (place of sitting), 1443; (jurisdiction in chambers), 1446; (quorum), 1447; (justices on appeal), 1450; (criminal cases), 1526; (discharge of persons), 1530; (points of law), 1531, 1533; (rules of court), 1534; (barristers), 1552; (indictments), 1560, 1562; (qualification of justices), 1565; 3*r.*, 1888  
 Naval Agreement Bill, 2*r.*, 2058; *com.* (ratification), 2463; (schedule), 2504; (preamble), 2508, 2514  
 Navigation Bill, *q.*, 5576  
 Naturalization Bill, *com.* (definition), 4862; (persons who may apply), 4863, 4866; (certificate), 4868; (effect), 4870  
 Papua (British New Guinea) Bill, 2*r.*, 2801; *com.* (commencement), 2802  
 Patents Bill, 2*r.*, 5502, *com.* (definitions), 5509; (Minister), 5512; (Commissioner), 5513; (register), 5515, 5516; (exception in case of fraud), 5518; (who may apply), 5522; (form of application), 5523; (examiner to report), 5581; (report as to novelty), 5587; (appeal to law officer), 5588; (acceptance), 5592; (prior specifications), 5599; (extension of term), 5610; (date), 5611; (revocation), 5613; (working of patent), 5614, 5615; (patent attorneys), 5625; (international protection), 5626; (exhibit at exhibition), 5626; (notice of patent), 5663; (manufacture in Commonwealth), 5665, 6258; *recom.* (fees), 6109; (applications), 6112; *cons. mes.* (priority), 6254, 6256  
 Rules Publication Bill, 2*r.*, 6265  
 Senate Elections Bill, 2*r.*, 1818; *com.* (nominations), 1818  
 Sugar Bonus Bill, 2*r.*, 920; *com.* (bonus), 927; (power of amendment), 2029  
 Supply:  
   Attorney-General, 5084  
   External Affairs, 5070  
   Home Affairs, 5084, 5100  
   Parliament, 5051, 5052, 5054, 5056, 5063, 6384, 6394, 6399  
 Supply: Practice in submitting Estimates, 6397  
 Vacant Seat (Hunter) *obs.*, 5580

Gould, Senator Lt.-Col. Hon. A. J., *New South Wales:*

Address in Reply, 114  
 Appropriation Bill, *com.* (Defence), 6002; *cons. mes.* (Parliament), 6240  
 Appropriation Bill (No. 2), 2*r.*, 6347; 3*r.*, 6355  
 Defence Bill, *com. p.o.*, 4880; (cadets), 4887  
 Electoral Divisions Bill, 2*r.*, 4717; *com.* (State divisions to be Commonwealth divisions), 4832  
 Customs Collections, Tasmania, *supply*, 5382  
 Federal Capital Site, *p. o.*, 5224; *m.*, 5239, 5561, 5571; *q.*, 5628, 6316  
 Federal Capital Sites Commission, *q.*, 2187, 5628  
 Governor-General's Valedictory Address, *m.*, 6317  
 High Court Appointments, *supply*, 5380; *p.o.*, 5442, 5444; *obs.*, 5449  
 Income Tax, Victoria, *q.*, 5526  
 Judiciary Bill, 2*r.*, 2817; *com.* (qualification of Justices), 3069; (registries), 3078; (exclusive jurisdiction), 3140, 3142; (Federal jurisdiction of States Courts), 3148  
 Ministers in the Senate, *m.*, 3792  
 Naturalization Bill, *com.* (definition), 1922  
 Naval Agreement Bill, 2*r.*, 4024; 3*r.*, (*p.o.*, 4224), 4296  
 Order of Business, *m.*, 2809  
 Patents Bill, 2*r.*, 2100; *com.* (commencement), 2115; (definitious), 2118, 2120, 2122; *cons. amds.* (priority), 6321  
 Post and Telegraph Act Amendment Bill, *adj.*, 5384  
 Preferential Trade, *supply*, 5381  
 Public Service Regulations, *com.* (Sunday work), 4198; *ad. rep.*, 5350  
 Rules Publication Bill, 2*r.*, 6326; *com.* (notice), 6329, 6333  
 Seat of Government Bill, 2*r.*, 6071; *com.* (seat of government), 6187, 6191, 6195; (non-alienation), 6201; *ad. rep.*, 6222; *cons. mes.*, 6343  
 Senate Officers, salaries of, *supply*, 5382  
 Standing Orders, *com.* (dilatory motions), 976, 982; (select committees: appointment), 988, 989, 992; (evidence), 993; (strangers), 999; (obedience), 1002; (facing Chair), 1006; (motions not debatable), 1065; (suspension), 1070  
 Sugar Bonus Bill, *com.* (power of amendment), 1837, 2409; *cons. mes.*, 2076  
 Sugar Rebate Abolition Bill, 3*r.*, 1916  
 Supply Bill (No. 2), 2*r.*, 2726  
 Supply Bill (No. 3), 1*r.*, 5380

Groom, Mr. A. C., *Flinders:*

Electoral Divisions, Victoria, *q.*, 2503  
 Electoral Rolls, *adj.*, 1111  
 Judiciary Bill, *com.* (salaries), 1323  
 Naval Agreement Bill, 2*r.*, 2126

Groom, Mr. L. E., *Darling Downs:*

Address in Reply, 12  
 Conciliation and Arbitration Bill, 2*r.*, 4161  
 Cotton, Bonus on, *m.*, 1503  
 Defence Bill, *com.* (cadet corps), 3265; (tolls), 3281; (counsel for accused), 4060  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2769



**Groom, Mr. L. E.—continued.**

- Electoral Administration, *q.*, 6101
- Electoral Divisions: Queensland, *m.*, 3851
- Exports and Imports, Statistics, *q.*, 2594
- Extradition Bill, *com.* (terms defined in Imperial Act), 6136
- Federal Capital Site, *m.*, 5420
- High Court Practitioners, *q.*, 5672
- High Court Procedure Bill, *com.* (trial of issues), 1625; (juries), 1626; (Commonwealth suits), 1635; (rules of court), 1641
- High Court Procedure Amendment Bill, *com.* (short title), 6138
- Inter-State Duties, *adj.*, 6146, 6418
- Judiciary Bill, 2*a.*, 832; *com.* (original jurisdiction), 1045; (exclusive jurisdiction), 1153, 1196; (pensions), 1236; (criminal cases), 1527; (points of law), 1533, 1662; (barristers), 1553
- Leave of Absence, *m.*, 583
- Meteorological Department, *q.*, 5272
- Naturalization Bill, *com.* (persons who may apply), 4864; (effect), 4870
- Naval Agreement Bill, 2*a.*, 2256
- Naval Commandant's Reports, *q.*, 3337
- Naval Defence Force, *adj.*, 6419
- Pacific Cable Conference, *q.*, 5575
- Papua (British New Guinea) Bill, *com.* (powers of Lieutenant-Governor), 2986
- Patents Bill, *com.* (appeal to law officer), 5588; (acceptance), 5589; (prior specification), 5597; (appeal to Supreme Court), 5609; (power to disclaim), 5611; (revocation), 5612; (effect against Crown), 5623; (patent attorneys), 5625
- Postal Votes, Witnessing of, 5671
- Queensland Mail Service, *adj.*, 4691
- Representation, Basis of, *adj.*, 2949
- Seat of Government Bill, *com.* (seat of government), 5932
- Sugar Bonus Bill, *com.* (bonus), 935; (power of amendment), 2033
- Supply:
  - Defence, 5177
  - Home Affairs, 5086
  - Parliament, 5060, 5471
  - Postmaster-General, 5207
- Teachers' Volunteer Corps, *adj.*, 585
- Telegraphic Messages, Tax on, *q.*, 4397
- Transferred Departments, Queensland, *q.*, 3953
- Weather Bureau, Closing of, *adj.*, 1569

**Harney, Senator E. A., Western Australia:**

- High Court Procedure Bill, *com.* (security), 3261, 3263
- Judiciary Bill, 2*a.*, 3039; *com.* (qualification of justices), 3070; (appeals from justices of the High Court), 3081, 3083; (appeals from States Supreme Courts), 3137; (exclusive jurisdiction), 3141; (Federal jurisdiction of States Courts), 3147, 3150; (salary), 3158; (registrars), 3170; (no execution), 3172, 3175, 3179, 3247; (indictments), 3248; (points of law), 3249; (rules of court), 3252
- Patents Bill, *com.* (working of patents), 3322, 3329; (assignment to Commonwealth), 3333

**Hartnoll, Mr. W., Tasmania:**

- Budget, *m.*, 4959
- Burnie, Customs Facilities, *q.*, 1186
- Conciliation and Arbitration Bill, 2*a.*, 4279

**Hartnoll, Mr. W.—continued.**

- Electoral Divisions, Tasmania, *m.*, 4321; *q.*, 3952, 5880
- Friday Sittings, *m.*, 2306
- Judiciary Bill, *com.* (salaries), 1316; (indictments), 1562
- Naval Agreement Bill, 2*a.*, 2423
- Supply: Defence, 5176, 5191
- Wharfage Rates, *q.*, 1156

**Higgins, Mr. H. B., Northern Melbourne:**

- Address in Reply, 158
- Budget, 4380.
- Conciliation and Arbitration Bill, 2*a.*, 3465; *com.* (public service), 4782
- Defence Bill, 2*a.*, 2533; *com.* (interpretation), 3013, 3015, 3018, 3022, 3023; (Defence Force, 3028, 3034; (power to raise forces), 3124; (force liable to serve outside Commonwealth, 3124; (citizen naval force liable to serve outside Commonwealth), 3127; (forces subject to Army Act), 3222; (persons liable to serve, 3225; (establishment in time of emergency), 3227; (exemptions), 3229, 3233, 3234; (general powers), 3278, 3279; (railway to carry troops), 3280; (tolls), 3281; (power to constitute courts martial), 3288, 3289; (contempt of court), 3290; (power to summon witnesses), 3290; (notice not in writing), 3291; (police to aid), 3291; *cons. mes.* (council of defence), 6123
- Distinguished Service Orders, *q.*, 1619
- Electoral Rolls, *adj.*, 6439
- Federal Capital Site, *m.*, 5290, 5420
- Friday Sittings, *m.*, 2304
- Goldring Case, *adj.*, 842
- High Court Procedure Bill, *com.* (repeal of Act), 1623; (removals), 1624; (transmission of documents), 1624; (trial of issues), 1626; (evidence by affidavit), 1632; (enforcement of judgments), 1633; (interpleader), 1634; (Commonwealth suits), 1635; (rules of court), 1639, 1640, 1641; (suits against Commonwealth or States), 1719
- Judiciary Bill, 2*a.*, 632; *com.* (original jurisdiction), 1050, 1536; (appeals from States Supreme Courts), 1143, 3897, 3898; (exclusive jurisdiction), 1146, 1154, 1190, 1191, 1196, 1199; (removals), 1221; (salaries), 1331; (interpretation), 1336; (place of sitting), 1442, 1443; (jurisdiction in chambers), 1444, 1445; (quorum), 1448; (appeals), 1448; (points of law), 1532, 1533; (injunction), 1534; (common law), 1534; (justices not to hold other office), 1567; 3*a.*, 1881; *cons. mes.* (mandamus: prohibition), 3893, 3894, 3895, 3896
- Naturalization Bill, *com.* (persons who may apply), 4863, 4867 (effect), 4869; (children of naturalized parents), 4872
- Naval Agreement Bill, 2*a.*, 1996; *com.* (ratification), 2442; (preamble), 2510
- Papua (British New Guinea) Bill, 2*a.*, 2793; *com.* (power to grant land), 2889, 2971; (Lieutenant-Governor to submit questions to Executive), 2976, 2977; (powers of Lieutenant-Governor), 2984, 2985, 2986; (appeal to High Court), 2986, 2988
- Patents Bill, *com.* (definitions), 5508, 5509; (saving of rights), 5511; (commissioner), 5513; (who may apply), 5518; (prior specifications),

**Higgins, Mr. H. B.—continued.**

5598; (acceptance advertised), 5602; (objections), 5608; (additional patent), 5612; (revocation), 5613; (working of patent), 5615, 5620; *recom.* (acquisition by Crown), 6114; *cons. mes.* (priority), 6254; (manufacture in Commonwealth), 6258, 6261  
 Public Service Regulations, *cons. mes.* (Sunday work), 6408  
 Rules Publication Bill, 2r., 6265; *com.* (definitions), 6267  
 Seat of Government Bill, *com.* (seat of government), 5824, 5997  
 Schedule, Form of, *supply*, 1622  
 State Debts, Transfer of, *q.*, 124; *obs.*, 2304, 5164; *arj.*, 3292, 5999  
 Sugar Bonus Bill, *cons. mes.* (power of amendment), 2031  
 Supply Bill (No. 1), *com.* (schedule), 1622  
 Supply: Parliament, 6389

**Higgs, Senator W. G., Queensland:**

Address in Reply, 425  
 Adjournment Motion, Relevance of Debate, *adj.*, 5005, 5006, 5451; *m.*, 5739, 5747  
 Appropriation Bill, *com.* (Parliament), 5848, 5850, 5851; (External Affairs), 5863  
 Appropriation Bill (No. 2), 2r., 6352; *com.*, issue of £2,648,939 (second schedule), 6355  
 Appropriation (Works and Buildings) Bill 1903-4, 2r., 6033; *com.*, 6043; (schedule), 6044, 6045  
 Artillery Instruction, *q.*, 5738  
 Call of Senate, *q.*, 2075  
 Coloured Aliens, *m.*, 1249  
 Commonwealth Flag, *q.*, 3789  
 Customs Decisions, *m.*, 2294  
 Defence Bill, *com.* (cadets), 4891; (making use of uniform), 4897; (laws applicable to courts-martial), 4898, 4900, 4901; *recons.*, 5001, 5002, 5004; (council of advice), 5640; *recom.*, 5644, 5647  
 Defence Force, Tasmania, *adj.*, 3913  
 Eastern Extension Telegraph Company's Agreement, *q.*, 2468, 3037, 3132, 3790, 4008, 4628; *m.*, 3615, 3637, 4310; *p.o.*, 3633; *supply*, 5361, 5461, 6033, 6043, 6044, 6045  
 Ecclesiastical Precedence, *q.*, 747  
 Electoral Divisions, Tasmania, *m.*, 4545  
 Federal Capital Site, *m.*, 5256, 5571  
 Federal Territory Bill, *intro.*, 5836  
 Fiscal Referendum, *m.*, 5335  
 Fremantle, Defence of, *q.*, 2078  
 Government Business, *m.*, 5940  
 Government, Position of, *q.*, 4789  
 Governor-General's Establishment, *m.*, 3410, 3428  
 Governor of Victoria and Federal Politics, *q.*, 1247; *m.*, 1721, 3407  
 High Court Judges, Appointment of, *q.*, 4874, 5222  
 Judiciary Bill, *com.* (qualification of justices), 3071  
 Kanakas, Deportation of, *m.*, 5747, 5754; *q.*, 6318  
 Mail Contracts, oversea, *supply*, 5459  
 Metric System, *m.*, 2284  
 Military and Naval Forces, *q.*, 2363; *m.*, 2566  
 Ministers in the Senate, *m.*, 1470  
 Naturalization Bill, *com.* (definition), 1753; (persons who may apply), 1933, 1934, 1938, 1950, 2203; (evidence), 2189, 2191, 2194, 2198; *recom.*, 2203

**Higgs, Senator W. G.—continued.**

Naval Agreement Bill, *q.*, 3037; 2r., 4077; *m.*, for *rel. com.*, 4118, 4124; *com. p.o.*, 4217; (ratification), 4222, *p.o.*, 4223, 4224, 4228, 4229, 4231, 4232; 3r., 4290  
 Naval Defence, *adj.*, 3699; *q.*, 3789  
 Naval and Military Forces, *q.*, 2078  
 Order of Business, *obs.*, 787; *m.*, 2805; *adj.*, 4658  
 Pacific Cable Conference, *q.*, 4629, 4974, 6318; *adj.*, 4695, 4701, 4714, 5005, 5223, 5329; *p.o.*, 4696  
 Pacific Island Labourers, *q.*, 5629  
 Parliament, Reflections on, *q.*, 6316  
 Patents Bill, *com.* (commencement), 2115  
 Personal Explanation, 6317  
 Post Office Directory, *q.*, 5737  
 Privilege: Speech by Senator Reid, *m.*, 3901  
 Prorogation and Elections, *q.*, 3398  
 Saunders, Senator, Vote of, *p.o.*, 4563, 4569; *m.*, 4631  
 Seat of Government Bill, *com.* (seat of government), 6193; *cons. mes.*, 6339, 6345; (valuation), 6198; (non-alienation), 6201, 6202  
 Secretary Trade and Customs Department, *q.*, 6149  
 Senate Chamber, *supply*, 5457  
 Senate Elections Bill, 2r., 1100  
 Standing Orders, *p.o.*, 600, 661; (opening of Parliament), 662, 668, 3430; (election of President), 669, 672, 3517; (presentation to Governor-General), 672, 673; (Chairman of Committees), 675; (interruption of motions), 681; (leave of Senate), 682; (amendments), 682; (previous question), 683; (President or Chairman voting in seats), 683; doors locked), 684; (order of business on bill), 757; (irregular amendments), 762; (bills Senate may not amend), 773, 3434; (free conference), 3439; (dilatatory motions), 778, 785, 862, 870, 874, 969, 971, 981, 982, 983; (select committees: draft report), 996; strangers), 1000, 1001; (facing Chair), 1003, 1005, 1008; (suspension), 1070; (Commons' practice), 3443; (presenting petitions), 3521; (amendment to leave out), 3525; (consideration of message), 3534; (questions), 3727  
 Sugar Bonus Bill, 2r., 1089, *com.* (bonus), 1386, 1394, 1861, 2493, 2499, 2500, 2594; (power of amendment), 1828, 1835, 1846; (calculation of bonus), 1862, 1863; *cons. mes.*, 2077  
 Supply Bill (No. 3), 1r., 5361  
 Telegraph Service, *q.*, 4630  
 Trade Preference, *q.*, 747, 1064  
 Tariff Preference, *m.*, 3238, 3239; *q.*, 5629

**Holder, Hon. Sir F. W., K.C.M.G., South Australia:**

See SPEAKER, Mr. (Subjects).

**Hughes, Mr. W. M., West Sydney:**

Appropriation Bill, 3r., 5658  
 Conciliation and Arbitration Bill, *int.*, 1762; 2r., 3376; *com.* (public service), 4762; *adj.*, 4850  
 Defence Bill, *com.* (citizen forces), 3093, 3117; (cadet corps), 3275  
 Electoral Divisions, New South Wales, *m.*, 3774  
 Electoral Divisions Bill, 3r., 4598  
 Electoral Rolls, *adj.*, 1108

**Hughes, Mr. W. M.—continued.**

Federal Capital Site, *m.*, 5319, *Appropriation Bill*, 5658  
 High Court Procedure Bill, *com.*, (juries) 1627, 1628, 1629  
 Judiciary Bill, 2*r.*, 697; *com.* (exclusive jurisdiction), 1196; (pensions), 1304; (Judges), 1345; (indictments), 1559  
 Naval Agreement Bill, 2*r.*, 2313; *com.* (schedule), 2507  
 Overtime (Postal Department), *q.*, 1186, 2417; (Customs Department), *q.*, 1524  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants and opium), 2995  
 Privilege: Publication of Parliamentary Documents, 1755, 1762, 1958  
 Seat of Government Bill, *m.*, 5794  
 Shipping Subsidies, *supply*, 2228  
 Sugar Bonus Bill, *cons. mes.* (power of amendment), 2027  
 Telephone Operators, Female, *q.*, 1403  
 Weights and Measures, Uniform, *q.*, 1960

**Isaacs, Hon. I. A., K.C., Indi :**

Bright, Postal Facilities, *adj.*, 6148  
 Conciliation and Arbitration Bill, 2*r.*, 4265; *com.* (application), 4675; (public service), 4772  
 Defence Bill, *com.* (persons liable to serve), 3227  
 Electoral Divisions, Victoria, *m.*, 3585; Queensland, *m.*, 3859  
 Electoral Rolls, *adj.*, 6313, 6439  
 Federal Capital Site, *m.*, 5412, 5417, 5419  
 Goldring Case, *supply*, 1422  
 High Court Procedure Bill, *com.* (trial), 1625; (juries), 1626, 1627, 1630, 1632; (evidence), 1633; (enforcement of judgments), 1634; (security on appeal), 1635; (rules of court), 1640; *recom.* (suits against Commonwealth or State), 1718  
 Increments: Victoria, *supply*, 1422  
 Judiciary Bill, 2*r.*, 719; *com.* (original jurisdiction), 962, 3889; (appeals from States Courts), 1143; (exclusive jurisdiction), 1151; (removals), 1220; (Judges), 1347, 1352, 1353; (place of sitting), 1443; (quorum), 1447, 1448; (justices on appeal), 1450; (counsel for Commonwealth), 1454; (barristers), 1550, 1552; (indictments), 1562; (justices not hold other office), 1565, 1566; *cons. mes.* (mandamus: prohibition), 3894, 3896  
 Naturalization Bill, *com.* (persons who may apply), 4865; (effect), 4869; *recom.*, 5215; (naturalization of women by marriage), 4871; (revocation), 4873  
 Naval Agreement Bill, 2*r.*, 2339; *com.* (ratification), 2462  
 Rules Publication Bill, *com.* (notice), 6267  
 Seat of Government Bill, *com.* (seat of government), 5928  
 Senate Elections Bill, *com.* (scrutiny), 1819  
 Sugar Bonus Bill, *cons. mes.* (power of amendment), 2023  
 Supply:  
 Defence, 5178  
 Parliament, 5493, 6387, 6388, 6396

**Keating, Senator J. H., Tasmania :**

Bass Strait Cable, *q.*, 654  
 Commonwealth Stamps, *q.*, 1246  
 Customs Bonding Charges, *supply*, 5371

**Keating, Senator J. H.—continued.**

Defence Force, Tasmania, *q.*, 3790, 4073; *adj.*, 3907; *supply*, 5370  
 Defence Bill, *com.* (appointments during pleasure), 4487; (cadets), *p.o.*, 4879, 5632; (volunteering for service abroad), 4910  
 Electoral Divisions, Tasmania, *m.*, 4544  
 English Mail: Hobart, *q.*, 3789  
 Federal Capital Site, *m.*, 5249  
 Gratuities: Deceased Officers, *q.*, 1355; *m.*, 1664  
 High Court Judges, *supply*, 5372  
 High Court, opening of, *q.*, 5629  
 Judiciary Bill, 2*r.*, 2835; *com.* (qualification), 3072; (federal jurisdiction of States' courts), 3146, 3149; (no execution against Commonwealth or a State), 3176  
 Library Officers, *supply*, 5456  
 Ministers in the Senate, *m.*, 1464  
 Naturalization Bill, 2*r.*, 1613; *com.* (person who may apply), 1951  
 Overtime, Post and Telegraph Department, Tasmania, *q.*, 6436  
 Pacific Cable Conference, *p.o.*, 4698  
 Patents Bill, *com.* (register), 2220; (certified copies), 2221; (report as to novelty), 3322; (working of patents), 3327; (false representation), 3537, 3538; *cons. amdis.* (priority), 6322  
 Personal Explanation, 3236  
 Riflemen, Railway Passes for, *q.*, 6046  
 Saunders, Senator, Vote of, *p.o.*, 4568; *m.*, 4639  
 Senate Elections Bill, *com.* (scrutiny), 1815; *recom.*, 1670  
 Standing Orders, *q.*, 4455  
 Sugar Bonus Bill, 2*r.*, 1285; *com.* (sugar-giving contents), 1588; (power of amendment), 1827, 2469  
 Supply Bill (No. 3), 1*r.*, 5369; *com.* (schedule), 5456  
 Tasmanian Cable, *supply*, 5369; *adj.*, 6358

**Kennedy, Mr. T., Moira :**

Address in Reply, 556  
 Border Duties, Collection of, *q.*, 6249  
 Conciliation and Arbitration Bill, *com.*, (public service), 4767  
 Defence Bill, *com.* (provisional appointments), 3025; (citizen forces), 3114  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2690  
 Electoral Divisions, Victoria, *m.*, 3591  
 Electoral Rolls, *adj.*, 6314  
 Federal Capital Site, *m.*, 5312  
 Judiciary Bill, 2*r.*, 826; *com.* (original jurisdiction), 1061, 3889; (salaries), 1316, 1324; (mandamus: prohibition), 3893; (appeals from States Courts), 3897  
 Naval Agreement Bill, 2*r.*, 2310; *com.* (ratification), 2457  
 Seat of Government Bill, *com.* (method of selection), 5803; *p.o.*, 5813 (seat of government), 5815, 5827  
 Senate Elections Bill, *com.* (nomination), 1819  
 Sugar Bonus Bill, *com.* (bonus), 943, 949, 1025  
 Supply:  
 Defence, 5179  
 Postmaster-General, 5209  
 Parliament, 6391

**Kingston, Rt. Hon. C. C., P.C., K.C., South Australia :**

Address in Reply, 462  
 Age, Comments by, *q.*, 4586 ; *obs.*, 5007  
 Appropriation Bill, 3*r.*, 5659 ; *cons. mes.* (Parliament), 6144  
 Auditors-General, Deputy, *q.*, 1014  
 Bonus Commission's Report, *adj.*, 6428  
 Coffee, Bonus on, *q.*, 685, 1125  
 Conciliation and Arbitration, *q.*, 5008, 5048, 5106, 5386  
 Conciliation and Arbitration Bill, *int.*, 1762, 1771, 2*r.*, 3195, *q.*, 3729 ; *com.* (application), 4670 ; (public service), 4764 ; *adj.*, 4846, 6431  
 Cotton, Bonus on, *m.*, 1499  
 Customs Administration, *q.*, 531  
 Customs Officers, Retirement of, *q.*, 1521  
 Defence Bill, *cons. mes.* (interpretation), 6116, 6117 ; (compensation), 6131, 6132  
 Electoral Divisions, South Australia, *m.*, 3556, 3560 ; New South Wales, *m.*, 3732 ; Queensland, *m.*, 3857  
 Electoral Divisions Bill, *int.*, 4314 ; *com.* (States divisions to be Commonwealth divisions), 4516  
 Exports and Imports, Statistics, *q.*, 2594  
 Extradition Bill, *com.* (commencement), 6135 ; (terms defined in Imperial Act), 6136, 6137  
 Federal Capital Site, *m.*, 5409, 5430 ; *adj.*, 6430 ; *Appropriation Bill*, 5659  
 High Court Appointments, *obs.*, 5464  
 Inter-State Certificates, *q.*, 1490  
 Inter-State Duties, *q.*, 234, 329 ; *adj.*, 384, 6429  
 Inter-State Free-trade, *q.*, 686  
 Judiciary Bill, *cons. mes.* (mandamus prohibition) ; 3895  
 Kingston, Mr., Resignation of, 2616  
 Lyster, Colonel, Proposed Transfer of, *q.*, 5651  
 Maritime Legislation, *q.*, 6405  
 Naturalization Bill, *com.* (persons who may apply), 4864 ; (effect), 4869 ; (naturalization of women by marriage), 4871  
 New Administration, *obs.*, 5464  
 Overtime in Customs Department, *q.*, 1524  
 Patents Bill, *q.*, 235 ; *com.* (acceptance), 5590 ; (prior specifications), 5592, 5593, 5597, 5601 ; *recom.* (applications), 6113 ; *cons. mes.* (priority), 6255 ; (manufacture in Commonwealth), 6259  
 Prime Minister, Resignation of, *obs.*, 5464  
 Privilege : Publication of Parliamentary Documents, 1759, 1771, 1958  
 Produce and Fodder, Export of, *q.*, 1525  
 Rubber Boots, Duty on, 1126  
 Rules Publication Bill, 2*r.*, 6265 ; *com.* (definitions), 6267 ; (notice), 6267 ; (regulations), 6268  
 Seat of Government Bill, *m.*, 5798 ; *com.* (seat of government), 5965, 5977, 5995, 5998 ; *ad. rep.*, 6309  
 Strawboard, Duty on, *q.*, 2303  
 Sugar Bonus Bill, *recom.* (bonus), 1018, 1033  
 Sugar Bonus, Inspectors, *q.*, 2013  
 Sugar, Excise, *q.*, 12  
 Supply :  
 Attorney-General, 5084  
 Parliament, 5491, 6396  
 Trade and Customs, 5113  
 Tariff Guide, *q.*, 1156  
 Tingey Case, *q.*, 1864  
 Transcontinental Railway, *adj.*, 6371, 6430

**Kingston, Rt. Hon. C. C.—continued.**

Whale Oil, Imports of, *q.*, 2302  
 Wharfage Rates, *q.*, 1156  
 Wheels and Axles, Duty on, *q.*, 2124  
 Works of Art, Duty on, *q.*, 909, 1156

**Kirwan, Mr. J. W., Kalgoorlie :**

Address in Reply, 310  
 Auditing, Commonwealth, *q.*, 4040  
 Budget, 4968  
 Canadian-Australian Mail Contract, *m.*, 1653  
 Conciliation and Arbitration Bill, *com.* (public service), 4774  
 Defence Bill, *com.* (cadet corps), 3267 ; (general powers), 3278 ; (counsel for accused), 4059  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2608  
 Electoral Divisions, New South Wales, *m.*, 3745 ; Queensland, *m.*, 3856 ; Western Australia, *m.*, 4350  
 Electoral Divisions Bill, *int.*, 4313 ; *com.* (States divisions to be Commonwealth divisions), 4518  
 Electoral Rolls, *adj.*, 1106  
 Elections, Date of, *adj.*, 6218  
 Inter-State Commission Bill, *q.*, 4749  
 Judiciary Bill, *com.* (indictments), 1527, 1556, 1560, 1561  
 Medicine Chests : Telegraph Operators, *q.*, 5165  
 New Guinea, Acquisition of Dutch and German, *m.*, 875  
 Papua (British New Guinea) Bill, *com.* (power to grant land), 2884, 2889, 2897, 2973, 2975 ; (Legislative Council), 2982 ; *q.*, 4396  
 Rifle Clubs, Western Australia, *q.*, 5652  
 Seat of Government Bill, *cons. amds.*, 6274  
 Supply :  
 External Affairs, 5066, 5070  
 Telegraphic Delays, *q.*, 586, 686, 1156  
 Telegraph Line, Direct Working, *q.*, 5049  
 Telegraph Operators, Eucla, *q.*, 4855  
 Telephones at Kalgoorlie, *q.*, 5881, 6102  
 Transcontinental Railway, *adj.*, 384, 6378 ; *q.*, 1157, 3086, 4916  
 Visit of Members to Western Australia, *q.*, 235

**Knox, Mr. W., Kooyong :**

Budget, 4388  
 Conciliation and Arbitration Bill, *q.*, 3728 ; 2*r.*, 4244 ; *com.* (application), 4682  
 Defence Bill, 2*r.*, 2551 ; *com.* (exemptions), 3230 ; (cadet corps), 3265  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2602  
 Electoral Divisions, Victoria, 3593  
 Electoral Rolls, *q.*, 5576, 6250  
 Federal Capital Site, *m.*, 5315  
 Judiciary Bill, *recom.* (indictments), 1561  
 Naval Agreement Bill, 2*r.*, 2175  
 Pacific Cable Board, *q.*, 6205  
 Patents Bill, *com.* (prior specifications), 5593 ; (reports of examiners not published), 5607 ; (extension of term), 5610 ; (working of patent), 5616  
 Public Service Regulations, *cons. mes.* (Sunday work), 6408  
 Seat of Government Bill, 2*r.*, 5710 ; *com.* (method of selection), 5808 ; (seat of government), 5896  
 Secretary to Minister, appointment of, *q.*, 5781, 6104  
 Show, Agricultural, *q.*, 4498

Knox, Mr. W.—*continued.*

## Supply :

- Defence, 5174
- Home Affairs, 5094, 5103
- The Parliament, 5478
- Trade and Customs, 5112

Lyne, Hon. Sir W. J., K.C.M.G., *Hume :*

- Aliens, Employment of, *q.*, 3729
- Annual Leave, *q.*, 5782, 5962, 6103
- Assurance Companies, Approved, *q.*, 1525
- Bonus Commission's Report, *q.*, 4312
- Border Duties, Collection of, *q.*, 6249
- Customs Administration, *q.*, 4312, 6251
- Eastern Extension Telegraph Company's Agreement, *m.*, 2679
- Electoral Act Administration, *q.*, 124, 125, 444, 528, 685, 1761, 1864, 2012, 2618, 2748, 2857, 2980, 2981, 3084
- Electoral Commissioner, Queensland, *q.*, 4239, 4499, 5048
- Electoral Divisions, South Australia, *m.*, 3547; Victoria, *m.*, 3560; New South Wales, *m.*, 3643, 3778; Queensland, *m.*, 3785, 3881; *q.*, 3952; Tasmania, *q.*, 3952, 5880; *m.*, 4319, 4347; Western Australia, *m.*, 4349
- Electoral Divisions Bill, *int.*, 4312, 4317; *2r.*, 4397, 4451; *com.* (State divisions to be Commonwealth divisions), 4504; *3r.*, 4608
- Electoral Rolls, *adj.*, 1115; *q.*, 1521, 1522, 1618, 1712, 1761, 2012, 2981
- Electoral Status of Aliens, *q.*, 2125
- Federal Capital, *q.*, 11, 530, 1520, 1618, 1762, 2223, 2618, 2747, 2947, 2980, 3085, 3338, 4311; *m.*, 5395, 5431; *adj.*, 6421
- Fidelity Guarantee Fund, *q.*, 3181
- Fruit Inspection, *q.*, 4500
- Holidays, Postal Officials, *q.*, 1963
- Inter-State Certificates, *adj.*, 6146, 6424
- Inter-State Commerce, *q.*, 4499, 4661
- Inter-State Customs, *q.*, 4501
- Inter-State Shipping Trade, *q.*, 3339
- Milton Post Office Repairs, *q.*, 1961
- Minimum Wage, Contracts, *q.*, 1520; *adj.*, 1568
- Oils, Importation of, *q.*, 5653
- Overtime, Customs Officials, *q.*, 5672
- Perth Custom House, *q.*, 4501
- Railway Passes, Members', *q.*, 11
- Rentals, Official Quarters, *q.*, 531
- Representation, Basis of, *adj.*, 2957
- Seat of Government Bill, *int.*, 5652; *2r.*, 5673; *m.*, 5734; *adj.*, 5735, 5783; *m.*, 5800; *com.* (method of selection), 5801, 5806, 5807, 5809, 5814; (seat of government), 5818, 5831, 5962, 5994; *cons. amds.*, 6269, 6297; *ad. rep.*, 6304
- Secretary to Minister, Appointment of, *q.*, 5782, 5961, 6104
- Senate Elections Bill, *2r.*, 1816; *com.* (nominations), 1818
- Ships' Stores Regulations, *q.*, 5671
- Sydney Custom House Repairs, *q.*, 2013
- Sugar Bounties, *q.*, 4396
- Superannuation Rights, Officers, *q.*, 2619
- Transcontinental Railway, *adj.*, 6423
- Transferred Properties, Value of, *q.*, 3084, 3339
- Vacancies, Public Service, *q.*, 3339
- Visit of Members to Western Australia, *q.*, 235

Macdonald-Paterson, Hon. T., *Brisbane :*

- Mail Contract, Oversea, *supply*, 5479
- Seat of Government Bill, *com.* (seat of government), 5897

Macfarlane, Senator J., *Tasmania :*

- Address in Reply, 110
- Appropriation Bill, *com.* (Home Affairs), 5949, 5954; (Defence), 6017
- Customs Collections, Tasmania, *m.*, 1916; *q.*, 4974; *supply*, 5376
- Customs Decisions, *m.*, 2296
- Defence Bill, *com.* (making use of uniform), 4897
- Eastern Extension Company's Agreement, *m.*, 3615
- Electoral Divisions, Tasmania, *m.*, 4546
- Electoral Rolls, Tasmania, *q.*, 3508, 3681
- English Mails, *q.*, 2187, 4628
- Meteorological Reports, *q.*, 181
- North-west Coast Survey, *m.*, 5755
- Old-age Pensions, *m.*, 4460
- Order of Business, *adj.*, 4657
- Pacific Cable Conference, *adj.*, 4714
- Postal Contract, Tasmania, *q.*, 4974
- Post and Telegraph Act Amendment Bill, *2r.*, 5546
- Public Service Regulations, *com.* (time for luncheon), 2575
- Seat of Government Bill, *2r.*, 6089
- Sugar Bonus Bill, *2r.*, 1278; *com.* (bonus), 1373
- Supply Bill (No. 2), *2r.*, 2733
- Supply Bill (No. 3), *1r.*, 5376
- Wharfage Rates, *q.*, 1455

Mahon, Mr. H., *Coolgardie :*

- Address in Reply, 481
- Attorney-General as Counsel, *q.*, 5879
- Auditors-General, Deputy, *q.*, 1014
- Defence Bill, *com.* (breaches of contracts), 325
- Electoral Divisions (Western Australia), *m.*, 4356
- Electoral Rolls, *q.*, 1711
- Entry Forms, *q.*, 4855
- High Court, Associates of Judges, *q.*, 6252
- Honorary Minister, *q.*, 4311
- Inter-State Remittances, *q.*, 1125
- Judiciary Bill, *com.* (exclusive jurisdiction), 1148, 1154, 1189; (pensions), 1302; (salaries), 1329 (appeal on constitutional questions), 1540; (indictments), 1537
- Mail Contracts, *q.*, 788
- Mails, Sorting of, *q.*, 1182, 1523
- Marble Bar, Mail Delays, *q.*, 6359
- Naturalization Bill, *com.* (evidence), 4868; (effect), 4869; (naturalization of women by marriage), 4871; (revocation), 4873
- Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants and opium), 2999; (natives' fund), 3008
- Patents Bill, *cons. mee.* (manufacture in Commonwealth), 6260
- Postal Administration, *supply*, 2229
- Privilege publication of parliamentary documents, 1759; *q.*, 2011, 2125, 2222; *adj.*, 2155; *supply*, 2230
- Public Service, Increases, *q.*, 2981
- Public Service Regulations, *adj.*, 6421
- Relieving Allowances, Public Service, *q.*, 5048, 5106, 6387
- Rifle Clubs, Western Australian, *q.*, 909
- Rules Publication Bill, *2r.*, 6266; *com.* (notice), 6267
- Savings Banks, *q.*, 1523, 2857
- Shipping Casualties, Australasian, *m.*, 3447
- Stores, Supply of, at Wyndham, *q.*, 3729

**Mahon, Mr. H.—continued.**

**Supply :**

Defence, 5184  
 External Affairs 5077  
 Home Affairs, 5095  
 Parliament, 5052, 6387  
 Postmaster-General, 5195, 5214  
 Trade and Customs, 5132, 5135  
 Works, 5214  
 Tarcoola Telegraph Line, *q.*, 788  
 Telegraph Guarantees, *q.*, 1186  
 Transcontinental Railway, *q.*, 6249; *adj.*, 6370, 6419  
 Victorian Income Tax, *q.*, 787

**Manifold, Mr. J. C., Corangamite :**

Defence Bill, 2*r.*, 2545

**Matheson, Senator A. P., Western Australia :**

Commonwealth Library : Mr. Bladen's Report, *q.*, 1664  
 Defence Administration, *q.*, 1356, 5525; *supply*, 1676, 1688, 2732, 2736, 2746, 5373; *m.*, 3240, 3245; *adj.*, 3905  
 Defence Bill, *com.* (appointments during pleasure), 4490; (naval precedence), 4494; (citizen forces), 4496; (discharge), 4551; (enrolment in reserve), 4551; (permanent forces on active service), 4553, 4554; (protection from domestic violence), 4556; (command in time of war), 4556; (naval forces in ships of Royal Navy), 4557, 4558, 4559, 4579; (forces subject to Army Act), 4579; (exemptions), 4583, 4584; (cadets), *p.o.*, 4881, 4892; (railways to carry troops), 4893, 4894; (conveyance by railway and tramway), 4894; (power to impress), 4894; (use of Crown lands), 4894; (tolls), 4895; (refusal to be sworn), 4895; (personating), 4895; (making use of uniform), 4896; (laws applicable to courts-martial), 4900, 4902; (right to volunteer for service abroad), 4909, 4910; (notice not in writing), 4911; (regulations), 4914, 4915, 5649; (council of defence), 4976, 5630, 5635, 5639; *recom.*, 5643, 5644, 5645  
 Electoral Divisions Bill, 2*r.*, 4810; *com.* (State divisions to be Commonwealth divisions), 4835  
 Electoral Officer, Western Australia, *q.*, 1720  
 Federal Capital Site, *m.*, 5564  
 Governor-General's Establishment, *m.*, 3426  
 Judiciary Bill, *com.* (salary), 3160, 3165; (no execution), 3179, (performance by Commonwealth or State), 3247; (rules of court), 3250, 3253  
 Naval Agreement Bill, 2*r.*, 3840, 3914; *m.* for *sel. com.*, 4120; *com.* (ratification), 4211, *p.o.*, 4221, 4232; (preamble), 4235, 4236, 4237; 3*r.*, 4291  
 Naval Defence, *q.*, 2692, 3509, 3681; *adj.*, 3681, 3703  
 Order of Business, *m.*, 2810  
 Papua Tariff Preference, *m.*, 3239  
 Parliament, Presiding Officers of, *q.*, 3038, 3705  
 Patents Bill, *com.* (report as to novelty), 3300, 3304; (extension of term of patent), 3316; (working of patents), 3325; (assignment to Commonwealth), 3333; (patent attorneys), 3333  
 Post and Telegraph Administration, *supply*, 5375  
 Preferential Trade, *supply*, 5373

**Matheson, Senator A. P.—continued.**

Printing Committee, *ad. rep.*, 4808  
 Senate Elections Bill, 2*r.*, 1599; *recom.*, 1668  
 Sugar Bonus Bill, *com.* (bonus), 1387, 1584, 1692; (sugar-giving contents), 1588; (rebates), 1590  
 Supply Bill (No. 1), *com.* (Defence) 1676, 1688  
 Supply Bill (No. 2), 2*r.*, 2732, *com.* (Defence), 2736, 2746  
 Supply Bill (No. 3), 1*r.*, 5373  
 Tasmanian Cable, *supply*, 5374  
 Tobacco Monopoly, National, *m.*, 4191

**Mauger, Mr. S., Melbourne Ports :**

Address in Reply, 571  
 Conciliation and Arbitration Bill, 2*r.*, 3361  
 Customs Officials, Sunday work, *q.*, 6251  
 Defence Bill, *com.* (persons liable to serve), 3225; (cadet corps), 3267; (breaches of contracts), 3284; (council for defence), 4060, 4068; (board of advice), 4068; (prohibition), 4068; *cons. amds.*, (council of defence), 6120  
 Female Typists, *q.*, 5653, 5880  
 Hutton, General, Comments in Report of, *q.*, 3547  
 Judiciary Bill, *com.* (salaries), 1228; (pensions), 1233, 1242  
 Military Regulations, *q.*, 2011  
 Minimum Wage, Contracts, *q.*, 1520; *adj.*, 1568  
 Naval Agreement Bill, 2*r.*, 1981  
 Papua (British New Guinea) Bill, *com.* (power to grant land), 2891; (prohibition of intoxicants and opium), 2988  
 Public Service Regulations, *cons. mes.* (Sunday work), 6408  
 Supply :  
     External Affairs, 5069, 5074  
     Trade and Customs, 5121

**McCay, Hon. J. W., Corinella :**

Appropriation Bill, 3*r.*, 5658  
 Country Mail Services, *adj.*, 1570  
 Defence Bill, 2*r.*, 2538; *com.* (interpretation), 3014, 3017, 3023; (provisional appointments), 3025; (seniority of officers), 3026; (unattached lists), 3028; (defence force), 3031; (permanent forces), 3036, 3086; (citizen forces), 3108; (force liable to serve outside Commonwealth), 3125; (citizen naval force liable to serve outside Commonwealth), 3127; (forces subject to Army Act), 3221, 3224; (persons liable to serve), 3227; (exemptions), 3230; (cadet corps), 3265, 3276, 3278, 4072; (claiming for drills unperformed), 3281; (breaches of contracts), 3285; (council of defence), 4066; (prohibition), 4070  
 Electoral Divisions, Victoria, *m.*, 3598  
 Federal Capital, *adj.*, 4394; *m.*, 5405, 5415; *Appropriation Bill*, 5658  
 High Court Procedure Bill, *com.* (trial of issues), 1625; (juries), 1626, 1627, 1629; (production of books), 1630  
 Judiciary Bill, 2*r.*, 688; *com.* (original jurisdiction), 952, 964; (exclusive jurisdiction), 1145, 1152, 1206; (removals), 1216, 1548; (salaries), 1223; (pensions) 1302; (place of sitting), 1444; (jurisdiction in chambers), 1446; (quorum), 1447; (barristers), 1453, 1549, 1550, 1551; (justices not to hold other office), 1567; *cons. amds.*, 3677

**McCay, Hon. J. W.—continued.**

Military Organization, Scheme of, *adj.*, 2181  
 Naval Agreement Bill, *int.*, 1713; *2r.*, 2131  
 Papua (British New Guinea) Bill, *com.* (continuance of laws), 2802, 2988; (prohibition of intoxicants and opium), 2999  
 Rifle Ranges, *q.*, 5879  
 Seat of Government Bill, *m.*, 5787; *com.* (method of selection), 5801; (seat of government), 5963, 5971, 5994  
 Sugar Bonus Bill, *com.* (bonus), 941, 1020  
 Supply:  
   Defence, 5139, 5177, 5191, 5192, 5194  
   External Affairs, 5074  
   Home Affairs, 5088, 5101  
   Parliament, 6388, 6396  
 Supply, Practice in submitting Estimates, 6397

**McColl, Hon. J. H., Echuca :**

Address in Reply, 297  
 Codlin Moth Parasite, *q.*, 1102  
 Cotton, Bonus on, *m.*, 1496  
 Country Mail Services, *adj.*, 1572  
 Electoral Act Administration, *q.*, 685  
 Electoral Divisions, Victoria, *m.*, 3581  
 Friday Sittings, *m.*, 2306  
 Naval Agreement Bill, *2r.*, 2177  
 Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants and opium), 2997  
 Post-offices, Hour of Opening, *q.*, 330  
 Seat of Government Bill, *2r.*, 5703

**McDonald, Mr. C., Kennedy :**

Address in Reply, 563  
 Appropriation Bill, *3r.*, 5656  
 Budget, 4856; *p.o.*, 4858  
 Conciliation and Arbitration Bill, *int.*, 1769; *com.* (public service), 4785; *adj.*, 6428  
 Cotton, Bonus on, *m.*, 1496  
 Defence Bill, *com.* (short title), 2563; (forces liable to serve outside Commonwealth), 3126; (citizen naval force liable to serve outside Commonwealth), 3129; (protection from domestic violence), 3130; (forces subject to Army Act), 3223; (board of advice), 4068  
 Electoral Act Amendment, *q.*, 11, 444  
 Electoral Divisions Bill, *int.*, 4313  
 Electoral Rolls, *adj.*, 1112  
 Friday Adjournments, *adj.*, 2278  
*Hansard*, *q.*, 10  
 Judiciary Bill, *com.* (indictments), 1529, 1557  
 Kingston, Mr., Resignation of Office, *obs.*, 2617  
 Meat, Export duty on, *q.*, 1181  
 Naval Agreement Bill, *int.*, 1715; *2r.*, 2154; *com.* (ratification), 2459  
 Papua Bill, *adj.*, 6427  
 Patents Bill, *com.* (objections), 5609  
 Permanent Artillery Retirements, *q.*, 330  
 Population, Increase of in Tasmania, *q.*, 2504  
 Preferential Trade Proposals, *q.*, 1126, 5960  
 Private Members' Business, *adj.*, 5999  
 Queensland Mail Service, *adj.*, 4693  
 Railway Passes, Members', *q.*, 11  
 Representation, Basis of, *adj.*, 2947, 2964  
 Seat of Government Bill, *2r.*, 5733; *com.* (seat of government), 5937, 5971; *ad rep.*, 6298; *cons. mes.*, 6401  
 Smuggling of Arms, Solomon Islands, *q.*, 5879  
 Standing Orders, *adj.*, 6146

**McDonald, Mr. C.—continued.**

Sugar Bonus Bill, *com.* (bonus), 940  
 Sugar Bonus, Inspectors of, *q.*, 2013  
 Supply:  
   External Affairs, 5068, 5073  
   Parliament, 5057, 5058, 5059, 5063, 6390, 6395, 6400  
   Treasury, 5104  
 Supply, Practice in submitting Estimates, 6397, 6398, *p.o.*, 6399

**McEacharn, Sir M. D., Kt., Melbourne :**

Conciliation and Arbitration Bill, *2r.*, 3340; *com.* (application), 4676  
 Defence Bill, *com.* (short title), 2563  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2755  
 Electric Telegraph and Traction Regulations, *q.*, 6102  
 Federal Capital Site, *m.*, 5392  
 Goldring Case, *supply*, 1418  
 Judiciary Bill, *com.* (salaries), 1237, 1318  
 Parliament, 5051, 5057, 6388, 6390  
 Public Service Regulations, *cons. mes.* (Sunday work), 6408; (travelling allowances), 6411  
 Queensland Mail Service, *adj.*, 4688  
 South African Trade, *supply*, 2228; *expl.*, 2524  
 Sugar Bonus Bill, *cons. mes.* (bonus), 2612  
 Supply:  
   External Affairs, 5074  
   Parliament, 5051, 5057, 6388, 6390

**McGregor, Senator G., South Australia :**

Address in Reply, 498  
 Adjournment Motions, Relevance of Debate, *m.*, 5742  
 Appropriation Bill, *com.* (Parliament), 5839, 5845, 5849, 5851, 5855; (External Affairs), 5859, 5861; (Home Affairs), 5872, 5948, 5952; (Postmaster-General), 6017, 6026  
 Appropriation Bill (No. 2), *com.* (second schedule), 6355  
 Appropriation (Works and Buildings) Bill, 1903-4, *com.* (schedule), 6044  
 Commonwealth Stamp, 3397  
 Customs Boatmen, Sydney, *q.*, 6149  
 Customs Decisions, *m.*, 2293  
 Customs Revenue, *q.*, 3788  
 Customs Prosecutions, *adj.*, 5835  
 Days of Sitting, *adj.*, 2747  
 Defence Administration, *m.*, 3244; *adj.*, 3910  
 Defence Bill, *com.* (power to appoint military districts, &c.), 4479; (appointments during pleasure), 4484, 4489; (cadets), 4892, regulations, 4976  
 Electoral Divisions Bill, *2r.*, 4821  
 Federal Capital Site, *m.*, 5247, 5563, 5570, 5573  
 Federal Elections, Victoria, *q.*, 6047  
 Female Cleaners, *q.*, 4456  
 Gawler, Telegraph office at, *q.*, 2566, 6435  
 Governor-General, Valedictory Address, *m.*, 6317  
 Governor of Victoria and Federal Politics, *m.*, 3399  
 High Court Appointments, *p.o.*, 5445  
 Immigration Restriction Act, *q.*, 2909, 3039, 3236  
 Judiciary Bill, *2r.*, 3058; *com.* (judges), 3067  
 Kingston, Mr., Resignation of, *obs.*, 2593  
 Mail Services, *q.*, 2468, 2691

**McGregor, Senator G.—continued.**

Members, Protection of, *q.*, 4073  
 Military Forces, *q.*, 2692  
 Military Officers, Status of, *q.*, 2078  
 Mount Gambier Post-office, *q.*, 181, 385  
 Naturalization Bill, *com.* (persons who may apply), 1935, 1947, 1953; (evidence), 2189, 2190, 2192, 2194, 2197; (revocation), 2201; (fees), 2201, 2202, 2203  
 Naval Agreement Bill, *2r.*, 4105  
 Naval Defence, *adj.*, 3702  
 New Administration, *obs.*, 5440  
 Old-age Pensions, *m.*, 4462  
 Order of Business, *m.*, 2814; *q.*, 3293; *adj.*, 4657  
 Parliamentary Elections, Victorian Railway Employés, *q.*, 3788  
 Patents Bill, *com.* (definitions), 2118; (saving of rights, 2123; (who may apply), 3294, 3295; (examiner to report), 3299; (prior patent), 3314; (working of patents), 3323; *com. amds.* (priority), 6325  
 Public Service Regulations, *m.* (politics), 842; *com.* (time for luncheon), 2573; (overtime), 2579; (Sunday work), 4201; (travelling allowances), 4801, 4802  
 Quarantine, *q.*, 3788  
 Sargood, Death of Senator Sir F. T., *m.*, 8  
 Saunders, Senator, Vote of, *p.o.*, 4566; *m.*, 4653  
 Seat of Government Bill, *2r.*, 6174; *com.* (seat of government), 6185, 6188, 6190, 6197; *cons. mes.*, 6341  
 Senate Elections Bill, *recom.*, 1668  
 Senate Officers, Salaries, *supply*, 5458  
 Short Weights, Adulteration, *q.*, 3132  
 South African War, Report on, *q.*, 4874  
 Standing Orders, *p.o.*, 661; *com.* (notices), 681; (order of business on bill), 757; (dilatatory motions), 780, 872, 972; (select committees: appointment), 992; (draft report), 995; (speech not read), 1009; (motions not debatable), 1067; (election of President), 3519; (amendment to leave out), 3527, 3529, *q.* as to second report of committee, 2691  
 Statutes, Commonwealth, *q.*, 496, 3131  
 Sugar Bonus Bill, *2r.*, 1292; *com.* (bonus), 1389, 1483, 1691, 1861, 2494, 2502; (power of amendment), 1843

**McLean, Hon. A., Gippsland:**

Address in Reply, 137  
 Budget, 4942  
 Conciliation and Arbitration Bill, *2r.*, 4127; *com.* (public service), 4775  
 Defence Bill, *com.* (citizen forces), 3100, 3120; (forces liable to serve outside Commonwealth), 3126; (cadet corps), 3272; (regulations), 3291; (council of defence), 4067  
*Doris*, Fishing Schooner, *m.*, 5782  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2774  
 Electoral Act Administration, *q.*, 528  
 Electoral Divisions, Victoria, *m.*, 3563  
 Electoral Divisions Bill, *2r.*, 4405  
 Federal Capital Site, *m.*, 5297, 5429  
 Judiciary Bill, *2r.*, 738; *com.* (original jurisdiction), 1041; (salaries), 1225, 1322; (judges), 1342; *3r.*, 1879  
 Naval Agreement Bill, *2r.*, 2424  
 New Administration, *obs.*, 5465

**McLean, Hon. A.—continued.**

Papua (British New Guinea) Bill, *com.* (power to grant land), 2897  
 Patents Bill, *com.* (prior specifications), 5602  
 Prime Minister, Resignation of, *obs.*, 5465  
 Seat of Government Bill, *2r.*, 5688; *com.* (method of selection), 5802; (seat of government), 5893, 5966  
 Supply: Defence, 5183

**McLean, Mr. F. E., Lang:**

Address in Reply, 175  
 Defence Bill, *2r.*, 2557  
 Electoral Divisions, Victoria, *m.*, 3593; New South Wales, *m.*, 3747; Queensland, *m.*, 3863  
 Naval Agreement Bill, *2r.*, 2432; *com.* (ratification), 2463  
 Seat of Government Bill, *com.* (seat of government), 5995  
 Secretary Department of Trade and Customs, *q.*, 5961  
 Strachan, Case of Captain, *q.*, 2417  
 Telephone Exchanges, *q.*, 2594

**McMillan, Sir W., K.C.M.G., Wentworth:**

Address in Reply, 374  
 Canadian-Australian Mail Contract, *m.*, 1644  
 Conciliation and Arbitration Bill, *2r.*, 3960; *com.* (application), 4668; (public service), 4761  
 Electoral Divisions, New South Wales, *m.*, 3673, 3730; Queensland, *m.*, 3856  
 Electoral Divisions Bill, *2r.*, 4400; *com.* (States divisions to be Commonwealth divisions), 4506; *3r.*, 4586, 4622  
 Electoral Rolls, *q.*, 586  
 Federal Capital, *q.*, 1520, 2300, 5273, 5467, *m.*, 5282, 5400, 5418, 5419, 5430  
 Friday Sittings, *m.*, 2304  
 Goldring case, *supply*, 1428, 1620  
 High Court Appointments, *q.*, 5272; *obs.*, 5463  
 Judiciary Bill, *com.* (pensions), 1297; (salaries), 1317 (Judges), 1344; (appeal on constitutional questions), 1542  
 Kingston, Mr., Resignation of, *obs.*, 2617  
 Ministerial Precedence, *q.*, 3337, 3338  
 Naval Agreement Bill, *int.*, 1712, 1714; *2r.*, 2428; *com.* (ratification), 2457; (schedule), 2507; (preamble), 2511  
 New Administration, *obs.*, 5464  
 Papers, Parliamentary, *q.*, 529  
 Papua (British New Guinea) Bill, *2r.*, 2522; *com.* (power to grant land), 2894, 2972  
 Personal Explanation, 1296, 3643  
 Preferential Trade, Resignation of Mr. Chamberlain, *q.*, 5272  
 Prime Minister, Resignation of, *obs.*, 5463  
 Public Service Regulation, *m.*, (politics) 1513  
 Seat of Government Bill, *com.* (method of selection), 5802; (seat of government), 5986  
 Sugar Bonus Bill, *cons. mes.* (bonus), 2610  
 Supply Bill, (No. 1), (Trade and Customs), *int.*, 1620

**Millen, Senator E. D., New South Wales:**

Address in Reply, 98  
 Appropriation Bill (No. 2), *2r.*, 6347  
 Canadian-Australian Mail Contract, *m.*, 1096  
 Electoral Divisions Bill, *2r.*, 4735; *com.* (State divisions to be Commonwealth divisions), 4826



Millen, Senator E. D.—*continued.*

- Federal Capital Site, *m.*, 5254  
 Government, Position of, *q.*, 4789  
 Naturalization Bill, *com.* (definition), 1929 ; (persons who may apply), 1957 ; (evidence), 2196  
 Naval Agreement Bill, 2*r.*, 3800  
 Pacific Cable Conference, *adj.*, 4710  
 Patents Bill, *com.* (parts), 2115, 2116 ; (definitions), 2117, 2118, 2122 ; (saving of rights), 2123  
 Seat of Government Bill, 2*r.*, 6151 ; *com.* (seat of government), 6189, (*p.o.*, 6191), 6197 ; *cons. mes.*, 6339, 6347 ; (valuation), 6200, 6201  
 Senate Elections Bill, 2*r.*, 1100  
 Standing Orders, *com.* (dilatory motions), 973 ; (extracts), 1010 ; (complaints against newspapers), 1010  
 Sugar Bonus Bill, 2*r.*, 1080 ; *cons. mes.*, 2077 ; (power of amendment), 2403  
 Tobacco Monopoly, National, *m.*, 4187

Neild, Senator Lt.-Col. J. C., *New South Wales.*

- Address in Reply, 191  
 Appropriation Bill, *com.* (Defence), 6006, 6010, 6012 (Postmaster-General) 6022 ; *cons. mes.*, (Parliament), 6242  
 Appropriation Bill (No. 2), 2*r.*, 6349  
 Claims against the Commonwealth Act Amendment Bill, 1*r.*, 183 ; *dis.*, 3793  
 Commonwealth Flag, *q.*, 3398  
 Days of Sitting, *p.o.*, 88 ; *m.*, 3133  
 Defence Administration, *supply*, 2744, 5383 ; *q.*, 3508  
 Defence Bill, *com.* (interpretation), 4475 ; (power to appoint military districts, &c.), 4476, 4479, 4480 ; (suits by ex-members) 4480 ; (determination of provisional appointments), 4481, 4482 ; (appointments during pleasure), 4483, 4485, 4486, 4489, 5634 ; (warrant officers), 4493, 5635 ; (seniority), 4494 ; (naval precedence), 4495 ; (period of enlistment), 4497, 4546, 4548, 4550 ; (discharge), 4551 ; (exemption from juries), 4552 ; (power to disband), 4553 ; (permanent forces on active service), 4553, 4554 ; (naval forces on ships of Royal Navy), 4559 ; (provision for families), 4580, 4581, 4582 ; (persons liable to serve), 4583 ; (exemptions), 4584 ; *p.o.*, 4878, 4882 ; (cadets), 4884, 5633 ; (billeting), 4894 ; (use of Crown lands), 4895 ; (absence: trial as deserter), 4895 ; (making use of uniform), 4896 ; (laws applicable to courts-martial), 4897, 4899, 4900, 4902 ; (contempt of court), 4903 ; (punishment for contempt), 4904 ; (active forces to attend court-martial), 4905 ; (power to summon witnesses), 4906 ; (disobedience to summons), 4906 ; (power as to sentencing), 4907 ; (subscriptions, &c., vested in commanding officer), 4908 ; (power to arrest and detain), 4909 ; (right to volunteer for service abroad), 4910 ; (stoppage of pay), 4910 ; (notice not in writing), 4911 ; (regulations), 4912, 4913, 4914, 4975, 4976, 5634 ; (council of defence), 4986, 6235 ; (resignation), 4991, 4992, 6233 ; (contempt by civilians), 4992 ; (power to disrate or discharge), 4993 ; (canteen prohibition), 4999 ; (trespass), 5638, *cons. mes.* ; (compensation), 6233

Neild, Senator Lt.-Col. J. C.—*continued.*

- Electoral Divisions Bill, 2*r.*, 4722 ; *com.* (State divisions to be Commonwealth divisions), 4834  
 Federal Capital Site, *p.o.*, 5224 ; *m.*, 5265 ; *q.*, 5628  
 Federal Capital Sites, Commission, *q.*, 2463  
 2804, 3131, 3397, 3788, 3900, 4288, 5628  
 Fiscal Referendum, *m.*, 5339  
 Governor-General's Establishment, *m.*, 3417  
 Governor of Victoria and Federal Politics, *m.*, 3400  
 Hansard Index, *q.*, 4456  
 Immigration Restriction Act, *q.*, 67  
 Judiciary Bill, 2*r.*, 2712  
 Letter Carriers and Sorters, *q.*, 2362, 2363, 2692, 5222, 6150, 6436  
 Mail Contracts, *q.*, 968  
 Military Annuities, *q.*, 2363, 5223  
 Military and Naval Forces, *q.*, 3397  
 Militia Adjutants, *q.*, 4791, 4974  
 Ministers in Senate, *m.*, 1458, 1470, 3790, 3792  
 Naval Agreement Bill, 2*r.*, 3830 ; *p.o.*, 4221  
 Old-age Pensions, *m.*, 4457, 4465  
 Order of Business, *m.*, 2814 ; *adj.*, 4656  
 Parliamentary Evidence Bill, 1*r.*, 183 ; *dis.*, 3794  
 Patents Bill, 2*r.*, 2089 ; *com.* (definitions), 2121, 2122 ; (penalties), 2122  
 Postal and Telegraphic Facilities, *q.*, 1356, 2075  
 Postal Deliveries, *q.*, 1456, 2075  
 Private Members' Business, *m.*, 386  
 Printing Committee, *ad. rep.*, 4807  
 Public Service Regulations (Sunday work), 4204 ; (increments), 4209 ; (travelling allowances), 4801 ; *p.o.*, 5348 ; (report) 5353  
 Questions, Notices of, *obs.*, 4456  
 Regimental Funds, *q.*, 3132, 3397  
 Returning Officers, *q.*, 6150  
 Rules Publication Bill, 2*r.*, 6327 ; *com.*, (notice) 6330, 6332  
 Saunders, Senator, Vote of, *p.o.*, 4566 ; *m.*, 4647  
 Seat of Government Bill, 2*r.*, 6054 ; *com.* (seat of government), 6185, 6196 ; *cons. mes.*, 6341 ; *ad. rep.*, 6219  
 Shipping Facilities, Queensland, *supply*, 2729  
 South Africa, Landing Permits, *q.*, 182  
 Standing Orders, *com.* (dilatory motions), 977 ; (select committees: appointment), 984, 989, 991 ; (motions not debatable), 1064, 1066 ; (suspension), 1071 ; (Commons' practices), 3446  
 Sugar Bonus Bill, 2*r.*, 1077 ; *com.* (bonus), 1369, 1374, 1382, 1476, 1482, 1487, 1860 ; *cons. mes.*, 2077 ; (power of amendment), 2475  
 Sunday and Overtime Work, *q.*, 1456, 1820, 2075  
 Supply Bill (No. 2), 2*r.*, 2726 ; *com.* (Defence), 2744  
 Supply Bill (No. 3), 1*r.*, 5383  
 Supply, Grant of, *m.*, 1457, 1458  
 Telephone Service, Sydney, *q.*, 2469  
 Vacant Portfolio, *q.*, 2803, 3131  
 Woollahra Post-office, *q.*, 968

O'Connor, Senator Hon. R. E., *K.C., New South Wales.*

- Auditor-General's Report, *q.*, 3132

O'Connor, Senator Hon. R. E.—*continued.*

Bonus Commission's Report, *q.*, 4074  
 Call of the Senate, *q.*, 2075  
 Chamberlain, Visit of Mr., 2279, 3036  
 Commonwealth Flag, *q.*, 3398  
 Customs Administration, *q.*, 2187, 2363  
 Customs Collections, Tasmania, *m.*, 2910  
 Customs Decisions, *m.*, 2290; *q.*, 3399  
 Customs Statistics, *q.*, 3509  
 Customs Revenue, *q.*, 3788  
 Days of Sitting, *q.*, 2279; *adj.*, 2747, 4310; *m.*, 3133  
 Defence Administration, *m.*, 3241  
 Dobson, Senator, *q.*, 3038  
 Eastern Extension Company's Agreement, *m.*, 3616; *q.*, 3790  
 Electoral Divisions, *adj.*, 3605  
 Electoral Rolls, *q.*, 2187, 3508  
 English Mails, Hobart, *q.*, 3789  
 Farmer and Co., Case of, *q.*, 3235  
 Federal Capital Sites Commission, *q.*, 2187, 2468, 2804, 3131, 3397, 3788, 3900, 4288  
 Government Business, *m.*, 2804, 2815  
 Governor-General, Appointment of, *adj.*, 3336  
 Governor of Victoria and Federal Politics, *m.*, 3404  
 High Commissioner, *q.*, 3705  
 High Court Procedure Bill, 2*r.*, 3255; *com.* (temporary transfer), 3256; (juries), 3257; (change of venue), 3260; (security), 3261, 3263; *cons. mes.*, 4302.  
 Immigration Restriction Act, *q.*, 2566, 2910, 3039, 3236  
 Judiciary Bill, 2*r.*, 2693, 3065; *com.* (interpretation), 3066; (Judges), 3067; (qualification of justices), 3068, 3074; (justices not to hold other office), 3075, 3076; (oath of office), 3077; (registries), 3077, 3078; (jurisdiction in chambers), 3078; (original jurisdiction), 3079; (mandamus—prohibition), 3079, 3080; (appeals from justices of High Court), 3080, 3081, 3082, 3083, 3135; (appeals from States Supreme Courts), 3137, 3138, 3139, 3140, 4009; (new trials), 3140; (exclusive jurisdiction), 3140, 3141, 3142; (Federal jurisdiction of States Courts), 3143, 3148, 3149, 3150, 3255; (salary), 3168; (registrars), 3170, 3171; (no execution), 3171, 3174, 3178, 3246; (indictments), 3248; (points of law), 3250; (rules of court), 3250, 3251; (repeal of Act), 3253  
 Kingston, Mr., *obs.*, 2589  
 Lee-Enfield Rifles, *q.*, 2566  
 Members, Protection of, *q.*, 4073  
 Metric System, *m.*, 2286  
 Military Annuities, *q.*, 2363  
 Military Forces, *q.*, 2692, 3398  
 Naturalization Bill, *recom.*, 2299  
 Naval Agreement Bill, *q.*, 3037; 2*r.*, 3705, 4117; *m.* for *sel. com.*, 4120; *com.* (ratification), 4212; *p.o.*, 4224, 4228; (preamble), 4236; 3*r.*, 4300  
 Naval Defence, *q.*, 2692, 3398, 3509, 3681; *adj.*, 3689  
 New Hebrides, *q.*, 4288  
 Oil as Fuel, Vessels Burning, *q.*, 2364  
 Order of Business, *m.*, 3134, 3237, 3293  
 Papua Tariff Preference, *m.*, 3238  
 Parliament, Presiding Officers of, *q.*, 3039, 3705  
 Parliamentary Elections, Victorian Railway Employés, *q.*, 3789

O'Connor, Senator Hon. R. E.—*continued.*

Post and Telegraph Service, Sydney, *q.*, 3900, 4008  
 Police, Payment of for Collection of Rolls, *q.*, 4074  
 Patents Bill, *com.* (definitions), 2118  
 Printing Committee, Report of, *m.*, 3543  
 Privilege: Speech by Senator Reid, *m.*, 3680, 3900  
 Prorogation and Elections, *q.*, 3399  
 Protection of Ministers, *q.*, 2468  
 Public Service Regulations, *p.o.*, 2569  
 Public Works: Administration, *m.*, 2581  
 Quarantine, *q.*, 2804, 3788  
 Re-arrangement of Portfolios, *obs.*, 3264  
 Regimental Funds, *q.*, 3132  
 Short Weights and Adulteration, *q.*, 3132  
 South African Tariff Convention, *q.*, 2469  
 Standing Orders (opening of Parliament), 3430, 3432; (bills Senate may not amend), 3432, 3438; (free conference), 3439; (Commons' practice), 3445; (election of President), 3510, 3515, 3519; (adjournment), 3520; (amendment to leave out), 3523, 3529; (previous question), 3530; (consideration of message), 3534; (Chairman of Committees), 3723; (questions), 3724, 3727; *ad. rep.*, 3847; *q.* as to second report of committee, 2691  
 Sugar Bonus Bill, *cons. mes.*, 2076, 2078; (power of amendment), 2365, 2488; (bonus), 2491, 2496, 2499, 2500, 2593; *ad. rep.*, 2503  
 Sugar Bounties, Queensland Premier's Request, *q.*, 2566  
 Supply Bill (No. 2), 2*r.*, 2733  
 Transcontinental Railway, *q.*, 2279, 3608  
 Vacant Portfolio, *q.*, 2804, 3131  
 Wheat and Maize Imports, *q.*, 2363

O'Keefe, Senator D. J., *Tasmania:*

Address in Reply, *m.*, 106  
 Appropriation Bill, *com.* (Parliament), 5845; *cons. mes.* (Home Affairs), 5874; (Defence), 6012; (Postmaster-General), 6024  
 Appropriation Bill (No. 2), 2*r.*, 6351  
 Attendance of senators, record of, *adj.*, 6203  
 Customs Decisions, *m.*, 2293  
 Defence Bill, 2*r.*, 4473 *com.* (appointment distinguished service), 4494; (citizen forces), 4495; (cadets), 4883, 4892; (making use of uniforms), 4897; (council of defence), 5642, 6237  
 Defence Force: Tasmania, *adj.*, 3910  
 Federal Capital Site, *m.*, 5271, 5571  
 Governor-General's Establishment, *m.*, 3427  
 Judiciary Bill, 2*r.*, 2715  
 Lee-Enfield Rifles, *q.*, 2566  
 Mail Service, Melbourne-Launceston, *supply*, 2731  
 Naturalization Bill, *com.* (persons who may apply), 1949  
 Naval Agreement Bill, 2*r.*, 4033; 3*r.*, 4293  
 North West Coast Survey, *m.*, 5756  
 Old-age Pensions, *m.*, 4464  
 Order of Business, *m.*, 2812; *adj.*, 4659  
 Patents Bill, 2*r.*, 2111  
 Perth (Tasmania) Post Office, *q.*, 4182  
 Post and Telegraph Act Amendment Bill, 2*r.*, 5549  
 Public Service Regulations, *com.* (time for luncheon), 2575; (Sunday work), 4206  
 Seat of Government Bill, *ad. rep.*, 6229

**O'Keefe, Senator D. J.—continued.**

Senate Elections Bill, 2*a.*, 1595; *com.* (scrutiny), 1606  
 Standing Orders (dilatatory motions), 872; (amendments to leave out), 3522, 3525  
 Sugar Bonus Bill, *com.*, (bonus), 1391; (power of amendment), 2478  
 Supply Bill (No. 2), 2*a.*, 2731

**O'Malley, Mr. K., Tasmania :**

Address in Reply, *m.*, 577  
 Clothing Factory, *m.*, 1516  
 Conciliation and Arbitration Bill, *int.*, 1769; 2*a.*, 4284; *com.* (public service), 4781  
 Cotton, Bonus on, *m.*, 1500  
 Crotty Miners, *q.*, 443  
 Electoral Divisions, South Australia, *m.*, 3555  
 Electoral Divisions Bill, *int.*, 4316  
 Electoral Rolls, *adj.*, 1123  
 Federal Capital Site, *q.*, 2300, 4311, 5105, 5385, 5781, 6102, 6249; *m.*, 5412, 5432  
 Friday Sittings, *m.*, 2307  
 High Court Procedure Bill, *com.* (suits against Commonwealth or State), 1719  
 Honours for Members of Parliament, *q.*, 6204  
 Judiciary Bill, 2*a.*, 709; *com.* (original jurisdiction), 966; (salaries), 1227, 1318; (pensions), 1236; (judges), 1350, 1355; indictments, 1557; (qualification of justices), 1564  
 King Island, Telephone, *q.*, 4040  
 Meat, Price of, *q.*, 1182  
 Newspapers supplied to Library, *adj.*, 968  
 Old-age Pensions, *q.*, 1296, 5878  
 Parliament, Dissolution of, *q.*, 5575  
 Patents Bill, 2*a.*, 5506; *com.* (definitions), 5509; (working of patents), 5619  
 Preferential Trade, *q.*, 5960  
 Queensland and Tasmanian Mail Services, *adj.*, 4688  
 Seat of Government Bill, *com.* (seat of government), 5933, 5939, 5970; *cons. amds.*, 6298  
 Servian Insurrection, *q.*, 908  
 State Debts, Transfer of, *q.*, 124  
 St. Louis Exposition, *q.*, 787  
 Supply :  
     Parliament, 5063, 6395  
     Postmaster-General, 5210  
 Tasmanian Revenue, *q.*, 528  
 Visits to the Pope, *q.*, 1013

**Page, Mr. J., Maranoa :**

Alien Labour, *q.*, 5047  
 Budget, 4955  
 Clothing Factory, *m.*, 1514  
 Cotton Bonus, *m.*, 1505  
 Defence Administration, *supply*, 5469  
 Defence Bill, 2*a.*, 2554; (short title), 2563; *com.* (interpretation), 3015; (provisional appointments), 3023, 3024; (Council of Defence), 4067; (sale of liquor in canteens), 4069  
 Defence Forces, *q.*, 2011  
 Drayton Grange Inquiry, *q.*, 234  
 Electoral Administration, *q.*, 125, 529; *adj.*, 1110; *q.*, 1181; *adj.*, 1355; *q.*, 1521, 1522  
 Electoral Rolls, *q.*, 2418  
 Friday Sittings, *m.*, 2309  
 Judiciary Bill, *com.* (original jurisdiction), 1138; *expl.*, 1762  
 Kadina Post Office, *q.*, 2947, 2980, 3546

**Page, Mr. J.—continued.**

Mail Service Tenders, *q.*, 4660; *adj.*, 4685, 4748  
 Military Commandant's Report, *q.*, 2303  
 Naval Agreement Bill, 2*a.*, 2246; *q.*, 2302  
 Parliamentary Buildings, *q.*, 4585  
 Personal Explanation, 5164  
 Representation of Queensland, *adj.*, 2954  
 Small Arms Factory, *supply*, 5493  
 Supply :  
     Defence, 5143, 5194  
     External Affairs, 5065, 5069  
     Home Affairs, 5084, 5089, 5094, 5097, 5101  
     Parliament, 5050, 5057, 5062, 5469, 5493  
     Postmaster-General, 5208  
     Treasury, 5104  
 Telegraphic Guarantees, *q.*, 1125; *obs.*, 1418

**Paterson, Mr. A., Capricornia :**

Address in Reply, *m.*, 552  
 Budget, 4860  
 Clothing Factory, *m.*, 1516  
 Conciliation and Arbitration Bill, 2*a.*, 4281  
 Cotton Bonus, *m.*, 1501  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2765  
 Electoral Divisions, Queensland, *m.*, 3786  
 Judiciary Bill, 2*a.*, 837; *com.* (original jurisdiction), 1135; (pensions), 1245; (salaries), 1319  
 Mail Service Tenders, *adj.*, 4692  
 Naval Agreement Bill, 2*a.*, 2259  
 Papua (British New Guinea) Bill, *com.* (power to grant land), 2974  
 Patents Bill, *com.* (report as to previous patenting), 5586 (acceptance), 5590, (additional patent), 5612 (conditions of patent), 5667  
 Tariff Guide, *q.*, 1156

**Pearce, Senator G. F., Western Australia :**

Address in Reply, *m.*, 206  
 Albany, Fortifications, *q.*, 385, 654  
 Appropriation Bill, 2*a.*, 5766; *com.* (Parliament), 5841, 5844, 5847, 5848, 5850; *cons. mes.*, 6241, 6243; (External Affairs), 5856, 5857, 5860, 5945; (Treasury), 5954; (Trade and Customs), 5957; (Defence), 5958, 6001, 6003, 6006; (Postmaster-General), 6020, 6022  
 Appropriation Bill (No. 2), 2*a.*, 6350  
 Business, Order of, *q.*, 3134  
 Coloured Labour on Mail Steamers, *adj.*, 6356  
 Contracts, Minimum Wage, *q.*, 1720  
 Days of Meeting, *m.*, 68  
 Defence Bill, *com.* (appointments held during pleasure), 4491; (period of enlistment), 4548, 4549; (discharge of citizen forces), 4551; (exemption from juries), 4552; (naval forces may serve Royal Navy), 4558, 4560; *recons. amds.*, 5630; (supplying inferior equipment), 5638; (regulations), 5639  
 Defence Force, Tasmania, *adj.*, 3912  
 Deputy Postmaster-General, *q.*, 2362; *supply*, 5378  
 Electoral Regulations, *supply*, 5378; *q.*, 5453, 5736, 5939  
 Electoral Administration, *q.*, 747, 4074  
 Electoral Divisions Bill, 2*a.*, 4742  
 Federal Capital, *m.*, 5234, 5572  
 Fiscal Referendum, *m.*, 5341  
 Governor of Victoria, *m.*, 1738  
 Government Business, *m.*, 2907, 5940  
 High Commissioner, *q.*, 3705

**Pearce, Senator G. F.—continued.**

High Court Appointments, *p.o.*, 5445  
 High Court Procedure Bill, *com.* (trial without jury), 3257  
 Immigration Restriction Act, *q.*, 1063, 1664, 5738  
 Judiciary Bill, 2*a.*, 2823, *com.* (salary), 3155; (no execution against Commonwealth or a State), 3174  
 Mail Contracts, *q.*, 5330  
 Military Forces, *m.*, 3243  
 Ministers, Protection of, *q.*, 2468  
 Naturalization Bill, 2*a.*, 1703; *com.* (persons who may apply), 1935, 1939, 1944, 1948, 1956; (evidence), 2188, 2191; (infants), 2201; *recons.*, 2204  
 Naval Agreement Bill, 2*a.*, 3794; *m.* for *sel. com.*, 4119; *com.* (preamble), 4232; 3*a.*, 4292  
 North-West Coast, Survey of, *m.*, 5755  
 Old-age Pensions, *m.*, 4460  
 Pacific Cable Conference, *p.o.*, 4690  
 Patents Bill, 2*a.*, 2093; *com.* (commencement), 2114; (definitions), 2119, 2122; (saving of rights), 2122; (Commissioner), 2210, 2214; (penalties), 2216; (register), 2218, 2220; *com.* (examiner to report), 3296, 3299, 3303; (report as to previous patenting), 3305, 3307, 3308; (action on examiner's report), 3310, 3542; (extension of term of patent), 3315-6; (working of patents), 3319; (assignment of invention to Commonwealth), 3331; (privileges), 3334; *cons. amds.* (applications), 6244, 6320; (compulsory licences), 6247  
 Patents, States, *q.*, 3235  
 Postmaster Payne, *q.*, 842  
 Post and Telegraph Act Amendment Bill, 2*a.*, 5550  
 Post and Telegraph Service, *q.*, 3900, 4008  
 Preferential Trade, *supply*, 5378  
 Private Business, *obs.*, 3237  
 Public Buildings, Vote for, *q.*, 654  
 Public Service Regulations, *m.*, 2568; *com.* (overtime), 2582, 2583, 2584; (Sunday work), 4199; *ad. rep.*, 5352  
 Seat of Government Bill, 2*a.*, 6090; *com.* (procedure), 6191; (federal territory), 6198; *ad. rep.*, 6231; *cons. amds.* (seat of government), 6341  
 Senate Elections Bill, 2*a.*, 1597  
 Senate Messengers, salaries of, *supply*, 5377  
 Senator Saunders, Vote of, *p.o.*, 4571; *m.*, 4642  
 Sitting of Senate, *adj.*, 4658  
 Speech by Senator Reid, *m.*, 3679, 3901  
 Standing Orders, *com.* (opening of Parliament), 665, 668; (election of President), 669, 670, 3510, 3513; (chair taken), 678; (President or Chairman voting in seats), 683; (doors locked), 685; (clauses within title), 753; (debate on first reading), 759; irregular amendments), 764; amendments by Governor-General), 766; (bills Senate may not amend), 767; (dilatatory motions), 782, 971, 979, 981; (call of Senate), 983; (select committees: appointment), 988; (draft report), 993; (disputed return: petition), 997; (managers: ballot), 997; (strangers), 1000; (facing chair), 1003; (use of King's name), 1010; (motion to divide), 1068; (report of offence), 1069; (adjournment), 3520; (presenting petitions), 3521; (previous question), 3530, 3532; (senators must vote), 3533; (reading title), 3533; (proceedings in committee), 3534; (Chairman

**Pearce, Senator G. F.—continued.**

to sign), 3534; (consideration of message), 3534; (Joint Committees), 3535; (questions), 3724; *q.*, 1246  
 Sugar Bonus Bill, 2*a.*, 1272; *com.* (bonus), 1489; (power of amendment), 1832  
 Supply Bill (No. 1), 2*a.*, 1676  
 Supply Bill (No. 2), 2*a.*, 2730  
 Supply Bill (No. 3), 1*a.*, 5377; *com.* (the Parliament), 5456, 5458  
 Tobacco Monopoly, *m.*, 522, 4192  
 Transcontinental Railway, *q.*, 3608, 4791

**Phillips, Hon. P., Wimmera:**

South African trade, *q.*, 3547

**Playford, Senator Hon. T., South Australia:**

Address in Reply, 434  
 Adjournment, Motions for, *m.*, 5740  
 Appropriation Bill, 2*a.*, 5757, 5780; *com.* (Parliament), 5841; *cons. mes.*, 6238; (External Affairs), 5857; (Home Affairs), 5872, 5875, 5943, 5951, 5954; (Treasury), 5954; (Trade and Customs), 5957; Postmaster-General), 6024, 6031  
 Appropriation (Works) Bill, 2*a.*, 6032; *com.* (short title), 6044  
 Appropriation Bill, Supplementary (1901-2 and 1902-3), 2*a.*, 6045  
 Appropriation (Works and Buildings, 1901-2 and 1902-3) Bill, 2*a.*, 6046  
 Appropriation Bill (No. 2), 2*a.*, 6347, 6353; *com.* (issue and application of), 6354  
 Artillery Instruction, *q.*, 5738  
 Bass Strait Cable, *q.*, 5737  
 British Agreement with France, *q.*, 6318  
 British New Guinea, *q.*, 6150  
 Business, progress of, *adj.*, 5959, 6100; order of, *m.*, 5940, 5941; *q.*, 5939  
 Chamberlain, Mr., Visit of, *q.*, 5629  
 Customs Boatmen, *q.*, 6149  
 Customs Decisions, *m.*, 2291  
 Customs Revenue, Queensland, *q.*, 5737  
 Defence Bill, *com.* (appointments held during pleasure), 4486, 4489; (naval forces may serve in Royal navy), 4560; (power to raise and maintain cadet corps), 4883; (penalty for using uniform), 4896; *cons. amds.* (council of defence), 5648  
 Eastern Extension Telegraph Co.'s Agreement, *m.*, 4303, 5574  
 Electoral Divisions, Tasmania, *m.*, 4546  
 Electoral Regulations, *q.*, 5453; *supply*, 5455, 5939  
 Federal Capital, *m.*, 5236, 5562; *q.*, 5525, 5628, 5833, 6316, 6435  
 Fiscal Referendum, *m.*, 5337  
 Governor-General, Address to, *m.*, 6316  
 Immigration Restriction Act, *q.*, 5738  
 Judiciary Bill, 2*a.*, 2833; *com.* (salary), 3157; (commencement of Act), 3254  
 Kanakas, Recruiting of, *q.*, 6318  
 Letter Sorter, Brisbane, *q.*, 6047, 6248  
 Mail Tenders, Oversea, *q.*, 5629  
 Mails, Transmission of, *q.*, 5737  
 Naturalization Bill, 2*a.*, 1710; *com.* (persons who may apply), 1934, 1936; (evidence), 2192, 2199  
 Pacific Cable Conference, *adj.*, 4708; *q.*, 5627, 5737, 5940, 6318  
 Papua Customs Tariff Preference Bill, *q.*, 5629

**Playford, Senator Hon. T.—continued.**

- Parliament, Reflections on, *q.*, 6316  
 Patents Bill, *com.* (definitions), 2120 ; (report as to previous patents), 3309 ; (examiner's report not to be published), 3312  
 Postal Administration, *q.*, 6435, 6436  
 Postal Department, Vacancies in, *q.*, 6318  
 Postal Officials, Overtime, *q.*, 6150  
 Post Office Directory, Queensland, *q.*, 5737  
 Printing Committee, *ad. rep.*, 4806  
 Public Service Regulations, *com.* (hours of attendance), 2574 ; (overtime), 2579 ; (Sunday work), 4202  
 Railway Employés, Victoria, *q.*, 6047  
 Riflemen, Railway Passes to, *q.*, 6046  
 Rules Publication Bill, *com.* (rules may be disapproved), 6331  
 Seat of Government Bill, *p.o.* (procedure), 6190 ; *com.* (federal territory), 6198 ; (valuation of land), 6199 ; *ad. rep.*, 6232 ; *adj.*, 6249  
 Secretary to Minister for Trade and Customs, *q.*, 6150  
 Senate Elections Bill, 2*r.*, 1596 ; *com.* (scrutiny), 1604  
 Senate Officers, Salaries of, *q.*, 5736  
 Senator Saunders, Vote of, *p.o.*, 4567  
 Senator Higgs, *q.*, 6316  
 Sitting of Senate, *adj.*, 5878  
 Standing Orders, *m.*, 661 ; *com.* (opening of Parliament), 663, 665, 666, 667, 3430 ; (election of President), 670, 672, 3517 ; (presentation to Governor-General), 673 ; (Chairman of Committees), 674 ; (leave of absence), 678 ; (notices of business), 681 ; (President or Chairman voting in seats), 684 ; (order of business on bill), 756 ; (amendments by Governor-General), 765, 766 ; (bills Senate may not amend), 768, 769, 3437 ; (dilatatory motions), 779, 973 ; (senators not attending), 984 ; (select committees: appointment), 984 ; 985, 989, 990 ; (draft report), 994 ; (strangers), 1001 ; (extracts), 1010 ; (Commons' practice), 3442  
 States Debts, *q.*, 5833  
 Sugar Bonus Bill, 2*r.*, 1270 ; *com.* (bonus), 1394 ; (sugar-giving contents), 1585-6, 1587, 1589 ; (rebates), 1591 ; (power of amendment), 1824, 2487, 2492  
 Supply Bill (No. 3), 1*r.*, 5455 ; 2*r.*, 5456 ; *com.* (Parliament), 5456  
 Telegrams and Postage, *q.*, 5737  
 Transcontinental Railway, *q.*, 6000, 6219

**Poynton, Mr. A., South Australia :**

- Address in Reply, 568  
 Appropriation Bill (No. 2), *com.* (Parliament), 6399  
 Capital Cities, Areas of, *q.*, 3180  
 Conciliation and Arbitration Bill, 2*r.*, 3954  
 Elections, General, *q.*, 10, 330, 444, 5575  
 Electoral Administration, *q.*, 125, 6101 ; *adj.*, 6217  
 Electoral Divisions, South Australia, *m.*, 3559 ; Queensland, *m.*, 3863  
 Electoral Rolls, South Australian, *q.*, 2980  
 Federal Capital, *m.*, 5393  
 Fidelity Guarantee Fund, *q.*, 3181, 3728  
 Friday Sitings, *m.*, 2307  
 Judiciary Bill, *com.* (original jurisdiction), 1061 ; (pensions), 1308 ; (qualification of justices), 1440, 1563 ; 3*r.*, 1901

**Poynton, Mr. A.—continued.**

- Lyster, Colonel, Transfer of, *q.*, 5651, 5652  
 Mail Contracts, *supply*, 1419 ; *q.*, 2221  
 Naval Agreement Bill, 2*r.*, 2357  
 Papua (British New Guinea) Bill, 2*r.*, 2796  
 Patents Bill, *com.* (compulsory licences), 5620 ; (registration of patent attorneys), 5624 ; (patent agents may be registered), 5625  
 Personal Explanation, 6438  
 Printing Office, *supply*, 5580  
 Public Servants :  
   Classification of, *q.*, 531, 909, 1126  
   Increments, *supply*, 1419 ; *q.*, 1618  
   Travelling Allowances, *q.*, 5577, 5653, 6103  
 Sugar Bonus Bill, *com.* (bonus), 932  
 Taxation, Causes of increased, *q.*, 2302  
 Transcontinental Railway, *adj.*, 6381  
 Winnecke's Gold-field, Mail, *q.*, 3181

**Pulsford, Senator E., New South Wales :**

- Address in Reply, 386  
 Adjournment, Motions for, *m.*, 5746  
 Appropriation Bill, 2*r.*, 5770 ; *com.* (Parliament), 5848, 5850, 5852 ; (Home Affairs), 5954 ; (Trade and Customs), 5956, 5957  
 Appropriation Bill (No. 2), 2*r.*, 6348  
 Business, progress of, *adj.*, 5959 ; order of, *q.*, 5939  
 Commonwealth Stamps, *q.*, 1246  
 Customs Administration, *q.*, 2187, 2363, 3233, 3399, 3508 ; *adj.*, 5833, 5835  
 Customs Decisions, *m.*, 1472, 2297  
 Customs Prosecutions, *q.*, 1574  
 Days of Meeting, *m.*, 69  
 Defence Bill, *com.* (Board of Advice), 5637  
 Electoral Divisions, *adj.*, 3604, 3607  
 Electoral Rolls, *q.*, 182  
 Embezzlements, Postal Department, *q.*, 1456  
 Fiscal Referendum, *m.*, 5332  
 Government Business, *m.*, 5941  
 Imports, Wheat and Maize, *q.*, 2363  
 Judiciary Bill, *com.* (judges), 3066, 3067 ; (salary), 3154, 3157  
 Mail, Tenders, *q.*, 5629  
 Mails, Transmission of, *q.*, 5737  
 Metric System, *m.*, 2289  
 North-West Coast, Survey of, *m.*, 5756  
 Oil as Fuel, Vessels burning, *q.*, 2364  
 Papua Customs Tariff Preference, *m.*, 3239  
 Patents, Protection of, *q.*, 497, 2362  
 Patents Bill, 2*r.*, 2107 ; *com.* (commencement), 2114, 2115 ; (parts), 2115, 2117 ; (definition), 2122 ; (saving of rights), 2207 ; (commissioner), 2209, 2214-5 ; (powers), 2216 ; (officers), 2217 ; (register), 2218, 2219, 2221 ; (persons who may apply), 3294 ; (drawings), 3296 ; (examiner to report), 3296 ; (report as to previous patenting), 3307 ; (lapse of application), 3311 ; (working of patents), 3318, 3326 ; (registration), 3334, 3335 ; (penalty for false describing), 3336  
 Post and Telegraph Act Amendment Bill, 2*r.*, 5545  
 Post and Telegraph Services, Cost of, *q.*, 497  
 Preferential Trade, *q.*, 5329 ; *supply*, 5372  
 Revenue, Adjustments of, *q.*, 1456  
 Rules Publication Bill, *com.* (rules may be disapproved), 6334  
 Seat of Government Bill, 2*r.*, 6096 ; *com.* (seat of government), 6184 ; *ad. rep.*, 6232  
 Senate Elections Bill, *com.* (writ), 1602 ; *recm.*, 1674

**Pulsford, Senator E.—continued.**

Senator Higgs, *q.*, 6316  
Ships' Stores, *q.*, 181  
South African Tariff Convention, *q.*, 2469  
Sugar Bonus Bill, 2*r.*, 1278; *com.* (bonus), 1367, 1400, 1589; (calculation of bonus), 1584-5; (power of amendment), 2482  
Supply Bill (No. 3), 1*r.*, 5372; 2*r.*, 5456  
Telegrams and Postages, *q.*, 5737

**Quick, Sir John, Kt., Bendigo :**

Admiralty Agreement, *q.*, 10  
Agriculture, National Department of, *q.*, 5577  
Armoured Horse-car, *q.*, 5654  
Canadian Mail Contract, *m.*, 1646  
Cold Storage: Mail Steamers, *q.*, 1762  
Conciliation and Arbitration Bill, 2*r.*, 3999; *com.* (Act not to apply to Public Service of Commonwealth or of a State), 4770  
Defence Bill, 2*r.*, 2560  
Electoral Administration, *q.*, 6250  
Electoral Divisions, Victoria, *m.*, 3574  
Electoral Rolls, *q.*, 5576  
Federal Prosecutions, *q.*, 6360  
Fresh Fruit, Preservation of, *q.*, 5653  
Inter-State Trade, *q.*, 685  
Iron Bonus Commission, *q.*, 4312, 4661  
Judiciary Bill, 2*r.*, 642; *com.* (short title), 951; (original jurisdiction), 1037; (mandamus), 1141, 3894; (judicial power), 1144; (exclusive jurisdiction), 1150; (jurisdiction of States Courts), 1208; (removal of causes), 1211, 1220; (justices on appeal), 1450; (exercise of judicial power), 1452; (barristers), 1454; (law points), 1662; (issue of writs), 3895  
Naval Agreement Bill, *m.*, 1713; 2*r.*, 1905, 1964; (schedule), 2507  
Oils, Importation of, *q.*, 5553  
Parliament House, *q.*, 4366  
Patents Bill, *com.* (examiner to report), 5583; (report as to previous patenting), 5586; (notice), 5596  
Seat of Government Bill, 2*r.*, 5734; *m.*, 5797; *com.* (seat of government), 5818  
Sugar Bonus Bill, *com.* (bonus), 939  
Telephone Communication, *q.*, 6405

**Reid, Rt. Hon. G. H., P.C., K.C., East Sydney :**

Address in Reply, 19  
Admission of Maories, *q.*, 11  
Budget, 2661, 4856; *p.o.*, 4856-7, 4858; *obs.*, 4916; *expl.*, 4948, 5008, 5035  
Conciliation and Arbitration Bill, *int.*, 1763; *m.*, 2858; 2*r.*, 3182; *expl.*, 3642; *obs.*, 4839; *adj.*, 4840, 4854  
Defence Bill, *com.* (permanent forces), 3091  
Eastern Extension Telegraph Company's Agreement, *m.*, 2666; *q.*, 2981  
Elections, General, *q.*, 2857  
Electoral Administration, *q.*, 1761, 2012  
Electoral Divisions, South Australia, *m.*, 3548, 3556; Victoria, *m.*, 3564; New South Wales, *m.*, 3649, 3776  
English Mail Service, *q.*, 2012  
Judiciary Bill, 3*r.*, 1875  
Minister for Trade and Customs, *q.*, 2748, 2857, 2980  
Naval Agreement Bill, 2*r.*, 1969; *p.o.*, 2444; *com.* (ratification of agreement), 2454  
Newspaper Statements, *p.o.*, 5006

**Reid, Rt. Hon. G. H.—continued.**

Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 3003  
Preferential Trade, *q.*, 5959, 5960, 5961  
Seat of Government Bill, *m.*, 5785; *com.* (exhaustive ballot), 5804, 5806, 5807; (show of hands), 5809; (votes reported to House), 5810; (seat of government), 5818, 5820, 5924, 5938; (federal territory), 5982, 5972  
Standing Orders, *obs.*, 66  
Sugar Bonus Bill, *cons. mea.* (power of amendment), 2022  
Transferred Properties, value of, *q.*, 3339

**Reid, Senator Hon. R., Victoria :**

Defence Bill, *com.* (Council of Defence), 5648  
Eastern Extension Telegraph Company's Agreement, *m.*, 3616  
Privilege: Speech by Senator Reid, *m.*, 3900  
Supply Bill (No. 3), *com.* (Postmaster-General), 5461

**Ronald, Mr. J. B., Southern Melbourne :**

Address in Reply, 580  
Conciliation and Arbitration Bill, 2*r.*, 4262  
Judiciary Bill, 2*r.*, 735  
Supply :  
Postmaster-General, 5210

**Salmon, Hon. C. C., Laanecoorie :**

Australian Troops in South Africa, *q.*, 5880  
Budget, 4973  
Conciliation and Arbitration Bill, 2*r.*, 3989; *com.* (Act not to apply to Public Service of Commonwealth or of a State), 4778  
Defence Bill, *com.* (citizen forces), 3121; (military cadets), 3266; (food supplies), 3287  
Electoral Rolls, *adj.*, 5735, 6314  
Federal Capital, *adj.*, 4393; *m.*, 5325  
Judiciary Bill, 2*r.*, 715; *com.* (pensions), 1244; (salaries), 1328  
Letter Delivery, *adj.*, 6314  
Naval Agreement Bill, 2*r.*, 2426  
Papua (British New Guinea) Bill, 2*r.*, 2797; *com.* (power to grant land), 2888; (prohibition of intoxicants), 3004  
Patents Bill, *cons. amds.* (applications) 6263  
Personal Explanation, 1102, 2523  
Postal Service, Victoria, *q.*, 234, 910  
South African Trade, *obs.*, 2224; *expl.*, 2523  
Supply :  
Defence, 5185  
Parliament, 5057  
Postmaster-General, 5200

**Saunders, Senator H. J., Western Australia :**

Standing Orders, *com.* (suspension), 1071  
Patents Bill, *com.* (commissioner), 2213; (working of patents), 3326

**Sawers, Mr. W. B. S. C., New England :**

Conciliation and Arbitration Bill, 2*r.*, 3477  
Electoral Divisions, New South Wales, *m.*, 3757  
Electoral Divisions Bill, *com.* (divisions), 4527  
Judiciary Bill, *com.* (original jurisdiction), 1136; (salaries), 1230  
Naval Agreement Bill, 2*r.*, 2241  
Seat of Government Bill 2*r.*, 5711; *com.*, (proximity of capital to Tumut), 5992, 6296; *cons. amds.*, (federal territory), 6290  
Telegraph Lineman's Widow, *obs.*, 2228

**Skene, Mr. T., Grampians:**

- Address in Reply, 165
- Conciliation and Arbitration Bill, 2*a.*, 3983
- Defence Bill, *com.* (provisional appointments), 3023 ; (persons liable to serve), 3227, 3228 ; (military cadets), 3277 (Council of Defence), 4065
- Electoral Administration, *adj.*, 1123 ; *q.*, 1403
- Electoral Divisions, Victoria, 3584
- Federal Capital, *m.*, 5285, 5423 ; *q.*, 5671
- Judiciary Bill, *com.* (salaries), 1317
- Naval Agreement Bill, 2*a.*, 2006
- Papua (British New Guinea) Bill, *com.* (prohibition of intoxicants), 3005
- Seat of Government Bill, *com.* (schedule) 5816 ; (federal territory), 5984 ; *cons. amds.*, 6291

**Smith, Mr. Bruce, Parkes:**

- Address in Reply, 445
- Conciliation and Arbitration Bill, 2*a.*, 3387, 3447
- Defence Bill, *com.* (interpretation), 3020 ; (provisional appointments), 3024 ; (defence force), 3032
- Electoral Divisions, New South Wales, *m.*, 3751
- Electoral Divisions Bill, 2*a.*, 4419
- Judiciary Bill, *com.* (pensions), 1234, 1244 ; 3*a.*, 1895
- Seat of Government Bill, 2*a.*, 5693 ; *com.* (federal territory), 5988 ; (proximity of capital to Tumut), 5993

**Smith, Senator M. Staniforth C., Western Australia:**

- Address in Reply, 415
- Appropriation Bill, 2*a.*, 5773 ; *com.* (Parliament), 5840 ; (External Affairs), 5858, 5865 ; (Home Affairs), 5874 ; (Defence), 6001
- Appropriation (Works) Bill, 2*a.*, 6042 ; *com.* (schedule), 6044, 6045
- Days of Sitting, *q.*, 2279
- Defence Bill, *com.* (appointments held during pleasure), 4487 ; (regulations), 4976 ; (Council of Defence), 4984 ; *recons.*, 5001, 5003
- Eastern Extension Telegraph Company's Agreement, *q.*, 2468 ; *m.*, 3618
- Electoral Administration, *q.*, 2187
- Electoral Divisions Bill, 2*a.*, 4728
- Federal Capital, *q.*, 6435
- Fiscal Referendum, *m.*, 5333
- Government Business, *m.*, 2806
- Mail Service, New Guinea, *q.*, 5329
- Metric System, *m.*, 2280
- Military Forces, *q.*, 1820 ; *m.*, 3242
- Ministers in Senate, *m.*, 1461
- Naturalization Bill, *com.* (definition), 1753 ; (persons who may apply), 1934, 1937, 1945, 1956 ; (evidence), 2190 ; (fees), 2202 ; (naturalization of women), 2205
- Naval Agreement Bill, 2*a.*, 4009
- Naval Defence, *adj.*, 3698
- New Hebrides, *q.*, 4288
- Pacific Cable Conference, *p.o.*, 4696 ; *adj.*, 4712 ; *q.*, 5627, 5737, 5939
- Papua (British New Guinea) Bill, *q.*, 4792
- Papua Customs Tariff Preference, *m.*, 3239
- Patents Bill, *com.* (working of patents), 3324 ; (penalties), 3537
- Postal Police, *q.*, 1663
- Printing Committee, *m.*, 3545 ; *ad. rep.*, 4803, 4809
- Public Service Regulation, *m.* (politics), 49

**Smith, Senator M. Staniforth C.—continued.**

- Reuter's Telegram Company, *supply*, 5367
- Silver, Coinage of, *q.*, 385
- Standing Orders, *com.* (dilatatory motions), 873
- Sugar Bonus Bill, 2*a.*, 1087 ; *com.* (bonus), 1398
- Supply Bill (No. 3), 1*a.*, 5367
- Transcontinental Railway, *q.*, 2279, 6000, 6219
- Seat of Government Bill, 2*a.*, 6064 ; *com.* (procedure), 6185 ; *cons. amds.* (seat of government), 6336

**Smith, Hon. Sydney, Macquarie:**

- Address in Reply, 380
- Attendances of Members, *q.*, 6360
- Budget, 5042
- Conciliation and Arbitration Bill, *q.*, 2360
- Defence Bill, *com.* (defence force), 3036 ; (citizen forces), 3123 ; (service outside Commonwealth), 3128 ; *cons. amds.* (Council of Defence), 6127
- Electoral Administration, *adj.*, 1103, 6217, 1124 ; *q.*, 1490, 1521, 1522, 1523, 2503
- Electoral Commissioner, N.S.W., *q.*, 2618
- Electoral Divisions, *q.*, 3447, 4585, 5007, 5328 ; *adj.*, 4973
- Electoral Divisions, Victoria, *m.*, 3602 ; New South Wales, *m.*, 3768 ; Queensland, *m.*, 3869 ; *q.*, 3952
- Electoral Divisions Bill, 2*a.*, 4435 ; *com.* (divisions), 4522, 3*a.*, 4590
- Federal Capital, *q.*, 1762, 2223, 2416, 2618, 2747, 2947, 3085 ; *m.*, 5402, 5433 ; *adj.*, 5735, 6425 ; *q.*, 6204
- Friday Sittings, *adj.*, 2185
- Goldring Case, *q.*, 586, 1013, 1014 ; *supply*, 1403
- Governor-General, Address to, *m.*, 6406
- Judiciary Bill, *com.* (original jurisdiction), 1133 ; (salaries), 1334 ; 3*a.*, 1892
- Minister for Defence, congratulations to, *adj.*, 5466
- Post and Telegraph Administration, *obs.*, 2233
- Postmaster-General, *obs.*, 2234
- Press Accommodation, *q.*, 1402
- Public Service Regulation, *m.* (politics), 1514
- Representation of Queensland, *adj.*, 2960
- Seat of Government Bill, *com.* (seat of government), 5888 ; (proximity of capital to Tumut), 5992 ; *cons. amds.* (federal territory), 6271, 6277 ; *ad. rep.*, 6302
- Session, Close of, *obs.*, 6438
- South African Trade, *obs.*, 2233
- Standing Orders, *adj.*, 6148 ; *com.* (Commons practice), 6211
- Transcontinental Railway, *adj.*, 6369
- Transferred Properties, *q.*, 3084

**Solomon, Mr. E., Fremantle:**

- Address in Reply, 490
- Buildings, Fremantle, *m.*, 4341
- Defence Bill, *com.* (military cadets), 3273
- Electoral Administration, *q.*, 1522
- Electoral Divisions, Western Australia, *m.*, 4354
- Fremantle, Defence of, *q.*, 330, 1960, 2125
- Friday Sittings, *m.*, 2306
- Judiciary Bill, *recom.* (barristers), 1551
- Mail Services, *supply*, 5485
- Naval Agreement Bill, 2*a.*, 2425
- Papua (British New Guinea) Bill *com.* (power to grant land), 2895

**Solomon, Mr. E.—continued.**

Public Service :  
 Officers, Fremantle, *supply*, 1426  
 Relieving Allowances, *q.*, 4916  
 Tide Surveyor Martin, *q.*, 1015  
 Seat of Government Bill, *com.* (federal territory), 5981  
 Supply :  
 External Affairs, 5072  
 Parliament, 5485  
 Transcontinental Railway, *q.*, 875, 5273 ; *adj.*, 6364.

**Solomon, Mr. Y. L., South Australia :**

Address in Reply, 236  
 Electoral Divisions Bill, *com.* (divisions), 4530  
 Electoral Divisions : South Australia, *m.*, 3555 ;  
 Queensland, *m.*, 3868  
 Inter-State Certificates, *adj.*, 6146  
 Judiciary Bill, 2*r.*, 704 ; *com.* (judges), 1355  
 Naval Agreement Bill, 2*r.*, 2431  
 Northern Territory, *adj.*, 180  
 Papua (British New Guinea) Bill, *com.* (power to grant land), 2905  
 State Debts, Transfer of, *q.*, 1013  
 Sugar Bonus Bill, 2*r.*, 923 ; *com.* (bonus), 933, 946  
 Sugar Excise, *q.*, 787  
 Supply : External Affairs, 5076  
 Winnecke's Gold-fields : Mails, *q.*, 2857

**Spence, Mr. W. G., Darling :**

Address in Reply, 316  
 Clothing Factory, *m.*, 1516  
 Conciliation and Arbitration Bill, 2*r.*, 3490 ;  
*com.* (application of Act), 4677  
 Defence Administration, *supply*, 5483  
 Defence Bill, *com.* (defence force), 3035 ;  
 (citizen forces), 3110 ; (persons liable to  
 serve), 3226 ; (military cadets), 3269 ; (food  
 supplies), 3284  
 Electoral Administration, *adj.*, 1113  
 Electoral Divisions, New South Wales, *m.*, 3660  
 Federal Capital, *m.*, 5408, 5423, 5433  
 Judiciary Bill, *com.* (original jurisdiction), 1134  
 Papua (British New Guinea) Bill, 2*r.*, 2798 ;  
*com.* (power to grant land), 2890  
 Public Service Regulations, *com.* (travelling  
 allowances) 6411  
 Seat of Government Bill, *com.* (seat of govern-  
 ment), 5819  
 Supply :  
 External Affairs, 5075  
 Parliament, 5061, 5064, 5483  
 Telephone Censorship, *q.*, 1864

**Stewart, Senator J. C., Queensland :**

Adjournment, Motions for, *m.*, 5745  
 Appropriation Bill, *com.* (Parliament), 5840,  
 5847, 5852 ; (External Affairs), 5856, 5858,  
 5860, 5861 ; (Home Affairs), 5877, 5941, 5950,  
 5954 ; (Trade and Customs), 5957 ; (De-  
 fence), 6002, 6005, 6008, 6011, 6012 ; (Post-  
 master-General), 6028 ; *cons. mss.*, 6241, 6242  
 Auditor-General's Report, *q.*, 3132  
 Customs Revenue, Queensland, *q.*, 5736  
 Defence Bill, *com.* (appointments held during  
 pleasure), 4484 ; (period of enlistment), 4549 ;  
 (naval forces may serve Royal Navy), 4561 ;  
 (council of defence), 4988 ; (contempt of  
 court), 4992 ; *cons. amds.* (council of de-  
 fence), 6236  
 F.11443.

**Stewart, Senator J. C.—continued.**

Defence Force, Tasmania, *adj.*, 3904  
 Electoral Divisions Bill, 2*r.*, 4816  
 Electoral Regulations, *supply*, 5455, *q.*, 6046  
 Federal Capital, *m.*, 5261  
 Fiscal Referendum, *m.*, 5346  
 Government Business, *m.*, 2808  
 Governor of Victoria and Federal Politics, *m.*,  
 3401, 3403  
 Governor-General's Establishment, *m.*, 3422  
 Griffith, Sir Samuel, *q.*, 5329  
 High Court Appointments, *adj.*, 5441, 5443,  
 5446  
 High Court Procedure Bill, *com.* (juries), 3257 ;  
 (change of venue), 3259  
 High Court Procedure Act Amendment Bill,  
*com.* (temporary transfer), 5837  
 Immigration Restriction Act, *q.*, 2566  
 Judiciary Bill, 2*r.*, 2916 ; *com.* (qualification of  
 justices), 3068 ; (registries), 3077 ; (appeals  
 from Supreme Courts of States), 3138 ;  
 (exclusive jurisdiction), 3145 ; (salary), 3153 ;  
 (rules of court), 3251  
 Kanakas, Deportation of, *m.*, 5751  
 Letter-Sorter, Brisbane, *q.*, 6046  
 Mail Contracts, *supply*, 5453  
 Military Forces, *supply*, 1690 ; *m.*, 3244  
 Naturalization Bill, *com.* (evidence), 2190, 5649  
 Naval Defence, *adj.*, 3700  
 Naval Agreement Bill, 2*r.*, 3833 ; *com.* (ratifi-  
 cation of agreement), 4219 ; (preamble), 4235 ;  
 3*r.*, 4298  
 Public Service Regulations, *q.*, 2566 ; *m.*, 2567 ;  
*com.* (overtime), 2576, 2587 ; (Sunday work),  
 4195, 4204 ; (increments), 4209 ; (travelling  
 allowances), 4792, 4794, 4795, 4799 ; (railway  
 fares), 4802 ; *ad rep.*, 5354  
 Saunders, Senator, Vote of, *p.o.*, 4567  
 Seat of Government Bill, *cons. amds.* (seat of  
 government), 6345  
 Sitting of Senate, *adj.*, 4656  
 Standing Orders, *com.* (dilatatory motions), 974 ;  
 (strangers), 1000 ; (facing Chair), 1005 ;  
 (speech not read), 1009 ; (suspension), 1069,  
 1071 ; (Commons practice), 3446 ; (election of  
 President), 3515  
 Sugar Bonus Bill, 2*r.*, 1276 ; *com.* (bonus),  
 1366, 1401, 1579  
 Supply Bill (No. 1), *com.* (defence), 1690  
 Supply Bill (No. 3), 1*r.*, 5453

**Styles, Senator J., Victoria :**

Address in Reply, 402  
 Appropriation Bill, *com.* (External Affairs),  
 5864 ; (Home Affairs), 5870, 5874, 5946, 5951 ;  
 (Trade and Customs), 5956  
 Judiciary Bill, 2*r.*, 2910  
 Ministers in Senate, *m.*, 1468  
 Naturalization Bill, *com.* (definition), 1755,  
 1931 ; (persons who may apply), 1937 ;  
 (evidence), 2198  
 Naval Agreement Bill, 2*r.*, 3806  
 Patents Bill, 2*r.*, 2110  
 Public Service Regulations, *m.* (politics), 847 ;  
 (Sunday work), 4197  
 Seat of Government Bill, 2*r.*, 6168  
 Senate Elections Bill, 2*r.*, 1592 ; *com.* (scrutiny),  
 1602, 1606 ; *recom.*, 1674  
 Standing Orders, *m.*, 661  
 Sugar Bonus Bill, 2*r.*, 1267 ; *com.* (bonus),  
 1370, 1372 ; (power of amendment), 1831,  
 1837



**Symon, Senator Sir J. H., K.C.M.G., K.C.,**  
*South Australia:*

Address in Reply, 74  
 Business, Order of, *obs.*, 497; *adj.*, 6100  
 Days of Meeting, *m.*, 69  
 High Court Appointments, *adj.*, 5440  
 Judiciary Bill, 2*r.*, 2920; (qualification of justices), 3070; (justices not to hold other office), 3074; (registries), 3078; (reference to Full Court), 3078; (mandamus), 3079; (appeals), 3080, 3081, 3082; (appeals from Supreme Courts of States), 3137, 3138; (salary), 3162  
 Kingston, Mr., Resignation of, *obs.*, 2592  
 Ministers in Senate, *m.*, 1467  
 Naturalization Bill, 2*r.*, 1741; *com.* (definition), 1751, 1754; (persons who may apply), 2189, 2195; (naturalization of women), 2206  
 Naval Agreement Bill, 2*r.*, 3811; *com.* (ratification of agreement), 4214; (preamble), 4234; 3*r.*, 4288  
 Public Service Regulation, *m.* (politics), 858  
 Sargood, Death of Senator, *m.*, 8  
 Seat of Government Bill, 2*r.*, 6160  
 Standing Orders, *com.* (clauses within title), 748, 750, 751; (first reading), 753, 754; (debate on first reading), 754, 759; (bill to be in print), 754; (day for second reading), 755; (amendments to be relevant), 755, 758; (order of business on bill), 755, 757; (decision of committee), 757; (reconsideration of clauses), 757; (irregular amendments), 759, 760, 761, 763; (lapsed bills), 764, 765; (amendments by Governor-General), 765, 766, 767; (bills Senate may not amend, 769, 775, 777; (appointment of committee), 778; (dilatatory motions), 780  
 Sugar Bonus Bill, *com.* (bonus), 1365, 1371, 1389, 1395, 1480; (power of amendment), 1399, 2381, 2490, 2497

**Thomas, Mr. J., Barrier:**

Conciliation and Arbitration Bill, 2*r.*, 4281  
 Electoral Divisions, New South Wales, *m.*, 3662  
 Kadina Post-office, *q.*, 2748

**Thomson, Mr. D., North Sydney:**

Address in Reply, 276  
 Appropriation Bill, 3*r.*, 5654; *cons. mes.* (Parliament), 6143  
 Appropriation Bill (No. 2), *com.* (Parliament), 6394  
 Appropriation (Works and Buildings) Bill, 3*r.*, 5661  
 Budget, 4367  
 Canadian Mail Contract, *m.*, 1657  
 Coinage, *ad. rep.*, 1157  
 Conciliation and Arbitration Bill, 2*r.*, 4149; *com.* (application of Act), 4672; *adj.*, 4851  
 Customs Administration, *q.*, 2124  
 Customs Fines, *q.*, 12  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2685  
 Electoral Divisions: South Australia, *m.*, 3557; Victoria, *m.*, 3576; New South Wales, *m.*, 3665; Queensland, *m.*, 3787; Tasmania, *m.*, 4322; Western Australia, *m.*, 4355  
 Electoral Divisions Bill, *int.*, 4312; 2*r.*, 4415; *com.* (divisions), 4520; 3*r.*, 4623  
 Federal Capital, *q.*, 2012, 2301, 4311; *m.*, 5293, 5421, 5434, 5436; *adj.*, 6426

**Thomson, Mr. D.—continued.**

Friday Sittings, *m.*, 2306  
 Goldring Case, *supply*, 1413  
 Increments, *q.*, 1520  
 Inter-State Duties, *q.*, 234, 329, 4501  
 Judiciary Bill, *com.* (short title), 952; (original jurisdiction), 1053; (pensions), 1240, 1242, 1305; (Judges), 1353; (barristers), 1550, 1554; (Judges not to hold other office), 1566-7  
 Land Exchanges, *q.*, 6249, 6250, 6404  
 Lenehan, Major, *q.*, 235  
 Minimum Wage, *q.*, 3729  
 Naval Agreement Bill, *com.* (ratification of agreement), 2448  
 Pacific Cable, *q.*, 788  
 Papua (British New Guinea) Bill, *com.* (power to grant land), 2903; (Executive Council), 2976; (submission of questions to Council), 2978  
 Patents Bill, *com.* (definitions), 5508; (administration), 5511; (register of patents), 5517; (persons who may apply), 5521; (examiner to report), 5583; (acceptance), 5588, 5590, 5591; (compulsory licences), 5616, 5621; (registration of patent attorneys), 5624; (notice to the public), 5663; (conditions of patent), 5666; (acquisition by Commonwealth), 6114  
 Postal Administration, *supply*, 2237  
 Postmasters' Quarters, *q.*, 531  
 Preferential Trade, *q.*, 5273, 5879, 5960  
 Public Service Commissioner, *q.*, 4499  
 Rifle Clubs, *supply*, 4339, 5472; *q.*, 4366, 4749  
 Seat of Government Bill, 2*r.*, 5734; *m.*, 5792; *p.o.*, 5816; *com.* (seat of government), 5825; (federal territory), 5979, 5990; *cons. amds.*, 6277; *ad. rep.*, 6307; *cons. mes.*, 6401  
 South African Trade, *obs.*, 2235  
 Standing Orders, *adj.*, 6145; *com.* (Commons' practice), 6209, 6214  
 Sugar Bonus Bill, 2*r.*, 910; *com.* (bonus), 927, 928, 929, 936, 1021, 1032  
 Supply:  
   Defence, 5166  
   Home Affairs, 5091, 5095, 5097, 5098, 5101, 5102  
   Parliament, 5056, 5057, 5058, 5468  
   Trade and Customs, 5117.  
 Tea Duty, *expl.*, 443

**Tudor, Mr. F. G., Yarra:**

Address in Reply, 266  
 Appropriation Bill (No. 2), *com.* (Parliament), 6391  
 Conciliation and Arbitration Bill, *com.* (Act not to apply to Public Service of Commonwealth or of a State), 4777  
 Contracts, Minimum Wage, *adj.*, 1568  
 Electoral Administration, *q.*, 6101, 6204  
 Electoral Divisions, Victoria, *m.*, 3587; Queensland, *m.*, 3858  
 Government Printing Office, *q.*, 2126; *supply*, 5478  
 Increments, *supply*, 1416  
 Military Bands, *q.*, 6252  
 Patents Bill, *com.* (saving of rights), 5511  
 Postal Administration, *q.*, 5468  
 Postal Holiday, *q.*, 4500  
 Post-office Employees, *adj.*, 746  
 Public Service Regulations, *com.* (Sunday work), 6408; (travelling allowances), 6411

**Tudor, Mr. F. G.—continued.**

Sandown Park Telegraph Service, *q.*, 3729  
Supply :  
Parliament, 5050, 5052, 5057, 5058, 5478  
Postmaster-General, 5202

**Turner, Rt. Hon. Sir G., P.C., K.C.M.G.,  
Balacava :**

Advance Vote, *supply*, 1619  
Appropriation Bill, 3*r.*, 5657  
Budget, 2619  
Customs Revenue, *q.*, 3729  
Decimal Coinage, *ad. rep.*, 894  
Electoral Rolls, Queensland, *q.*, 4126  
Finances, Federal, *q.*, 6205  
Government Printing Office, *q.*, 2126; *supply*,  
5497, 5580  
Inter-State Remittances, *q.*, 1125  
Public Servants :  
Classification of, *q.*, 1126  
Increments, 1520  
Queensland Transferred Departments, *q.*,  
3953  
Revenue, Tasmanian, *q.*, 528  
Rifle Clubs, *supply*, 5497  
Small Arms Factory, *supply*, 5496  
States Debts, *q.*, 124, 1619  
Sugar Bonus Bill, 2*r.*, 789; *com.* (bonus), 925,  
930, 933, 938, 942, 947, 1015, 1036, 2610  
Sugar Excise, *q.*, 787  
Sugar Rebate Abolition Bill, 2*r.*, 795  
Supplementary Estimates (1901-2 and 1902-3),  
5468  
Supply Bill (No. 1), *int.* (Treasury), 1619  
Schedule, Form of, 1622  
Supply Bill (No. 2), *obs.*, as to payment of  
increments, 2666  
Supply Bill (No. 3), *obs.*, 5164; *int.*, 5165  
Supply :  
Defence, 5190  
Parliament, 5050, 5053, 5055, 5057, 5468,  
5496  
Trade and Customs, *p.o.*, 5134, 5139  
Treasury, 5104  
Tarcoola Telegraph, *q.*, 788  
Taxation, Causes of increased, *q.*, 2302  
Telegraph Guarantees, *q.*, 1187

**Walker, Senator J. T., New South Wales :**

Address in Reply, 95  
Appropriation Bill, 2*r.*, 5779; *com.* (Parlia-  
ment), 5854; (External Affairs), 5858, 5863  
Appropriation (Works and Buildings, 1901-2  
and 1902-3) Bill; *com.* (Schedule 2), 6046;  
*cons. mes.*, 6241  
Canadian Mail Contract, *m.*, 1097  
Customs Administration, *q.*, 1574, 1820; *adj.*,  
5835  
Customs Fines, *q.*, 968  
Defence Bill, 2*r.*, 4473; *com.* (period of enlist-  
ment), 4549; (protection of States), 4556;  
(exemptions), 4585; (regulations), 4975;  
(Council of Defence), 4990; *cons. amds.*,  
6235  
Electoral Divisions Bill, 2*r.*, 4819  
Federal Capital and Territory, *q.*, 5833; *adj.*,  
6359  
Governor-General's Establishment, *m.*, 3420  
Griffith, Sir Samuel, *supply*, 5384  
Hobart Custom-house, *q.*, 969

**Walker, Senator J. T.—continued.**

Immigration Restriction Act, *q.*, 67  
Income Tax, *q.*, 5525, 6151  
Judiciary Bill, 2*r.*, 2853; *expl.*, 2947; *com.*  
(qualification of justices), 3069; (oath of  
allegiance), 3076; (salary), 3151, 3167, 3169;  
(no execution against Commonwealth or a  
State), 3178; (commencement of Act), 3253  
Kanakas, deportation of, *m.*, 5753  
Mail Services, *q.*, 747  
Metric System, *m.*, 2288  
Ministers in Senate, *m.*, 1462  
Naturalization Bill, 2*r.*, 1611; *com.* (definition),  
1932; (persons who may apply), 1940, 1944;  
(naturalization of women), 2200; *recons.*,  
2203, 2204  
Naval Agreement Bill, 2*r.*, 3832, 3*r.*, 4295  
Patents Bill, *com.* (officers), 2218; (register),  
2221  
Preferential Trade, *supply*, 5383  
Public Service Regulations, *m.* (politics), 851;  
*com.* (hours of attendance), 2575; (overtime),  
2579; (travelling allowances), 4801; *ad. rep.*,  
5350  
Quarantine, *q.*, 2804  
Rules Publication Bill, *com.* (rules may be  
disproved), 6331, 6332  
Saunders, Senator, Vote of, *m.*, 4647  
Seat of Government Bill, 2*r.*, 6093; *cons.*  
*amds.* (seat of government), 6344  
Senate Elections Bill, 2*r.*, 1098; *com.* (scrutiny),  
1603, 1606; *recom.*, 1673  
Sitting of Senate, *adj.*, 4659  
Standing Orders, *m.*, 661; *com.* (opening of  
Parliament), 665; (Chairman of Com-  
mittees), 674; (Standing Orders Com-  
mittee), 676; (Printing Committee), 677;  
(restrictions on printing), 681; (President or  
Chairman voting in seats), 683; (irregular  
amendments), 761; (quorum in Committee),  
778; (dilatatory motions), 865, 974; (select  
committees: draft report), 993; (strangers),  
1001; (suspension), 1070; (election of Presi-  
dent), 3514; (senators must vote), 3533  
States Debts, *q.*, 5833  
Sugar Bonus Bill, 2*r.*, 1077; *com.* (bonus),  
1368, 1399, 1581, 1583, 1861; (power of  
amendment), 2480, 2494, 2497, 2594  
Supply Bill (No. 3), 1*r.*, 5383

**Watkins, Mr. D., Newcastle :**

Conciliation and Arbitration Bill, 2*r.*, 4240  
Defence Forces, Arming of, *supply*, 5486  
Newcastle Partially-paid Officers, *q.*, 3338,  
4126  
Supply :  
Defence, 5179  
Parliament, 5486

**Watson, Mr. J. C., Bland :**

Address in Reply, 245  
Ammunition Factory, *q.*, 10  
Appropriation Bill, *cons. mes.* (Parliament),  
6142  
Appropriation Bill (No. 2), *com.* (Parliament),  
6384, 6391, 6392, 6395; *recom.* (Parliament),  
6399, 6400  
Attendances of Members, *adj.*, 6217  
Budget, 4936

Watson, Mr. J. C.—*continued.*

Business, Order of, *adj.*, 4364  
 Canadian Mail Contract, *m.*, 1654  
 Colonial Ammunition Company, *q.*, 10  
 Coinage, *ad. rep.*, 1189  
 Conciliation and Arbitration Bill, *q.*, 2416; *2r.*, 3206, *com.* (Act not to apply to Public Service of Commonwealth or a State), 4759; *adj.*, 4842  
 Defence Bill, *com.* (unattached lists), 3027; (defence force), 3034; (citizen forces), 3101  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2753  
 Electoral Administration, *adj.*, 1111; *q.*, 2012, 5049; *q.*, 6101, 6359  
 Electoral Divisions Bill, *int.*, 4315; *2r.*, 4412  
 Federal Capital, *obs.*, 2360; *m.*, 5284, 5419  
 Friday Sittings, *adj.*, 2184  
 Governor-General, Address to, *m.*, 6406  
*Harvard*, Price of, *q.*, 10  
 Judiciary Bill, *com.* (jurisdiction of States Courts), 1194; (pensions), 1238, 1300  
 Letter Carriers and Sorters, *q.*, 6204  
 Naval Agreement Bill, *2r.*, 2044; *com.* (ratification of agreement), 2451  
 Official Quarters, Rentals of, *q.*, 6204  
 Papua (British New Guinea) Bill, *com.* (power to grant land), 2891; (prohibition of intoxicants), 3001  
 Patents Bill, *com.* (definitions), 5510 (examiner to report), 5584; *recom.* (fees), 6107; *cons. amds.* (applications), 6258  
 Public Service Act, *adj.*, 6147  
 Public Service Act Amendment Bill, *2r.*, 6207; *com.* (candidates eligible for appointment), 6208  
 Public Service Regulations, *q.*, 6360; *com.* (attendance of officers), 6407; (Sunday work), 6407 (travelling allowances), 6409  
 Public Works, *q.*, 1962  
 Seat of Government Bill, *m.*, 5799, *com.* (exhaustive ballot), 5800; (votes reported to House, 5809; (seat of government), 5932, 5937; (federal territory), 5965; *cons. amds.*, 6273; (proximity of capital to Tumut), 5993; (valuation of land), 5995, 5996  
 Ships' Stores Regulations, *q.*, 5671  
 Sugar Bonus Bill, *com.* (bonus), 926  
 Supply:  
   Defence, 5156  
   Home Affairs, 5090  
   Parliament, 5050, 5051, 5052, 5057, 5063

Wilkinson, Mr. J., *Moreton*:

Anderson, Bugler: Memorial, *q.*, 4749  
 Attendances of Members, *adj.*, 6216  
 Coloured Aliens: Franchise, *q.*, 2125  
 Conciliation and Arbitration Bill, *2r.*, 4145  
   *com.* (Act not to apply to Public Service of Commonwealth or of a State), 4767  
 Cotton Bonus, *m.*, 1491, 1506  
 Defence Bill, *com.* (military cadets), 3273  
 Defence Department, audit, *q.*, 4040  
 Defence Instructional Staff, *q.*, 4366  
 Electoral Administration, *q.*, 6102  
 Electoral Officers, Queensland, *q.*, 2618  
 Government Gazette, *q.*, 5385  
 Mail Service Tenders, *adj.*, 4688; *q.*, 4748, 5105, 5165; *supply*, 5480; *q.*, 5672  
 Meteorological Department, *q.*, 5272

Wilkinson, Mr. J.—*continued.*

Naturalization Bill, *com.* (effect of letters of naturalization), 4871  
 Patents Bill, *2r.*, 5500, *com.* (saving of rights), 5511; (administration), 5512; (register of patents), 5515, 5516; (persons who may apply), 5519, 5522; (examiner to report), 5585; (notice), 5595, 5598; (opposition to grant of patent), 5609; *recons.* (fees), 6109  
 Population of Commonwealth, *q.*, 2503  
 Queensland Defence Forces, *q.*, 4499  
 Representation of Queensland, *adj.*, 2952  
 Rifle Clubs, *supply*, 5480  
 Seat of Government Bill, *com.* (schedule), 5817  
 St. Louis Exhibition, *q.*, 291  
 Sugar Bonus Bill, *recom.* (bonus), 1031  
 Supply:  
   Defence, 5167, 5214  
   External Affairs, 5082  
   Parliament, 5480  
   Postmaster-General, 5205

Wilks, Mr. W. H., *Dalley*:

Address in Reply, 330  
 Appropriation Bill, *3r.*, 5656; *cons. mea.* (Parliament), 6141  
 Appropriation Bill (No. 2), *com.* (Parliament), 6386, 6392  
 Canadian Mail Contract, *m.*, 1658  
 Clothing Factory, *m.*, 1515  
 Conciliation and Arbitration Bill, *2r.*, 3354; *adj.*, 4853  
 Defence Bill, *2r.*, 2542; *com.* (defence force), 3033; (permanent forces), 3092; (citizen forces), 3106; (military cadets), 3276; (food supplies), 3287; (council of defence), 4066; (sale of liquor in canteens), 4072  
 Eastern Extension Telegraph Company's Agreement, *m.*, 2761  
 Electoral Administration, *adj.*, 328, 1122  
 Electoral Divisions: Victoria, *m.*, 3589; New South Wales, *m.*, 3740; Queensland, *m.*, 3876; Tasmania, *m.*, 4345  
 Electoral Divisions Bill, *int.*, 4316; *com.* (divisions), 4531  
 Federal Capital, *m.*, 5303, 5429; *adj.*, 6415  
 High Court Appointments, *m.*, 5272  
 Judiciary Bill, *2r.*, 820; *com.* (short title), 952; (original jurisdiction), 1057; (salaries), 1231, 1335; (pensions), 1235, 1242, 1303; (judges), 1350, 1352  
 Naval Agreement Bill, *2r.*, 2350  
 Naval Brigade, New South Wales, *q.*, 3182  
 Papua (British New Guinea) Bill, *com.* (power to grant land), 2895, 2974; (prohibition of intoxicants), 2997  
 Petition, *obs.*, 1011  
 Seat of Government Bill, *2r.*, 5707; *m.*, 5794; *com.* (federal territory), 5990; *cons. amds.*, 6272; *ad. rep.*, 6304  
 Small-arms Factory, *supply*, 5485  
 Standing Orders, *supply*, 4334; *com.* (Commons practice), 6213  
 Strawboard, Duty on, *q.*, 2303  
 Supply:  
   Defence, 5147  
   External Affairs, 5065, 5069, 5078  
   Home Affairs, 5095, 5100  
   Parliament, 5055, 5060, 5495  
   Trade and Customs, 5127; *p.o.*, 5134

**Willis, Mr. H., Robertson :**

Address in Reply, 292  
 Appropriation Bill, 3a., 5657  
 Cotton Bonus, m., 1504  
 Customs Officers, Annual Leave, q., 5782, 6103  
 Defence Bill, com. (citizen forces), 3121 ; (service outside Commonwealth), 3130 ; (military cadets), 3268  
 Eastern Extension Telegraph Company's Agreement, m., 2772  
 Electoral Divisions : South Australia, m., 3558 ; Victoria, m., 3597 ; New South Wales, m., 3766 ; Queensland, m., 3879 ; Tasmania, m., 4346 ; Western Australia, m., 4361  
 Electoral Divisions Bill, int., 4313 ; 2a., 4446 ; 3a., 4626  
 Federal Capital, m., 5314  
 Finley, Postmaster, supply, 5495  
 High Commissioner, q., 2012  
 Judiciary Bill, 2a., 735 ; com. (salaries), 1316  
 Murphy, Mr., Case of, supply, 5494  
 Naval Agreement Bill, 2a., 2139  
 Papua (British New Guinea) Bill, 2a., 2786 ; com. (power to grant land), 2964 ; (submission of questions to Council), 2978  
 Postal Deliveries, Sunday, q., 5672  
 Rifle Clubs, supply, 5495  
 Seat of Government Bill, com. (exhaustive ballot), 5805 ; (federal territory), 5982 ; cons. amts., 6286  
 Secretary to Minister for Trade and Customs, q., 5781  
 States Debts, q., 5164  
 Supply :  
   Defence, 5169  
   External Affairs, 5071  
   Parliament, 5494  
 Telephone Extension, supply, 1436

**Zeal, Senator Hon. Sir W. A., K.C.M.G., Victoria :**

Address in Reply, 514  
 Appropriation Bill, com. (Parliament), 5843 ; (Home Affairs), 5951 ; (Treasury), 5955 ; (Trade and Customs), 5957  
 Customs Decisions, m., 2292  
 Defence Bill, com. (military districts, officers, &c.), 4477 ; (power to raise and maintain cadet corps), 4890 ; recons. (council of defence) 5648  
 Federal Capital, m., 5248  
 Government Business, m., 2813  
 Governor-General's Establishment, m., 3421  
 High Court Procedure Bill, 2a., 3256 ; com. (juries), 3258  
 Judiciary Bill, 2a., 2847 ; com. (judges), 3067 ; (qualification of justices), 3073 ; (justices not to hold other office), 3075 ; (appeals from Supreme Courts of States), 3138 ; (salary), 3150 ; (commencement of Act), 3254  
 Naturalization Bill, com. (evidence), 2199  
 Naval Agreement Bill, 3a., 4292  
 Pacific Cable Conference, adj., 4713  
 Patents Bill, com. (examiner to report), 3300, 3304 ; (report as to previous patenting), 3306, 3310 ; (examiner's report not to be published), 3312 ; (advertisement of amendment), 3315  
 Printing Committee, ad. rep., 4808  
 Public Service Regulations, com. (railway fares), 4803  
 Standing Orders, com. (opening of Parliament), 666 ; (reading of clauses), 757  
 Supply Bill, (No. 2), 2a., 2731  
 Supply Bill (No. 3), 2a., 5456 ; com. (Parliament), 5457

# PART II.

## SUBJECTS.

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### **BILLS.**

**CONSTITUTION.**

**DEFENCE.**

**DIVISIONS.**

**EXTERNAL AFFAIRS.**

**FINANCE.**

**GOVERNMENT.**

**GOVERNOR-GENERAL.**

**HOME AFFAIRS.**

**JUSTICE, ADMINISTRATION OF.**

**PAPERS.**

EXPLANATION OF ABBREVIATIONS.—*Adj.*, adjournment; *ad. rep.*, adoption of report; *amd.*, amendment; *com.*, committee; *cons. amds.*, consideration of amendments; *cons. mes.*, consideration of message; *expl.*, explanation; *m.*, motion; *m.s.o.*, motion to suspend standing orders; *obs.*, observations; *q.*, question; *recom.*, recommitted; *2r.*, second reading.

### **BILLS.**

APPROPRIATION BILL (1903-4).

*House of Representatives:*

*Int.*, 5386; Bill read a first time, 5468; second reading moved and debated, 5577; Bill read a second time, considered in committee, and report adopted, 5580; third reading moved and debated, 5654; Bill read a third time, 5660; Bill returned from Senate with requests, 6103; consideration of requests, 6138; report adopted, 6144; message from Senate, 6251; Bill laid aside, 6382

*Senate:*

Bill read a first time, 5649; second reading moved, 5757; debated, 5766; Bill read a second time, 5780; considered in committee, 5780, 5837, 5941, 6001; report adopted, 6032; message from House of Representatives, 6149; consideration of message, 6238; report adopted, 6242

APPROPRIATION BILL (1903-4), No. 2.

*House of Representatives:*

*Int.*, 6382; Bill presented and passed through all its stages, 6401

*Senate:*

Bill read a first time and second reading moved and debated, 6347; Bill read a second time and considered in

### **PARLIAMENT—**

**House of Representatives.**

**Senate.**

**PETITIONS.**

**POSTMASTER-GENERAL.**

**RULINGS—**

**Chairmen of Committees.**

**President, The.**

**Speaker, Mr.**

**TRADE AND CUSTOMS.**

### **BILLS—continued.**

committee, 6353; report adopted, third reading moved and debated, Bill read a third time, 6356; assent reported, 6436

APPROPRIATION (WORKS AND BUILDINGS) BILL (1903-4).

*House of Representatives:*

*Int.*, 5386; Bill read a first time, 5468; Bill read a second time, considered in committee and report adopted, 5580; third reading moved and debated, 5660; Bill read a third time, 5662; Bill returned from Senate with amendments, 6103; amendments considered, 6144; report adopted, 6145

*Senate:*

Bill read a first time, 5649; second reading moved, 6032; debated, 6033; Bill read a second time and considered in committee, 6043; report adopted, 6045; Bill read a third time, 6047; assent reported, 6436

CLAIMS AGAINST THE COMMONWEALTH ACT AMENDMENT BILL.

*Senate:*

Order of leave and Bill read a first time, 183; order of the day discharged, 3793

CONCILIATION AND ARBITRATION BILL.

*House of Representatives:*

Order of leave, 1772; message, 2618; Bill presented and read a first time, 2666;

**BILLS—continued.**

motion for appropriation, 2858; second reading moved, 2858; debated, 3182, 3339, 3447, 3954, 4041, 4127, 4240; Bill read a second time, 4287; considered in committee, 4287, 4661, 4750

*See Trade and Commerce.*

**CONSTITUTION ACT AMENDMENT BILL.**

*House of Representatives:*

Order of leave, 2613; Bill read a first time, 3899

**DEFENCE BILL.**

*House of Representatives:*

Order of leave and Bill read a first time, 1525; second reading moved, 2264; debated, 2524; Bill read a second time, 2563; considered in committee, 2563, 3013, 3086, 3221, 3265, 4059; recommitted, 4072; report adopted, 4072; Bill read a third time, 4127; Bill returned from Senate with amendments, 5672; amendments considered, 6116; report adopted, 6133

*Senate:*

Bill read a first time, 4125; second reading moved, 4467; debated, 4473; Bill read a second time, 4475; considered in committee, 4475, 4546, 4875, 4974; recons., 5001, 5630; reported, 5639; standing orders suspended, 5639; *m.* to adopt report negatived and Bill recommitted, 5643; report adopted and Bill read a third time, 5649; message from House of Representatives, 6203; consideration of message, 6232; report adopted, 6238; assent reported, 6436

**ELECTORAL DIVISIONS BILL.**

*House of Representatives:*

Order of leave and Bill read a first time, 4312; motion to fix date for second reading, 4312; second reading moved, 4397; debated, 4400; Bill read a second time, 4454; considered in committee, 4454, 4501; report adopted, 4541; third reading moved and debated, 4586; amendment for third reading "this day six months," 4613; amendment negatived, 4627; Bill read a third time, 4628; assent reported, 5047

*Senate:*

Bill read a first time, 4630; second reading moved, 4715; debated, 4717, 4810; Bill read a second time, 4826; considered in committee, 4826; report adopted, 4837; Bill read a third time, 4875; assent reported, 5222

*See Home Affairs.*

**EXTRADITION BILL.**

*Senate:*

Order of leave and Bill read a first time, 5629; Bill read a second time, considered in committee, and reported, 5757; Bill read a third time, 5836; assent reported, 6436

**BILLS—continued.**

*House of Representatives:*

Bill read a first time, 5939; second reading moved, 6134; Bill read a second time and considered in committee, 6135; report adopted and Bill read a third time, 6137

**FEDERAL TERRITORY BILL.**

*Senate:*

Order of leave, 5836; Bill read a first time, 5836

**HIGH COURT PROCEDURE BILL.**

*House of Representatives:*

Order of leave, 496; Bill read a first time, 586; second reading moved, 1525; Bill read a second time, 1526; considered in committee, 1622; reported, 1641; recommitted, 1716; report adopted, 1720; Bill read a third time, 1905; Bill returned from Senate with amendments, 3508; amendments considered and report adopted, 3899; message from Governor-General recommending amendments considered, 4238; report adopted, 4239; assent reported, 4393

*Senate:*

Bill read a first time, 1863; second reading moved, 3255; Bill read a second time, 3256; considered in committee, 3256; reported, 3264; report adopted, 3293; Bill read a third time, 3429; message from House of Representatives asking concurrence in amendments recommended by Governor-General, 4195; message considered and report adopted, 4302; assent reported, 4456

**HIGH COURT PROCEDURE ACT AMENDMENT BILL.**

*Senate:*

Standing orders suspended, 5836; order of leave, 5837; Bill read a first time and passed through its remaining stages, 5837; assent reported, 6436

*House of Representatives:*

Bill read a first time, 5939; second reading moved, 6137; Bill read a second time and passed through its remaining stages, 6138

**INTER-STATE COMMISSION BILL.**

*House of Representatives:*

Message, 11

**JUDICIARY BILL.**

*House of Representatives:*

Bill read a first time, 9; motion for appropriation, 688; second reading moved, 587; debated, 616, 688, 796; Bill read a second time, 841; considered in committee, 841, 950, 1037, 1126, 1187, 1297, 1440, 1526; reported, 1543; recommitted, 1543, 1563; reported, 1567; re-committed, 1660; reported, 1663; reports adopted, 1716; third reading moved, 1864; debated, 1875; Bill read a third time, 1905; Bill returned from Senate with amendments, 3508; amendments considered, 3674, 3885; recommitted, 3899; report adopted, 3899; assent reported, 4238

**BILLS—continued.***Senate:*

Bill read a first time, 1863; second reading moved, 2693; debated, 2706, 2817, 2910, 3039; Bill read a second time, 3066; considered in committee, 3066, 3135, 3246; reported, 3255; report adopted, 3293; Bill read a third time, 3429; message from House of Representatives, 3914; consideration of message, 4008; report adopted, 4009; assent reported, 4195

**NATURALIZATION BILL.***Senate:*

Order of leave and Bill read a first time, 1249; second reading moved, 1607; debated, 1610, 1703, 1739; Bill read a second time, 1751; considered in committee, 1751, 1917, 2188; reported, 2207; recommitted and reported, 2299; report adopted, 2364; Bill read a third time, 2469; Bill returned from House of Representatives with amendments, 5271; amendments considered, 5649; report adopted, 5650; assent reported, 6100

*House of Representatives:*

Bill read a first time, 2515; second reading moved, 3010; Bill read a second time, 4862; considered in committee, 4862, 5215; reported and recommitted, 5215; report adopted, 5216; Bill read a third time, 5274; assent reported, 6116

**NAVAL AGREEMENT BILL.***House of Representatives:*

Motion for appropriation, 1712; debated, 1712; motion agreed to and Bill read a first time, 1716; second reading moved, 1772; debated, 1802, 1905, 1964, 2034, 2126, 2241, 2310, 2418; Bill read a second time, 2442; considered in committee, 2442, 2504; report adopted, 2515; Bill read a third time, 2786; assent reported, 4393

*Senate:*

Bill read a first time, 2746; second reading moved, 3705; debated, 3794, 3914, 4009, 4074; Bill read a second time, 4118; motion to refer Bill to select committee, 4118; motion negatived, 4125; Bill considered in committee, 4125, 4211; report adopted, 4238; third reading moved, 4288; Bill read a third time, 4301; assent reported, 4456

See **External Affairs.**

**PAPUA (BRITISH NEW GUINEA) BILL.***House of Representatives:*

Message, 2124; motion for appropriation, order of leave and Bill read a first time, 2278; second reading moved, 2515; debated, 2786; Bill read a second time, 2801; considered in committee, 2801, 2883, 2964, 2981; report adopted, 3010

See **External Affairs.**

**PAPUA CUSTOMS TARIFF PREFERENCE BILL.***House of Representatives:*

Order of leave and Bill presented and read a first time, 2609

See **Trade and Commerce.**

**BILLS—continued.****PARLIAMENTARY EVIDENCE BILL:***Senate:*

Order of leave and Bill read a first time, 183; order of the day discharged, 3794

**PATENTS BILL.***Senate:*

Order of leave, 1457; Bill read a first time, 1490; second reading moved, 2079; debated, 2089; Bill read a second time, 2114; considered in committee, 2114; 2207, 3293, 3535; reported, 3543; report adopted, 3723; Bill read a third time, 3847; Bill returned from House of Representatives with amendments, 6100; amendments considered, 6243; report adopted, 6248; message from House of Representatives, 6317; message considered, 6318; report adopted, 6325; assent reported, 6436

*House of Representatives:*

Bill read a first time, 3899; *obs.* by Mr. Thomson as to consideration of, 4363; second reading moved, 5216; debated, 5221, 5500; Bill read a second time, 5507; considered in committee, 5507, 5581, 5663; reported, 5667; recommitted, 6104; reported and Bill read a third time, 6116; message from Senate received and considered, 6252; report adopted, 6264

**POST AND TELEGRAPH ACT AMENDMENT BILL.***Senate:*

Order of leave, 1249; Bill read a first time, 1355; second reading moved, 5355, 5526; debated, 5538

**PUBLIC SERVICE ACT AMENDMENT BILL.***House of Representatives:*

Standing orders suspended, Bill read a first time, and second reading moved and debated, 6207; Bill read a second time and considered in committee, 6208; Bill reported and passed through its remaining stages, 6209

*Senate:*

Bill read a first time, 6203; second reading moved and Bill passed through its remaining stages, 6248; assent reported, 6436

**RULES PUBLICATION BILL.***House of Representatives:*

Standing orders suspended, order of leave and Bill read a first time, 6251; second reading moved, 6284; Bill read a second time and considered in committee, 6267; report adopted and Bill read a third time, 6288; Bill returned from Senate with amendments, 6401; amendments considered and report adopted, 6401

*Senate:*

Bill read a first time and second reading moved, 6325; debated, 6326; Bill read a second time and considered in committee, 6328; report adopted, 6334; Bill read a third time, 6334; assent reported, 6436

**BILLS—continued.**

**SEAT OF GOVERNMENT BILL.**

*House of Representatives :*

Order of leave, 5652 ; Bill read a first time, 5662 ; second reading moved, 5673 ; debated, 5687 ; Bill read a second time, and standing orders suspended, 5734 ; motion as to method of selection moved, 5734 ; debated, 5782 ; standing orders suspended and motion considered in committee, 5800 ; resolution reported and adopted, 5818 ; Bill considered in committee, 5818, 5881 ; ballot in House, 5935 ; further consideration in committee, 5937, 5962 ; report adopted and Bill read a third time, 5998 ; Bill returned from Senate with amendments, 6251 ; amendments considered, 6268 ; reported, 6298 ; adoption of report, 6298 ; Bill returned from Senate with message, 6401 ; *m.*, 6401

*Senate :*

Bill read a first time, 6000 ; second reading moved, 6047 ; debated, 6050 (amendment that the Bill be read a second time this day six months, 6062), 6151 ; amendment negatived, 6179 ; Bill read a second time and considered in committee, 6184 ; reported, 6202 ; adoption of report, 6219 ; report adopted, standing orders suspended, and Bill read a third time, 6232 ; message from House of Representatives considered, 6335 ; report adopted, 6347

*See Home Affairs.*

**SENATE ELECTIONS BILL.**

*Senate :*

Bill read a first time, 9 ; standing orders suspended and second reading moved, 1097 ; debated, 1098, 1592 ; Bill read a second time, 1602 ; considered in committee, 1602 ; report adopted, 1607 ; motion for recommittal negatived and Bill read a third time, 1675 ; assent reported, 2187

*House of Representatives :*

Bill read a first time, 1720 ; second reading moved, 1816 ; debated, 1817 ; Bill read a second time and considered in committee, 1818 ; report adopted, 1819 ; Bill read a third time, 1864 ; assent reported, 2223

**SUGAR BONUS BILL.**

*House of Representatives :*

Bill read a first time, 688 ; motion for appropriation, 688 ; second reading moved, 789 ; debated, 910 ; Bill read a second time, 925 ; considered in committee, 925 ; Bill reported, 950 ; recommitted, 1015 ; reported, 1036 ; standing orders suspended, 1036 ; report adopted, 1037 ; Bill read a third time, 1037 ; Bill returned from Senate with amendments, and message considered, 1963 ; amendments considered, 1913 ; report adopted, 2034 ; message from Senate, 2563 ; consideration of message, 2609 ; report adopted, 2613 ; message from Senate, 2618 ; assent reported, 2979

**BILLS—continued.**

*Senate :*

Bill read a first time, 1011 ; second reading moved, 1074 ; debated, 1077, 1249 ; Bill read a second time, 1296 ; considered in committee, 1296, 1356, 1476, 1575 ; reported, 1592 ; recommitted, 1691, 1821, 1863 ; report adopted, 1863 ; Bill read a third time, 1916 ; message from House of Representatives, and motion to defer its consideration, 2076 ; message considered, 2364, 2469 ; report adopted, 2503 ; message from House of Representatives, 2589 ; consideration of message, 2593 ; report adopted, 2594 ; assent reported, 2947

**SUGAR REBATE ABOLITION BILL.**

*House of Representatives :*

Order of leave and Bill read a first time, 687 ; second reading moved, 795 ; Bill read a second time, reported, and report adopted, 950 ; Bill read a third time, 1037 ; assent reported, 2979

*Senate :*

Bill read a first time, 1011 ; second reading moved, 1093 ; Bill read a second time, considered in committee, and report adopted, 1592 ; motion for third reading, 1916 ; debate adjourned, 1917 ; Bill read a third time, 2594 ; assent reported, 2947

**SUPPLEMENTARY APPROPRIATION BILL (1901-2, 1902-3).**

*House of Representatives :*

*Int.*, 5581 ; Bill presented and passed through all its stages, 5662

*Senate :*

Bill read a first time, 5649 ; second reading moved, 6045 ; Bill read a second time, considered in committee, and report adopted, 6046 ; Bill read a third time, 6047 ; assent reported, 6436

**SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL (1901-2, 1902-3).**

*House of Representatives :*

*Int.*, 5581 ; Bill presented and passed through all its stages, 5662

*Senate :*

Bill read a first time, 5649 ; Bill read a second time, considered in committee, and report adopted, 6046 ; Bill read a third time, 6047 ; assent reported, 6436

**SUPPLY BILL (No. 1).**

*House of Representatives :*

Message, 1519 ; motion for appropriation, 1619-21 ; standing orders suspended, 1621 ; Bill presented, and passed through all its stages, 1622 ; assent reported, 2012

*Senate :*

Bill read a first time, 1592 ; second reading moved, 1675 ; Bill read a second time, and considered in committee, 1676 ; report adopted, and Bill read a third time, 1691 ; assent reported, 2075



**BILLS—continued.****SUPPLY BILL (No. 2).***House of Representatives:*

Motion for appropriation, and standing orders suspended, 2665; Bill presented, and passed through all its stages, 2666

*Senate:*

Bill read a first time, standing orders suspended, and second reading moved, 2725; debated, 2726; Bill read a second time, and considered in committee, 2736; report adopted, and Bill read a third time, 2746; assent reported, 3336

**SUPPLY BILL (No. 3).***House of Representatives:*

Motion for appropriation, 5165; Bill presented and passed through all its stages, 5165; assent reported, 5574

*Senate:*

First reading moved and motion withdrawn, 5223; first reading moved and debated, 5361, 5453; standing orders suspended, 5453; Bill read a first time, 5456; second reading moved, 5456; Bill read a second time and considered in committee, 5456; report adopted and Bill read a third time, 5462; assent reported, 5525

**CONSTITUTION.****AMENDMENT OF.***Senate:*

Obs. by Senator Dobson on withdrawal of notice of motion for amendment of sections 101 and 125 of Constitution, 4792

*See Bills.***INFRACTION OF.***House of Representatives:*

Motion by Sir E. Barton to disagree with an amendment by the Senate in Sugar Bonus Bill, because it is an infraction of provisions of section 53 of Constitution Act, 2013

*Senate:*

Motion by Senator O'Connor that the committee does not insist upon the amendment, 2365; carried, 2489

**DEFENCE.****ADMINISTRATION.***House of Representatives:*

Obs. by Mr. H. Cook as to regulations, 1421; as to statements by Major-General Hutton, 1421

Question by Mr. Mauger as to statement by Major-General Hutton as to Australia's policy in the Pacific, 3547

Question by Sir L. Bonython as to gunboat *Protector*, 2416

Question by Mr. Wilkinson as to auditing contingent allowance, 4040, 4499

Motion by Mr. Page as to cost of inspectional tours and military staff rides, 5008

**DEFENCE—continued.**

Question by Mr. Tudor as to engagement of military bands, 6252

Question by Mr. H. Cook as to order that clerks to wear uniform, 6360, 6439

**ARMOURD HORSE CAR.***House of Representatives:*

Question by Sir J. Quick as to invention of, 5654

**AUSTRALIAN CONTINGENTS.***See External Affairs.***BATTLESHIP "COMMONWEALTH."***Senate:*

Question by Senator Charleston as to alleged presentation of, 1355

**DEFENCE.***House of Representatives:*

Question by Mr. Fuller as to date of introduction of Bill relating to, 1013; obs. by Sir E. Barton, 2180

*See Bills.***DISTINGUISHED SERVICE ORDER.***House of Representatives:*

Question by Mr. Higgins as to conferring of, 1619

**"DRAYTON GRANGE" INQUIRY.***House of Representatives:*

Question by Mr. Page as to decision of Government, 234

Obs. by Sir J. Forrest, 329

**FORTIFICATIONS AND GUNS.***Senate:*

Questions by Senator Pearce as to Japanese inspection of Albany fortifications, 383, 654

Question by Senator Matheson as to inspection of, 1356

Question by Senator De Largie as to fortification of Fremantle, and by Senator Higgs as to remarks thereon by Governor of Western Australia, 2078

*House of Representatives:*

Questions by Mr. E. Solomon as to fortification of Fremantle, 330, 1960, 2125

**MILITARY ESCORTS.***House of Representatives:*

Question by Sir L. Bonython as to provision of, for Governor of South Australia, 1618

**MILITARY FORCES.***House of Representatives:*

Questions by Mr. Watkins as to non-payment of capitation fees, Newcastle forces, 3338, 4126

Question by Mr. Hughes as to retirements from New South Wales Permanent Artillery, 330

Obs. by Mr. McCay as to re-organization of, 2181; Sir J. Forrest, 2182

Question by Mr. Mauger as to regulations relating to, 2011

**DEFENCE—continued.**

- Obs.* by Mr. S. Smith as to publication of changes in relation to, 2234  
 Question by Mr. Page as to annual report on, 2011, 2303  
 Question by Mr. Cameron as to payments to Tasmanian Volunteer force, 3084; *m.* by Mr. Hartnoll for return as to, 4041  
 Questions by Mr. Crouch as to militia rates of pay, 1762; as to payments to privates in Australian Light Horse, 3084; as to establishment of company of Mounted Infantry in Geelong district, 3181  
 Question by Sir L. Bonython as to changes in control, South Australia, 5651

*Senate:*

- Question by Senator Matheson as to annual report on, 1820, 5525  
 Question by Senator Higgs as to number of and expenditure on, 2078, 2363; *m.*, 2566  
 Questions by Senator Neild as to annuities to, 2363, 5223; *obs.* on Supply Bill as to funds of New South Wales regiments and corps, 2726; questions, 3132, 3397; as to total strength of forces, 3397; as to staff sergeants, New South Wales, 3508; as to appointment of militia adjutants, 4791, 4974; *obs.* on Supply Bill as to new regulations, 5383  
 Question by Senator McGregor as to allowances to and duties of, 2692; *obs.* on Supply Bill by Senator O'Connor as to funds of New South Wales regiments, 2733  
 Motion by Senator Matheson for preparation of statement as to armament and equipment required for, 3240; amendment by Senator Pearce, 3243; motion, as amended, agreed to, 3245; *obs.* on Supply Bill by Senator Matheson, 1676, 1888, 2732, 2736, 2746; Senator Stewart, 1690; Senator Drake, 2375, 2741; Senator Neild, 2744, 5373; Senator Pearce, 5380; Senator Gould, 5383  
 Question by Senator Keating as to Tasmanian forces and uniform pay, 3790; *obs.* on Supply Bill, 5370  
 Motion by *adj.* by Senator Cameron to call attention to treatment of defence forces, Tasmania, 3901; *m.* by Senator Keating for return as to, 4040; *q.*, 4073  
 Question by Senator Higgs in regard to artillery instruction, 5738

**MILITARY OFFICERS.**

*House of Representatives:*

- Question by Mr. Thomson as to Major Lenehan, 235  
 Question by Mr. Crouch as to permanent commissioned officers, 583  
 Question as to retirement of Lieut.-Cols. Braithwaite and Reay by Mr. Hume Cook, 234; *m.* for papers, 584; *obs.* by Sir J. Forrest, 587  
 Question by Mr. Wilkinson as to classification, instructional staff, 4366  
 Question by Mr. Poynton as to proposed transfer of Colonel Lyster, 5651; Mr. Kingston, 5651; Mr. Batchelor, 5781

**DEFENCE—continued.**

*Senate:*

- Questions by Senator Barrett as to retirement of Lieut.-Cols. Braithwaite and Reay, 181; as to efficiency of former, 1456; *m.* for papers, 521; *obs.* on Supply Bill by Senator Barrett, 1681; Senator Fraser, 1689  
 Question by Senator McGregor as to status of, 2078  
 Questions by Senator Dawson as to Major Carroll, 5329

**NAVAL FORCES.**

*House of Representatives:*

- Question by Mr. Wilks as to payment of compensation, Naval Brigade, 3182  
 Question by Mr. L. E. Groom as to Naval Commandants' reports, 3337  
 Questions by Mr. Crouch as to number of vessels for defence purposes, re-organization of naval forces, and appointment of Australian Naval Commandant, 4500; *obs.* by Mr. L. E. Groom as to appointment of Naval Commandant, 6419  
 Question by Mr. R. Edwards as to Queensland Naval Forces, 5468

*Senate:*

- Question by Senator Higgs as to number of and expenditure on, 2078, 2363  
 Question by Senator Matheson as to Sir J. Forrest's memorandum on Naval Defence, 2692, 3509; *m.*, 3681  
 Question by Senator Higgs as to class of vessels for defence purposes owned by Commonwealth, 3789

**NAVAL AGREEMENT.**

*See External Affairs and Bills.*

**RAILWAYS:**

*See Home Affairs.*

**RIFLES AND AMMUNITION:**

*House of Representatives:*

- Question by Mr. Watson as to agreement with Colonial Ammunition Company, 10  
 Question by Mr. Watson as to Commonwealth Ammunition Factory, 10; Mr. J. Cook, 4239  
 Question by Mr. H. Cook as to storage of powder, 2749

*Senate:*

- Question by Senator O'Keefe as to issue of Lee-Enfield rifles, 2566

**RIFLE CLUBS:**

*House of Representatives:*

- Question by Mr. L. E. Groom as to disbandment of Queensland Teachers' Volunteer Corps, 585; *obs.* by Sir J. Forrest, 587  
 Question by Mr. Mahon as to Western Australian Clubs, 909; Mr. Kirwan, 5652  
 Question by Mr. Fisher as to regulations, 444  
 Question by Mr. Thomson as to supply of rifles to Victorian clubs, 4366, 4749; Mr. Crouch, 6103

## EXTERNAL AFFAIRS—continued.

## NEWSPAPER MISREPRESENTATION.

See **Parliament, and Home Affairs.**

## NORTHERN TERRITORY.

*House of Representatives :*

Question as to Commonwealth taking over,  
by Mr. V. L. Solomon, 180

## PACIFIC CABLE.

See **Postmaster-General.**

## PACIFIC ISLAND LABOURERS ACT.

*Senate :*

Question as to recruiting and return of  
Polynesians, by Senator Higgs, 5629,  
6318

Motion for immediate deportation of time-  
expired kanakas, by Senator Higgs,  
5747-54

*House of Representatives :*

Question as to Governor-General's despatch  
regarding, by Mr. Fisher, 1181, 1402;  
obs. by Mr. Crouch, 1435

Question as to recruiting and return of  
Polynesians, by Mr. Fisher, 5627

## PRECEDENCE.

*Senate :*

Question by Senator Higgs relating to the  
settlement of ecclesiastical, 747

*House of Representatives :*

Question by Mr. Crouch as to the settle-  
ment of a table of, 2125, 2223

## PREFERENTIAL TRADE.

*Senate :*

Question as to proposals regarding, by  
Senator Higgs, 747, 1064

Question as to action of Prime Minister in  
assuring Mr. Chamberlain of support of  
Australia for his policy, by Senator  
Pulsford, 5329

Obs. on Supply Bill, by Senator Pulsford,  
5372; Senator Matheson, 5373; Senator  
Pearce, 5378; Senator Gould, 5382;  
Senator Walker, 5383

*House of Representatives :*

Question as to proposals regarding, by  
Mr. McDonald, 1126; Mr. J. Cook, 4748

Question as to statements of Agents-  
General regarding, by Mr. J. Cook, 3546

Question as to action of Prime Minister in  
assuring Mr. Chamberlain of support of  
Australia for his policy, by Sir W.  
McMillan, 5272

Question as to Government approval of  
Mr. Chamberlain's policy, by Mr. Thom-  
son, 5879; Mr. Reid, 5959

## QUARANTINE.

*Senate :*

Question as to federal administration of  
laws relating to, by Senator Walker,  
2804; Senator McGregor, 3788

*House of Representatives :*

Question as to federal administration of  
laws relating to, by Mr. Bamford,  
1960

## EXTERNAL AFFAIRS—continued.

## QUEEN VICTORIA MEMORIAL.

*House of Representatives :*

Question as to proposed provision for, by  
Mr. G. B. Edwards, 2125

## RHODES SCHOLARSHIPS.

*House of Representatives :*

Obs. by Sir E. Barton as to communications  
regarding, 4874

## ST. LOUIS EXHIBITION.

*House of Representatives :*

Question as to representation of Common-  
wealth at, by Mr. Wilkinson, 291; Mr.  
O'Malley, 787

## SERVIAN INSURRECTION.

*House of Representatives :*

Question as to action by Government  
regarding, by Mr. O'Malley, 908

## SOLOMON ISLANDS.

*House of Representatives :*

Question as to smuggling arms into, by  
Mr. McDonald, 5879

## SOUTH AFRICA.

*Senate :*

Question by Senator Neild as to landing  
permits, 182

Question as to report of Royal Commission  
on conduct of late war, by Senator  
Pearce, 4874

See **Trade and Customs.**

## SOUTH AFRICAN TARIFF CONVENTION.

*Senate :*

Question as to copy of, by Senator Puls-  
ford, 2469

## STORES, SUPPLY OF.

*House of Representatives :*

Question as to supply of stores, Wyndham,  
by Mr. Mahon, 3729

## STRACHAN, CAPTAIN.

*House of Representatives :*

Question as to arrest of, by Mr. F. E.  
McLean, 2417

## VISITS TO THE POPE.

*House of Representatives :*

Question as to resentment of, by Mr.  
O'Malley, 1013

## FINANCE.

## AUDITOR-GENERAL.

*House of Representatives :*

Question by Mr. Mahon as to payments to  
deputies, 1014

*Senate :*

Question by Senator Stewart as to report  
of, 3132

## FINANCE—continued.

## BANKING.

*House of Representatives :*

Question by Mr. Mahon as to exchange on Inter-State remittances, 1125; as to management of State Savings Banks, 1523; as to control of branches, 2857

## BUDGET.

*House of Representatives :*

Budget speech delivered by Sir G. Turner, 2619; debated, 2861, 2866, 4367, 4856, 4917, 5008, 5049

## ESTIMATES OF REVENUE AND EXPENDITURE.

*House of Representatives :*

Question by Mr. Conroy as to presentation of, 968  
Message from the Governor-General transmitting, 2618, 5438

## PAYMENTS TO STATES.

*House of Representatives :*

Question by Mr. V. L. Solomon as to Sugar Excise, 787

## PUBLIC ACCOUNTS COMMITTEE.

*House of Representatives :*

Question by Mr. G. B. Edwards as to appointment of, 5878

## REVENUE.

*House of Representatives :*

Question by Mr. O'Malley as to Tasmanian, 528  
Question by Sir L. Bonython as to Federal revenue in relation to South Australia, 6205

*Senate :*

Question by Senator Pulsford as to adjustments of, 1456

## STATES DEBTS.

*House of Representatives :*

Question by Mr. Higgins as to transfer of, 124, 3292, 5164, 5999; Mr. O'Malley as to terms of transfer of, 124; Mr. V. L. Solomon as to maturing of, 1013; Mr. G. B. Edwards as to details of, 1619

*Senate :*

Question by Senator Walker as to appointment of Royal Commission, 5833

## SUPPLY.

*House of Representatives :*

Motion to set up committee, 583, 6382  
Attorney-General, 5084, 5499  
Defence, 5139, 5165, 5498, 5499  
External Affairs, 5064, 5499  
Home Affairs, 5084, 5498, 5499, 5500, 6144  
Parliament, 2666, 4367, 4856, 4917, 5008, 5468, 5499, 6138, 6382, 6399  
Post Office, 5195, 5498, 5499  
Trade and Customs, 5107, 5214, 5498, 5499  
Treasury, 5104, 5499  
Resolutions reported, 5215; adopted, 5386  
Resolutions relating to the services of the years 1901-2 and 1902-3 reported, 5500; adopted, 5581

## FINANCE—continued.

*Senate :*

Attorney-General, 5868  
Defence, 6001  
External Affairs, 5856  
Home Affairs, 5868, 5941  
Parliament, 5837, 6238  
Post Office, 6017  
Trade and Customs, 5956

## TRANSFERRED DEPARTMENTS.

*House of Representatives :*

Question by Mr. Poynton as to cost of, 2302

Question by Mr. L. E. 'Groom as to statement by Treasurer of Queensland, 3953

## WAYS AND MEANS.

*House of Representatives :*

Motion to set up committee, 583, 6400; report adopted, 5468, 6401  
Motions relating to the years 1901-2 and 1902-3 agreed to, 5581; resolutions adopted, 5662

## GOVERNMENT.

## ATTORNEY-GENERAL.

*House of Representatives :*

Question by Mr. Mahon as to the competency of the Attorney-General to appear in cases against the Commonwealth, 5879

## MINISTER FOR DEFENCE.

*Senate :*

Motion by Senator Higgs that the action of Sir J. Forrest relative to a lecture on "The Navy and the Nation," by the Governor of Victoria, was undignified and merits condemnation by the Government as well as the Senate, 1721; debate resumed, 3399

*House of Representatives :*

Obs. on appointment of Mr. A. Chapman as, 5466

## MINISTER FOR TRADE AND CUSTOMS.

*Senate :*

Obs. by Senator O'Connor on resignation of Mr. Kingston as, 2589; question by Senator Neild if vacancy had been filled, 2803, 3131; obs. by Senator O'Connor on appointment of Sir W. Lyne as, 3264

*House of Representatives :*

Obs. by Sir E. Barton on resignation of Mr. Kingston as, 2613; question by Mr. Fowler if Mr. Kingston had been asked to resume office, 2747; question by Mr. Bamford if portfolio had been offered to Senator Reid, 2748; question by Mr. Reid as to appointment of successor, 2748, 2980, and performance of duties, 2857; obs. by Sir E. Barton on appointment of Sir W. Lyne, 3291

## MINISTERS.

*Senate :*

Question by Senator Pearce as to guarding the lives of, 2468

GOVERNMENT—continued.

*Obs.* by Senator O'Connor on allotment of portfolios, 3284

Motion by Senator Pearce for return of rent of offices of, 3790

Question by Senator McGregor whether in view of Senator Fraser joining the Opposition, it was advisable to consider the position of, 4008

*House of Representatives:*

Question by Mr. Hume Cook if private secretaries of two Ministers are paid out of public funds, 1015, 1183

Question by Mr. Mahon as to a select committee on newspapers obtaining information from, 2011; *obs.* as to relations between Ministers and reporters, 2183

*Obs.* by Sir E. Barton on allotment of portfolios, 3291, 3337

Question by Sir W. McMillan as to order of precedence of, 3337

Question by Mr. Mahon as to the appointment of an honorary Minister, 4311

NEW ADMINISTRATION.

*Senate:*

*Obs.* by Senator Drake as to formation of a Ministry by Mr. Deakin, 5439

*House of Representatives:*

*Obs.* by Mr. Deakin as to his formation of a Ministry, 5463

POLICY OF.

*House of Representatives:*

Question by Sir L. Bonython if the Minister for Home Affairs was dissatisfied with, 4365

*Obs.* by Sir E. Barton as to not proceeding with Conciliation and Arbitration Bill, 4838; motion for adjournment by Mr. Reid, 4840

POSITION OF.

*Senate:*

Question by Senator Millen as to adverse vote in House of Representatives, 4789

Question by Senator Higgs if it was intended to ask in both Houses for a vote of confidence, 4789, 4874

*House of Representatives:*

Question by Mr. Conroy whether, in view of defeats, the Government ought to carry on business, 5385

POSTMASTER-GENERAL.

*House of Representatives:*

*Obs.* on Supply motion as to a member of the House holding the portfolio of, 2237-41

GOVERNOR-GENERAL.

ABSENCE OF.

*House of Representatives:*

Question by Mr. Crouch as to reason for absence from Melbourne during session of Parliament, 2748

ACTIONS OF.

*House of Representatives:*

Question by Mr. Fisher if His Excellency acted upon the advice of his Ministers in suggesting that the Pacific Island Labourers Bill should not be assented to

GOVERNOR-GENERAL—continued.

until certain regulations were approved, 1402; *obs.* on Supply motion by Mr. Crouch on propriety of allowing His Excellency to act only upon Ministerial advice, 1435

APPOINTMENT OF.

*House of Representatives:*

Question by Mr. Crouch whether the House will be given an opportunity of considering a proposal for, 909

Question by Mr. Crouch as to date of intimation of contemplated appointment of Lord Northcote, 3336; *obs.* by Sir E. Barton as to the King's approval, 3337

*Senate:*

*Obs.* by Senator O'Connor as to the King's approval of appointment of Lord Northcote, 3336

Motion by Senator Higgs in favour of an Australian statesman receiving, 3410

COMMUNICATIONS: COLONIAL OFFICE.

*House of Representatives:*

Question by Sir L. Bonython as to the channel of communication from the Colonial Office on matters relating to treaties, 234

DEPARTURE OF.

*Senate:*

Motion by Senator Playford for valedictory address on, 6316; reply reported, 6434

*House of Representatives:*

Motion by Mr. Deakin for valedictory address on, 6405; reply reported, 6437

ESTABLISHMENT AND SALARY OF.

*Senate:*

Motion by Senator Higgs relating to maintenance of a home in more than one State and adequacy of salary, 3410

PRECEDENCE.

See **External Affairs.**

RECEPTION OF.

*House of Representatives:*

Question by Sir L. Bonython as to arrangements for, 6359

HOME AFFAIRS.

AGRICULTURE, DEPARTMENT OF.

*House of Representatives:*

Question as to establishment of, by Commonwealth, by Sir J. Quick, 5577

CLOTHING FACTORY.

*House of Representatives:*

Motion for establishment of, by Commonwealth, by Mr. Page, 1514

ELECTORAL.

*Senate:*

Question as to preparation of rolls, by Senator Pulsford, 182; Senator Smith, 2187; Senator Macfarlane, 3508; Senator Pearce, 4074

Question by Senator Downer as to Senate Elections Bill, 1663

HOME AFFAIRS—continued.

- Question as to regulations, by Senator Pearce, 747, 5453, 5736, 5939; Senator Stewart, 6046
- Question as to electoral officer, Western Australia, by Senator Matheson, 1720
- Question as to subdivision of electorates, by Senator Dawson, 1820
- Question as to date of general elections, by Senator Higgs, 3398
- Motion for adjournment by Senator Pulsford as to electoral divisions, 3604-08
- Question as to Tasmanian rolls, by Senator Macfarlane, 3681
- Question as to Victorian railway employés participating in parliamentary elections, by Senator McGregor, 3788, 6047.
- Motion approving proposed distribution South Australia into electoral divisions, by Senator Drake, 4544
- Motion approving proposed distribution Tasmania into electoral divisions, by Senator Drake, 4544
- Obs. on Supply Bill, as to Senate elections, by Senator Pearce, 5378; Senator Stewart, 5455
- Question as to appointment of public servants as returning officers, by Senator Neild, 6150

House of Representatives:

- Question as to date of general elections, by Mr. Poynton, 10, 330, 5575; Mr. Batchelor, 5274, 5781; Mr. J. Cook, 5575; Mr. R. Edwards, 6103; obs. by Mr. Poynton and Mr. Kirwan, 6217
- Question as to amendment of Act, by Mr. McDonald, 11, 444
- Question as to distribution of electorates, by Mr. Conroy, 124; Mr. A. McLean, 528; Mr. Page, 529; Sir L. Bonython, 1761; Mr. J. Cook, 1761, 1863, 2981; Mr. Batchelor, 2012, 2748, 2981, 3084; Mr. Fowler, 2300; Mr. S. Smith, Mr. A. C. Groom, 2503; Mr. Bamford, 3084; Mr. Glynn, 3447; Mr. Hartnoll, 3952, 5880
- Question as to preparation of rolls, by Mr. Hume Cook, 125, 910; Mr. Page, 125, 1181, 1521; Mr. Brown, 125, 444; Mr. Poynton, 125; Mr. Wilks, 328; Sir W. McMillan, 586; Mr. McColl, 685; Mr. Skene, 1403; Mr. S. Smith, 1490, 1521; Mr. J. Cook, 1523; Sir L. Bonython, 1618; Mr. Mahon, 1711; Mr. Reid, 1761, 2012; Mr. Watson, 2012; Mr. Cameron, 2981
- Motion for adjournment, by Mr. Sydney Smith, to call attention to delay in preparation of rolls, 1103
- Obs. as to printing of rolls, by Sir E. Barton, 1455
- Question as to electoral status of coloured aliens, by Mr. Wilkinson, 2125; motion for adjournment, by Mr. McDonald, 2947-64
- Question as to payment of bonus to police, by Mr. Page, 2418; Mr. R. Edwards, 4126, 5467; Mr. Crouch, 4239
- Question as to electoral officers, by Mr. Wilkinson, 2618; Mr. Crouch, 3952; Mr. Ewing, Mr. Poynton, Mr. Tudor, 6101

HOME AFFAIRS—continued.

- Question as to New South Wales electoral commissioner, by Mr. S. Smith, 2618
- Question as to arrangements for general elections, by Mr. Reid, 2857; obs. by Mr. Hume Cook, 6217; question by Sir J. Quick, Mr. G. B. Edwards, Mr. Knox, 6250; Mr. Watson, 6359; obs. by Mr. Isaacs, Mr. Kennedy, 6314; obs. on motion for adjournment, 6411-6434
- Question as to South Australian electoral officer, by Mr. Poynton, 2980
- Motion approving proposed distribution South Australia into electoral divisions, by Sir W. Lyne, 3547-3560
- Motion disapproving proposed distribution Victoria into electoral divisions, by Sir W. Lyne, 3560-3604
- Motion disapproving proposed distribution New South Wales into electoral divisions, by Sir W. Lyne, 3643-74, 3730-85; explanation by Mr. Cruickshank, 4126
- Motion disapproving proposed distribution Queensland into electoral divisions, by Sir W. Lyne, 3785-87, 3847-85
- Question as to charges against Electoral Commissioner, Queensland, by Mr. Sydney Smith, 3952; Mr. R. Edwards, 4239, 4490, 5047
- Motion approving proposed distribution Tasmania into electoral divisions, by Sir W. Lyne, 4319-27, 4342-49.
- Motion disapproving proposed distribution Western Australia into electoral divisions, by Sir W. Lyne, 4349
- Question as to cost of electoral distributions, by Mr. Fuller, 4397
- Question as to alleged remarks by Mr. Kingston regarding amendment of Electoral Act, by Mr. Sydney Smith, 4585
- Obs. as to number of electors in New South Wales divisions, by Mr. S. Smith, 4973, 5007, 5328
- Question as to electoral regulations, by Mr. Watson, 5049, 6101; Mr. Brown, 5652; Mr. Crouch, 5881
- Question as to cost of East Sydney election, by Mr. Crouch, 5274
- Question as to distribution of rolls, by Mr. Knox, 5576; Mr. Wilkinson, 6102
- Question as to issue of forms of claim to vote, by Sir J. Quick, 5576
- Question as to filling vacancy in Hunter electorate, by Mr. Fisher, 5652
- Question as to witnessing postal votes, by Mr. L. E. Groom, 5671
- Obs. as to revision of rolls, by Mr. Salmon, 5735; Mr. L. E. Groom, 6101; Mr. Higgins, Mr. Isaacs, Mr. Fuller, 6439
- Question as to method of counting votes, by Mr. Glynn, 6204
- Obs. as to instructions to electors, 6217
- Obs. on motion for adjournment as to electoral administrations, 6411-6434

See Bills.

FEDERAL CAPITAL.

Senate:

- Question regarding report of commission on proposed sites for, by Senator Gould, 2187; Senator Neild, 2468, 2804, 3131, 3397, 3788, 4288, 5628

HOME AFFAIRS—*continued.*

Question as to motion regarding selection of site, by Senator Neild, 3900; *obs.* on notice of motion by Senator Drake, 4789; question by Senator Walker, 4790; Senator Dobson, 5525

Motion for conference of Houses to consider selection of site for, by Senator Drake, 5223-71; amendment by Senator Dobson, 5232; motion by Senator Drake to discharge order of the day, 5558-67; motion expressing concurrence in resolutions of House of Representatives, by Senator Drake, 5567; amendment by Senator McGregor, 5570; question as to intentions of Government, by Senator Gould, 5628

Question as to selection of name of, by Senator Walker, 5833

Question as to final selection of, by Senator Clemons, 6248

Question as to willingness of New South Wales to grant extended site, by Senator Gould, 6316

*Expl.* by Senator Higgs as to statements regarding position of New South Wales in relation to selection of site, 6317

Question as to appointment of commission to delimit sites for, by Senator Smith, 6435

*House of Representatives:*

Question regarding report of commission on proposed sites for, by Mr. Fuller, 10; Sir W. McMillan, 1520, 2300; Mr. Chapman, 1520, 2300; Mr. S. Smith, 1762, 2223, 2360, 2416, 2618, 2947, 3085; Mr. Thomson, 2012, 2301, 4311; Mr. O'Malley, 2300, 4311; Mr. Conroy, 2301; Mr. Reid, 2416

Question as to purchase of site for, by Mr. Crouch, 530

Question as to selection of site for, by Mr. Bamford, 1618; *obs.* by Mr. G. B. Edwards, 4327; question by Mr. Brown, 5164; Sir W. McMillan, 5467

Question as to supplementary report by Mr. Oliver regarding, by Mr. Brown, 2416, 2747; *obs.* by Mr. Brown, 2803, 2980; Mr. Chapman, 3953, 4126

Question as to ministerial statements regarding, by Mr. J. Cook, 3085, 3338

Question as to area of proposed sites, by Mr. Poynton, 3180; Mr. O'Malley, 5105

Question as to motion regarding, by Mr. Clarke, 4239; Sir W. McMillan, 5273; *obs.* by Mr. J. Cook, 4687; Sir E. Barton, 4837

*Obs.* as to attitude Victorian representatives regarding selection of site for, 4393-95

Question as to vote for works connected with, by Mr. J. Cook, 5105

Motion for conference of Houses to consider selection of site for, by Sir E. Barton, 5274-5328, 5386-5438; amendment by Mr. Skene, 5288; by Mr. A. McLean, 5300; by Mr. McCay, 5415; by Mr. J. Cook, 5309; by Mr. Watson, 5415; by Mr. Conroy, 5418; by Sir W. Lyne, 5426; by Mr. Thomson, 5426; by Mr. Fuller, 5434; by Sir W. Lyne, 5437

HOME AFFAIRS—*continued.*

Question by Mr. Brown as to further action regarding selection of site, 5627; *obs.* as to method of selection, 5735

Question as to production of evidence taken by commission, by Mr. Brown, 5384, 5576; Mr. Glynn, 5627

*Obs.* as to additional information regarding, by Sir E. Braddon, 5668; question by Mr. Skene, 5671

Question as to power of Commonwealth to acquire land for extending area of capital site, by Mr. O'Malley, 5781, 6102

Motion as to method of selecting site, by Sir W. Lyne, 5734, 5782-5817

Question as to alienation of land within areas reserved as possible sites for, by Mr. Crouch, 5880

Question as to final action regarding selection of site, by Mr. S. Smith, 6204; Mr. O'Malley, 6249

Question as to secretary of commission, by Mr. Brown, 6404

*See Bills.*

## GOVERNMENT OFFICES.

*Senate:*

Motion for return of rentals paid for, by Senator Pearce, 3790

## LAND EXCHANGES.

*House of Representatives:*

Question as to transactions regarding, with Melbourne City Council, by Mr. Thomson, 6249, 6404

## MARRIAGE BILL.

*Senate:*

Question as to introduction of, by Senator Dobson, 1575

## METEOROLOGY.

*House of Representatives:*

*Obs.* as to abandonment of Weather Bureau, Queensland, by Mr. L. E. Groom, 1569; Sir E. Barton, 1573

Question as to establishment of Department of, by Mr. L. E. Groom, 5272

## OLD-AGE PENSIONS.

*House of Representatives:*

Question as to provision for, by Mr. O'Malley, 1296, 5878

*Senate:*

Motion by Senator Neild as to establishment of, 4457

## POPULATION OF COMMONWEALTH

*House of Representatives:*

Question as to returns of, by Mr. Wilkinson, 2503; Mr. McDonald, 2504

## PUBLIC SERVICE.

*Senate:*

Motion for amendment of regulation 41, by Senator McGregor, 842; amendment by Senator Best, 855

**HOME AFFAIRS—continued.**

- Question as to temporary employés, by Senator Glassey, 1249  
 Question as to gratuities to representatives of deceased officers, by Senator Keating, 1355; motion by Senator Keating, 1665  
 Question by Senator Pulsford as to course followed in investigation of cases of embezzlement, 1456  
 Motion for amendment of regulations, by Senator Stewart, 2566-2580, 2582-2589, 4195-4211, 4792-4803, 5348-55  
 Question as to appointment of Mr. Stephen Mills, by Senator Higgs, 6149

*House of Representatives :*

- Question as to appointments to Imperial Service Order, by Mr. Crouch, 329  
 Question as to classification, by Mr. Poynton, 531, 909; Mr. Brown, 5672  
 Question as to rentals for quarters, by Mr. Thomson, 531; Mr. Crouch, 5386; Mr. Watson, 6204  
*Obs.* as to permanent classification of temporary post-office employés, by Mr. Batchelor, Mr. Tudor, Mr. Spence, and Sir E. Barton, 746  
 Question as to promotions from General Division, by Mr. Hume Cook, 910  
 Question as to increments, by Mr. Poynton, 1126, 1618; Mr. Thomson, 1520; Mr. Mahon, 2981; *obs.* on Supply motion, 1416-27  
 Question by Mr. Tudor as to Loy labour in Government Printing-office, 2126  
 Question as to decisions of Commissioner, by Mr. Thomson, 4499  
 Question as to newspaper misrepresentation regarding officers in, by Mr. Hume Cook, 1015  
*Obs.* on Supply motion as to minimum wage, 1420-32; question by Mr. Thomson, 3729  
 Motion for amendment of regulation 41, by Mr. Batchelor, 1506  
 Question as to life assurances, by Mr. Hume Cook, 1525  
*Obs.* on Supply motion as to payment for overtime, by Mr. Mahon, 2230; Sir E. Barton, 2240  
 Question as to superannuation rights of transferred officers, by Mr. Brown, 2619  
 Question as to contributions to Fidelity Guarantee Fund, by Mr. Poynton, 3181, 3728  
 Question as to vacancies, by Mr. Hume Cook, 3339  
 Question as to relieving allowances, by Mr. Mahon, 4916, 5048, 5106  
 Question as to examinations, by Mr. Fisher, 5049  
 Question as to regulation 149, by Mr. Poynton, 5577, 5653, 6103  
 Question as to overtime pay for female typists, by Mr. Mauger, 5653, 5880  
 Question as to appointment of Mr. Stephen Mills, by Mr. Knox, 5781, 6104; Mr. F. E. McLean, 5961

**HOME AFFAIRS—continued.**

- Question as to consideration of Senate's proposed amendments in regulations, by Mr. Watson, 6217, 6360; message considered in committee, 6407-11

*See Postmaster-General.*

**PUBLIC WORKS.**

*Senate :*

- Question as to allocation of votes for buildings, by Senator Pearce, 654  
 Question as to Custom-house, Hobart, by Senator Macfarlane, 969  
 Question as to minimum wage, by Senator Pearce, 1720  
 Motion for return as to arrangements for construction and maintenance of, by Senator Dobson, 2580-2582

*House of Representatives :*

- Question as to minimum wage, by Mr. Mauger, 1520; *obs.* by Mr. Tudor, Mr. Mauger, Sir W. Lyne, 1568  
 Question as to Milton post-office, by Mr. Chapman, 1961; *obs.* by Mr. S. Smith, 2234

*See Postmaster-General.*

**RAILWAY PASSES.**

*See Parliament.*

**TRANSFERRED PROPERTIES.**

*House of Representatives :*

- Question as to valuation of, by Mr. S. Smith, Mr. J. Cook, 3084; Sir W. McMillan, 3339

*Senate :*

- Question by Senator Pearce as to cost of maintenance of buildings, 654

**TRANSCONTINENTAL RAILWAYS.**

*Senate :*

- Motion by Senator De Largie for production of correspondence between South Australia and Western Australia regarding, 2187  
 Question as to report upon, to Western Australia, by Senator Smith, 2279  
 Question as to survey of route for, to Western Australia, by Senator Pearce, 3608, 4791  
*Obs.* on Supply Bill by Senator De Largie, 5455; question by Senator Smith, 6000  
 Question as to attitude of South Australian Government regarding, to Western Australia, by Senator Smith, 6219

*House of Representatives :*

- Question as to strategical value of, to Western Australia, by Mr. Kirwan, 384; to Northern Territory, by Sir L. Bonython, 529, 2748  
 Question as to report upon, to Western Australia, by Mr. E. Solomon, 875; Mr. Kirwan, 1157, 3086, 4916



**HOME AFFAIRS—continued.**

- Obs.* as to remarks of Major-General Hutton regarding, by Mr. Hume Cook, 1421; question by Mr. Fowler, 2619, 4397
- Question as to attitude of South Australian Government regarding, to Western Australia, by Mr. Fowler, 5007
- Question as to survey of, to Western Australia, by Mr. E. Solomon, 5273; Mr. Fowler, 6252
- Question as to correspondence with South Australian Government regarding, to Western Australia, by Sir L. Bonython, 5652; Mr. Mahon, 6249
- Obs.* on motion for adjournment by Mr. Fowler regarding survey and construction of, to Western Australia, 6360-82, 6417

**WATER CONSERVATION.**

*House of Representatives :*

- Motion as to consideration of petition regarding, by Mr. McColl, 1491

**JUSTICE, Administration of.**

**ATTORNEY-GENERAL.**

*House of Representatives :*

- Question as to appearance of as counsel against Commonwealth, by Mr. Mahon, 5879

**FEDERAL PROSECUTIONS.**

*House of Representatives :*

- Question as to necessity for Grand Jury in States Courts, by Sir J. Quick, 6360

**HIGH COURT.**

*Senate :*

- Question as to appointment of Judges, by Senator Higgs, 4789, 4874, 5222; Senator Stewart, 5329
- Obs.* on Supply Bill as to appointment of Judges, by Senator Pulsford, 5373; Senator Pearce, 5379
- Question as to opening of High Court, by Senator Keating, 5629

*House of Representatives :*

- Expl.* by Sir E. Barton that he did not intend to appoint himself as Chief Justice, 3264
- Question as to appointment of Judges, by Sir W. McMillan, 5272; Mr. Glynn, 5385; *obs.* 5463
- Question as to first sitting of, by Mr. Crouch, 5576; *obs.* by Mr. Glynn, 5627
- Question as to registration of practitioners before, by Mr. L. E. Groom, 5672
- Question as to control of Judges' associates by Public Service Commissioner, by Mr. Mahon, 6252

See **Trade and Customs.**

**PAPERS.**

- Admiralty Supplies, 2187, 2224
- Arrivals and Departures, Victoria, 3036, 3085
- Audit Act : Transfers, 329, 386, 1181, 1246, 5737, 5781
- Auditor-General, 11, 67
- Australian Engineers, Appointments, 6151
- Boiler-makers, Admission of, 67, 125, 291, 654
- Braithwaite and Reay, Lt.-Colonels, 587
- British New Guinea, 9, 11
- Budget Papers, 2618, 2691
- Capital Sites, 2299, 2303, 2416, 3245, 3264, 4125, 4127
- Chief Clerk, Appointment of, 3900, 3953
- Chinese Certificates of Domicile, 291, 654
- Coloured Persons in States, 3681
- Conference of Prime Ministers, London, 9, 11
- Conference of States Premiers, 67, 125
- Copeland, Mr., Letter from, 4715
- Crown Solicitor, Appointment of, 1521, 1592
- Customs and Excise Regulations, 9, 11, 4342
- Customs Prosecutions, 3547
- Defence Regulations, 496, 528, 1181
- Departmental Offices, Rents, 5525
- Drayton Grange* Inquiry, 329
- Eastern Extension Telegraph Company, 1712, 2594, 2595, 2618, 2691, 3790, 4008, 4288, 5348
- Electoral Regulations, 6264, 6318
- Electoral Commissioner for Queensland, 5939, 5961
- Electoral Divisions, South Australia, 1759, 1820; Victoria, 2303, 2364; New South Wales, 3264; Queensland, 3293, 3337; Tasmania, 4125, 4127, 4182; Western Australia, 4125, 4127, 4182
- Estimates, 2618, 2691, 3036
- European Archives, 2075, 2124
- Excise and Sugar Bounty Regulations, 6100, 6103
- Farmer and Co., Prosecution of, 3508
- Gratuities : Deceased Officers, Tasmania, 2804
- Hatters under Contract, 11, 67
- Immigration Restriction Act, 11, 67, 1011, 1013, 4456, 4499
- Instructional Staff of Officers, 2075, 2124
- Linotype Engineer, 5462, 5468
- Mailer, Lieut., Appointment of, 5737
- Mails *via* Suez, 1711, 1712, 2691, 2786
- Maories, Admission of, 67, 125
- Metric System, 4365
- Military Forces, 587, 1102, 1124, 1246, 2364, 2503, 2618, 2691, 2725, 2786, 3036, 3085, 3337, 3397, 3397-8, 4073, 4127, 4397, 4456, 5047, 5222, 6151, 6203, 6204
- North British Borneo Co. and Captain Strachan, 2469, 2504
- Pacific Cable, 2725, 5737
- Pacific Island Labourers Act, 1246, 1297
- Papua Preferential Duties, 4125
- Patents, Applications for, 5525
- Penny Postage with Great Britain, 5468
- Post and Telegraph Regulations, 181, 235
- Post and Telegraph offices, 909, 1356
- Printing Committee, 1617, 1863, 2503, 3847, 4238, 4695
- Private Telephones, Tasmania, 1124
- Public Service Regulations, 11, 67, 1820, 1864, 2980, 3036, 5047, 5222
- Refrigerating Appliances on Steam-ships, 2012, 2075

**PAPERS—continued.**

Returning Officers, Registrars, and Presiding Officers, 5878  
Seal of Government, 3245  
Ships' Stores, duty collected, 181  
Standing Orders Committee, 496, 2469  
Sugar Rebate, 587, 654  
Temporary Employes, 5468, 5525  
Transcontinental Railway, 787, 2364, 2416, 2725, 2786, 6360, 6435  
Victorian Loan, 6151, 6203  
Vondel Case, 1664, 1712

**PARLIAMENT.**

**ACTS OF.**

*Senate:*

Question by Senator McGregor as to supplying members with a bound copy of, and price of same to the public, 496, 3131

**HOUSES OF.**

*House of Representatives:*

Question by Sir J. Quick as to capital cost, use, and occupation of, 4366  
Question by Mr. Page as to the abatement of a nuisance in the northern lobby, 4585

**LIBRARY FOR.**

*House of Representatives:*

*Obs.* as to a report on the formation of, 2564-5; question by Mr. W. Cooke, 5781

**MEMBERS OF.**

*House of Representatives:*

Question by Mr. Mahon as to liability to pay income tax to Victoria, 787  
Question by Mr. O'Malley as to conferring of honours on, 6204

*Senate:*

Question by Senator McGregor as to protection of, on Victorian railways, 4073  
Question by Senator Walker as to income tax claimed by Victoria from, 5525, 6151; Senator Gould, 5526

*See House, and Senate.*

**MINISTERS IN.**

*Senate:*

Question by Senator Barrett as to allowing Ministers to attend sittings of either House to introduce Bills, or to defend administration of their departments, 1915

*House of Representatives:*

*Obs.* on Supply motion as to Ministers having the right to enter either House, 2237-41

**MISREPRESENTATION OF.**

*House of Representatives:*

Question by Mr. Fowler as to intention of Prime Minister respecting newspaper policy of, 909

*Senate:*

Question by Senator Higgs as to, by Revs. W. Morley and W. Mathison, 6316

**PRESIDING OFFICERS IN.**

*Senate:*

Question by Senator Matheson as to payment of salaries when offices are vacant, 3038; performance of duties of, 3705

**PARLIAMENT—continued.**

**PROROGATION OF.**

*Senate:*

Question by Senator Higgs as to date of, 3398; Senator Pulsford, 5939

*House of Representatives:*

Question by Mr. O'Malley as to date of, 5575; Mr. Fisher, 5672, 6103; *obs.*, 6438

**SPEECH TO.**

By the Governor-General, 5, 9, 6436

**House of Representatives.**

**ADDRESS IN REPLY.**

Governor-General's speech reported by Mr. Speaker, 9; committee appointed on motion by Sir E. Barton to prepare an address, 9; report presented, 9; address in reply moved by Mr. L. E. Groom, 12; seconded by Mr. Clarke, 18; debated, 19, 126, 236, 292, 330, 445, 532; agreed to, 583; presentation of, 1155, 1180, 1181

**ADJOURNMENT, FORMAL.**

Basis of Representation, 2947  
Conciliation and Arbitration Bill, 4840  
Electoral Rolls, 1102  
Transcontinental Railway, 6360

**BUSINESS PAPER.**

*Obs.* by Sir E. Barton as to arrangement of, 2185

**CHAIRMAN OF COMMITTEES.**

Motion by Mr. Phillips to appoint Mr. Chanter, 583; *obs.* by Mr. Chanter, 585  
Warrant nominating temporary Chairmen of Committees tabled by Mr. Speaker, 585

**DAYS OF MEETING.**

Motion by Sir E. Barton to fix, 583  
*Obs.* as to Friday sittings, 2181-6, 2278-9  
*Obs.* by Mr. McDonald as to extra sittings, 5736

**ELECTORAL.**

*See Home Affairs.*

**HANSARD.**

Question as to price of, by Mr. McDonald and Mr. Watson, and *obs.* by Mr. Speaker, 10

**HOUSE COMMITTEE.**

Motion by Sir E. Barton to appoint Mr. Manifold a member of, 496

**LIBRARY COMMITTEE.**

Report presented by Sir L. Bonython, 6204

**MEMBERS.**

Attendance of, question by Mr. Wilkinson as to a record of, 6217; Mr. S. Smith, 6360  
Barton, Sir E., resignation of, 5574; question by Mr. Fisher as to issue of writ, 5575, 5652  
Leave of absence to, 583, 2303, 3547, 4366  
McMillan, Sir W., *obs.* by Mr. Deakin as to contemplated retirement of, 5465  
Melbourne *Herald*, question by Mr. O'Malley as to supplying, 968

**PARLIAMENT—House of Representatives—continued.**

Railway passes for, question by Mr. McDonald, 11  
 Reflections on, question by Mr. Fisher, 4040  
 Reid, Mr. G. H., resignation of, 3787; writ issued, 4007, and returned, 4748; oath taken by, 4837  
 Visit to Western Australia, question by Mr. Kirwan, 235

**MINISTERIAL STATEMENT.**

By Sir E. Barton, 2613, 3291, 4838  
 By Mr. Deakin, 5463

**ORDER OF BUSINESS.**

*Obs.* by Mr. Crouch, 125  
 Motion by Sir E. Barton to regulate, 583  
*Obs.* by Sir E. Barton, 584, 746, 842, 2181, 2803, 2909, 2979, 3292, 3604, 3678, 3788, 4007, 4073, 4287, 4363, 4393, 4455, 4628, 4838, 4874, 5438  
*Obs.* by Mr. Deakin, 1663, 3131, 3899, 5467, 5735  
 Motion by Sir E. Barton to give precedence to Government business on Fridays, 2303

**PAPERS.**

Question by Sir W. McMillan as to furnishing members with public documents during recess, 529

**PRESS ACCOMMODATION.**

Question by Mr. S. Smith as to a room for representatives of Inter-State Press, 1402

**PRINTING COMMITTEE.**

Report presented and adopted, 233, 875, 1617, 1863, 2503, 3180, 3847, 4238  
 Motion by Sir E. Barton for leave to confer with Printing Committee of the Senate, 496  
*Obs.* by Mr. Speaker as to the printing of a report, 3669

**PRIVATE BUSINESS.**

*Obs.* as to an opportunity for dealing with, 5999

**PUBLICATION OF BILL.**

*Obs.* by Mr. Hughes on publication in Melbourne *Age* of text of Conciliation and Arbitration Bill before its presentation to House, 1755; question by Mr. Hughes, 1958  
 Question by Mr. Mahon as to appointment of select committee to report on, 2011, 2125, 2222; *obs.* by Mr. Mahon, 2183; *obs.* on Supply motion, 2230-41

*See Trade and Commerce.*

**REPRESENTATION IN.**

Motion for adjournment by Mr. McDonald as to basis of, 2947

**SPECIAL ADJOURNMENT.**

66, 180, 291, 328, 384, 496, 584, 2011, 2278, 4498, 5222, 5667, 5998, 6216, 6248, 6411

**STANDING ORDERS.**

*Obs.* by Mr. Reid as to consideration of, 67; question by Mr. Conroy, 444; Mr. Fisher, 1617, 5273, 5581, 5999  
*Obs.* by Mr. Wilks on Supply motion as to adopting a permanent code of, 4334  
 Revised code presented by Mr. Deakin, 6100; *obs.* as to consideration of code, 6145-9; considered in committee, 6209

**PARLIAMENT—House of Representatives—continued.**

**SUSPENSION OF STANDING ORDERS.**

Appropriation Bill (Mr. Deakin), 6382  
 Capital Site (Sir W. Lyne), 5734, 5800  
 Public Service Act Amendment Bill (Mr. Deakin), 6207  
 Rules Publication Bill (Mr. Deakin), 6251  
 Sugar Bonus Bill (Sir G. Turner), 1036  
 Supply Bill (Sir G. Turner), 1621, 2665, 5165

**Senate.**

**ADDRESS IN REPLY.**

Governor-General's Speech reported by the President, 9; committee appointed on motion by Senator Drake to prepare an address in reply, 9; report presented, 69; address in reply moved by Senator Downer, 70; seconded by Senator Cameron, 73; debated, 74, 183, 386, 498; agreed to, 521; presentation of, 969, 1246

**ADJOURNMENT, FORMAL.**

Customs Prosecutions, 5833  
 Defence Force, 3901  
 Electoral Divisions, 3604  
 Naval Defence, 3681  
 Pacific Cable: Conference, 4695

**ADMINISTRATION OF OATH.**

To Senator Reid, 9; Senator Saunders, 496; Senator Mackellar, 6046

**CALL OF.**

Question by Senator Higgs for a, 2075

**CHAIRMAN OF COMMITTEES.**

Motion by Senator Dobson to appoint Senator Best as, 386

**DAYS OF MEETING.**

Motion by Senator Drake to fix, 67  
 Question as to sitting on Tuesday, by Senator Smith, 2279; Senator McGregor, 2747; motion by Senator O'Connor, 3133; *obs.* on motion for adjournment, 4656  
 Motion by Senator Playford to suspend sitting for an hour, 6000

**DEPUTY-CHAIRMAN OF COMMITTEES.**

*Obs.* by the President as to appointment of, 4542; warrant laid on table, 4748

**DEPUTY PRESIDENT.**

Motion by Senator Drake to appoint, 69

**DISPUTED RETURNS COMMITTEE.**

Warrant laid on the table by the President appointing, 4542

**ELECTORAL.**

*See Home Affairs.*

**GRANT OF SUPPLY.**

Motion for an address, by Senator Neild, for the recognition of the grant of supply as joint act of the Houses, 1457; withdrawn, 1458

**PARLIAMENT—Senate—continued.**

**HANSARD.**

- Question by Senator Smith as to cost of bi-weekly issue of, 3399
- Question by Senator Neild as to supplying current index to each senator, 4456
- Question by Senator Glassey as to the non-reporting of his remarks in presenting a petition, 4542

**HOUSE COMMITTEE.**

- Motion by Senator Drake to appoint, 182
- Obs.* as to ventilation of chamber, 5457

**LIBRARY COMMITTEE.**

- Motion by Senator Drake to appoint, 182
- Obs.* as to bonus to Library officials for special service, 5456
- Report presented by the President, 6151

**MINISTERIAL STATEMENT.**

- By Senator O'Connor, 2589, 3264 ; by Senator Drake, 5439

**MINISTERS AND MEASURES.**

- Motion by Senator Neild for more adequate representation of the Government and initiation of more measures in the Senate, 1458 ; motion, as amended, agreed to, 1472
- Motion by Senator Neild to censure the Prime Minister for failing to give effect to resolution, 3790

**OFFICERS OF.**

- Obs.* on Supply Bill as to salaries of, 5377-84, 5456-9 ; question by Senator Dobson, 5736 ; *obs.* on Appropriation Bill, 5837-48

**ORDER OF BUSINESS.**

- Motion to regulate, by Senator Drake, 69 ; Senator Playford, 5940
- Question by Senator Symon, 497 ; Senator McGregor, 3293 ; Senator Higgs, 3398 ; Senator Pulsford, 5939 ; Senator Symon, 6100
- Obs.* as to progress of business, 5958-9

**PRESIDENT.**

- Obs.* by the President as to his desire to be absent on the following day, 3131 ; absence reported, 3235
- Motion to dissent from ruling of, by Senator Higgs, 4630

**PRINTING COMMITTEE.**

- Motion by Senator Drake to appoint, 182
- Motion by Senator O'Connor to fix a date for considering report of last session, 3543 ; statement by the President, 3544 ; order of day discharged, 5330
- Report presented by Senator Smith, 4695, and adoption moved, 4803

**PRIVATE BUSINESS.**

- Motion by Senator Neild to regulate order of, 386
- Question by Senator Higgs as to, 787
- Motion by Senator O'Connor to suspend rule giving precedence on Friday to, 2804
- Motion by Senator O'Connor to give precedence on Wednesday afternoon to, and amendment by Senator Drake to regulate order of, 3134 ; motion by Senator O'Connor

**PARLIAMENT—Senate—continued.**

- to suspend rules for the purpose of enabling private orders of the day to be set down for earlier dates, 3237

**PRIVILEGE.**

- Motion by Senator Pearce to censure Senator Reid for delivering, at Camberwell, a speech reflecting on the Parliament and impugning the honesty of its members, 3679 ; debate resumed, 3900

**SENATORS.**

- Attendance of, question by Senator O'Keefe as to a record of, 6203
- Leave of absence to, 183, 748, 1249, 2188, 5836
- Senator Dobson, question by Senator De Largie if a legal firm included, 3038
- Senator Fraser, question by Senator McGregor as to the remarks of editor of *Age* on, 4073
- Senator Higgs, question by Senator Pulsford as to a statement regarding, 6316

**SPECIAL ADJOURNMENT.**

- 9, 233, 528, 1102, 1958, 4310, 5005, 5440, 6356

**STANDING ORDERS.**

- Motion by Senator Drake to appoint committee, 182
- Report laid on table by the President, 497 ; motion by Senator Drake to consider draft standing orders, 654 ; considered in committee, 662, 748, 862, 969, 1064 ; question by Senator Pearce as to reprint of, 1246 ; second report presented, 2469 ; question as to consideration of second report, 2691 ; considered, 3429, 3510, 3723 ; report adopted and code ordered to come into force on 1st September, 3847
- Question by Senator Keating as to publishing new code in a handbook, 4455
- Motion by Senator Drake to appoint Senator Playford member of committee, 5738
- Motion by Senator Higgs to permit senators to discuss questions not relevant to motion that the Senate do now adjourn, 5739

**SUSPENSION OF STANDING ORDERS.**

- Continuing a Speech (Senator Clemons), 3847
- Defence Bill (Senator Drake), 5639
- High Court Procedure Bill (Senator Drake), 5836
- Messages (Senator Playford), 6317
- Placing of Business (Senator O'Connor), 3237
- Seat of Government Bill (Senator Playford), 6232
- Supply Bill (Senator Drake), 2725 ; (Senator Playford), 5453

**VACANCIES IN.**

- Caused by death of Senator Sargood, and resignation of Senator Ewing, 7 ; resignation of Senator O'Connor, 5525 ; absence of Senator Ferguson, 6000
- Filled by selection of Senator Reid, 7 ; appointment of Senator Saunders, 385 ; selection of Senator Saunders, 3036 ; and Senator Mackellar, 6032

**VOTE OF CONDOLENCE.**

- Motion by Senator Drake for vote of condolence with widow and family of Senator Sargood, 7

**PETITIONS.***Senate :*

British New Guinea, for prohibition of liquor traffic in, 2691, 3036, 3131, 3235, 3293, 3397, 3508, 3679, 3788, 3899, 4007, 4073, 4182, 4288, 4455, 4542, 4628, 4695, 5222

Capital, for delay in selecting site, 5524 ; in favour of establishing a ratio of values in, 5736

Conciliation and Arbitration Bill, in favour of, 4288

Conscription or compulsory drill, against, 5328

Electoral Divisions Bill, against, 4788

Electoral Law, against breach of, 4788

Immigration Restriction Act, for repeal of certain sections of, 9, 496, 1246

Goldring's complaint against Customs Department, 1455, 2186, 2362, 2468

Judiciary Bill, for amendment or rejection of, 2186, 2362

Liquor traffic in federal territory, for elimination of private profit in, 67

Naturalization Bill, for amendment of in regard to married women, 1820

Post and Telegraph Act, for repeal of section 16 of, 1574, 2186, 4542

*House of Representatives :*

Bonuses for Manufactures Bill, in favour of, 2221, 2416, 2617-8, 2980, 3084, 3447, 3847, 3952, 4125, 4238, 4310, 4498, 4585, 5384, 6100

British New Guinea, for prohibition of liquor traffic in, 2617, 2857, 2947, 2979, 2980, 3083, 3180, 3264, 3336, 3447, 3847, 3952

Capital Sites, in favour of establishing a ratio of values in, 5384

Compulsory enlistment of adult males, against, 2747

Conciliation and Arbitration Bill, in favour of, 4238, 4498 ; to apply to all coastal trade, 3728, 3952, 4125, 4238, 4310, 4365, 4396, 4498 ; for delay, 3952 ; to apply to Victorian and other State railway servants, 4310, 4585, 4837 ; to apply to public servants, 4498 ; in favour of no time limit, 4585 ; to apply to domestic work, 4660 ; to preserve voluntary principle, 4915 ; against, 4125, 4365, 5651

Electoral Divisions Bill, against, 4748

Electoral Law, against breach of, 4748

Excise duty on sugar, for inquiry as to alleged unequal collection of, 124

Goldring's complaint against Customs Department, 1402, 2299

Immigration Restriction Act, for repeal of certain sections of, 9, 1296, 2980

Judiciary Bill, for amendment of, 1711, 1759

Kadina post-office, for construction of, 2617, 2747

Legal tender, for considering the law as to, 3728

Liquor traffic in federal territory, for elimination of private profit in, 9

Patents Law, in favour of uniform, 5467

Post and Telegraph Act, for repeal of section 16 of, 1519, 2011

River Murray, for locking of, 1402

Visit to the Pope, disapproving of Prime Minister's official, 1011

**POSTMASTER-GENERAL.****AUDITING.***House of Representatives :*

Question by Mr. Kirwan as to statements in Criminal Court, Perth, on auditing of accounts, Telephone Department, 4040

**BASS STRAIT CABLE.***Senate :*

Questions by Senators Dobson and Keating as to purchase of, 654 ; Senator Clemons, 5737

*Obs.* on Supply Bill, 5361-84 ; *obs.* on adjournment by Senator Keating, 6354

**COMMONWEALTH STAMPS.***Senate :*

Question by Senator Pulsford as to design, 1246

Question by Senator Keating as to competitive designs, 1246

Question by Senator McGregor, as to issue and printing of, 3397

*House of Representatives :*

Question by Mr. Clarke as to introduction of, 444

Question by Sir L. Bonython as to printing of, in Adelaide, 1182

*Obs.* on Supply motion by Mr. J. Cook, 1438

**DEPARTMENTAL SERVICES.***Senate :*

Question by Senator Pulsford as to total payment for, 497, 5737

*House of Representatives :*

Question by Sir L. Bonython as to franking of State voting papers, 5106

**EASTERN EXTENSION TELEGRAPH CO.***Senate :*

Motion by Senator Smith for production of agreement and papers, 183 ; question as to terms of agreement, 2468

Message from House of Representatives as to ratification of agreement, 2746 ; order discharged and conference intimated, 5574

Question by Senator Higgs as to terms of new agreement, 2468, 3037, 3790 ; as to necessity for a Bill, 3132 ; as to protests against agreement, 4008 ; as to company opening an office in Melbourne, 4628

Motion by Senator Drake to ratify agreement 3608, 4302

Motion by Senator Charleston for correspondence, 4792

Motion by Senator Higgs for telegram of 21st August, 4792 ; *obs.* on Supply Bill, 5361-84

*House of Representatives :*

Question by Mr. Batchelor as to agreement, 11

Notice of motion by Sir E. Barton to ratify agreement, 1716 ; motion debated, 2595, 2666, 2749

**POSTMASTER-GENERAL—continued.**

Question by Mr. Reid as to liability of the Government under existing agreement, 2981

*See Pacific Cable.*

**LETTER CARRIERS—SORTERS.**

*Senate :*

Question by Senator Glassey as to withdrawal of allowances to in Queensland, 748

Questions by Senator Neild as to working hours of, 1456, 2362, 2692; as to number of employed Sydney and Melbourne, 2363; as to Christmas holidays of, 6436

Question by Senator Stewart as to appointment of at Brisbane, 6046, 6248

Question by Senator De Largie as to appointment of a stamper at Perth, 6318

*House of Representatives :*

Question by Mr. Fowler as to provision of overcoats of, 3547

*Obs.* on Supply motion as to appointment of sorters and recognition of associations, 4338-42; question by Mr. Tudor, 5468

Question by Mr. Tudor as to holiday of, 1963, 4500, 5468

**LETTER RATES.**

*Senate :*

Question by Senator Macfarlane as to surcharge of English letters, 2187

*House of Representatives :*

Question by Sir E. Braddon as to surcharge of English letters, 910

Question by Sir L. Bonython as to correspondence on penny postage to England, 3337

**MAIL CONTRACTS.**

*Senate :*

Question by Senator Neild as to correspondence with Imperial Government on employment of coloured labour, 968

Motion by Senator Drake approving of extension of, to Canada, 1093

Question by Senator Macfarlane as to tenders for English mail contract, 4628

Question by Senator Macfarlane as to approval of Tasmanian contract, 4974

Question by Senator Pearce as to omission of Fremantle as a port of call, 5330

*Obs.* on Supply Bill as to oversea mail and ports of call, 5453-62

Question by Senator Pulsford as to mails from, as well as to, the United Kingdom, 5629

*Obs.*, on adjournment as to attitude of English labour representatives towards coloured labour, 6356-9

*House of Representatives :*

Question by Mr. Mahon as to tenders for service to Black Range, 788

*Obs.* on Supply motion as to subletting of, 1403-40; question by Mr. Poynton, 2221

*Obs.* on adjournment as to country, 1567-74

**POSTMASTER-GENERAL—continued.**

Message from Senate for concurrence in extension of, to Canada, 1155; motion by Sir E. Barton, 1641

Question by Mr. R. Edwards on extension of, to Vancouver, 1759

Question by Mr. Reid as to future contracts for English mail, 2012

Question as to tenders for English contract, by Mr. Page, 4660, 4748; Mr. Wilkinson, 4660, 4748, 5105, 5165, 5672; Mr. Fisher, 5467; *obs.* on adjournment, 4685-95

**MAIL SERVICES.**

*Senate :*

Question by Senator De Largie whether Government of Victoria had failed to carry out its contract during railway strike, 385

Question by Senator Walker as to matter carried by Vancouver and San Francisco routes, 747

Question by Senator Neild as to improved, George-street north, Sydney, 1356

Question by Senator Neild as to letter deliveries in Melbourne and Sydney, 1456, 2363

Question by Senator McGregor as to service between Albany and Esperance, 2468

Question by Senator McGregor as to mail service from Adelaide to West Coast of South Australia, 2691

Question by Senator Keating as to delay of English mail to Hobart, 3789

Question by Senator Pearce as to late delivery of registered letter in Sydney, 3900, 4008

Question by Senator Smith as to New Guinea, 5329

Question by Senator Pulsford as to whether Navigation Bill will prevent transmission of mails by oversea steamers, 5737

*House of Representatives :*

Question by Mr. Salmon as to defective arrangements caused by the railway strike in Victoria, 234, 910

Question by Mr. Mahon as to sorting of mails between Fremantle and Adelaide, 1182, 1523

*Obs.* on adjournment as to country mails, 1567-74

*Obs.* on Supply motion as to delivery of letters, 2224-41; on adjournment, 6313-5

Question by Mr. V. L. Solomon whether arrangements made for Winnecke's gold-fields, 2857, 3181

Question by Mr. Cruickshank as to irregularity, Narrabri-Walgett, 4312, 4500

*Obs.* on adjournment, as to Queensland and Tasmanian services, 4685-95

Question by Mr. Willis as to Sunday deliveries, 5672

Question by Mr. Mahon as to delays at Marble Bar, 6359

**NEWSPAPERS.**

*House of Representatives :*

Question by Mr. Clarke as to conditions for carriage of, in N.S.W., 530

*Obs.* on adjournment as to postage on supplements to, 2563-5

## POSTMASTER-GENERAL—continued.

## OPERATORS.

*House of Representatives :*

Question by Mr. Hughes as to qualification of female telephone, for minimum wage, 1403

Question by Mr. Kirwan as to salaries and allowances at Eucla, 4855

## OVERTIME.

*Senate :*

Question by Senator Neild as to payment for, in Sydney Post-office, 1456, 1820, 2075, 2362, 5222, 6150

Question by Senator Glassey as to payment for, in Queensland, 5222

Question by Senator Keating as to payment for, in Tasmania, 6436

*House of Representatives :*

Question by Mr. Crouch as to payment for, in telephone branch, 686

Question by Mr. Hughes as to payment for, in Sydney Post-office, 1186, 2417; Mr. Fuller, 1296; Mr. Jos. Cook, 1296, 1521, 1864, 1962; Mr. Watson, 6204

Question by Mr. Hume Cook as to payment of, to gatekeepers, Melbourne, 1524

Question by Mr. Fowler as to payment for, in Western Australia, 6102

## PACIFIC CABLE.

*Senate :*

Question by Senator Higgs as to statements by Mr. Copeland, 4629; as to business done, delays, and other details, 4629; motion for telegram as to proposed conference, 4792; question as to conference being held in Melbourne, 4974, 5223; as to majority of Board desiring a conference, 5329; as to proposed conference in London, 6318

*Obs.* on motion for adjournment as to negotiations for conference, 4695-4715

*Obs.* on Supply Bill, 5361-84, 5453-62

Question by Senator Smith as to date and constitution of conference, 5627, 5737

*House of Representatives :*

Question by Mr. Thomson as to advertising, 788

Question by Mr. L. E. Groom as to proposed conference, 5575

Question by Mr. Knox as to steps taken to increase business, &c., 6205

See **E. E. Telegraph Co.**

## POST AND TELEGRAPH OFFICES.

*Senate :*

Question by Senator McGregor as to improving facilities and buildings at Mount Gambier, 181, 385

Question by Senator Neild as to production of papers relating to erection of new building at Woollahra, 968

Question by Senator McGregor as to accommodation at Gawler, 2566, 6435; at Hamley Bridge, 6435

Question by Senator O'Keefe as to change of name of Perth, Tasmania, 4182

## POSTMASTER-GENERAL—continued.

*House of Representatives :*

Question by Mr. McColl as to late hour of opening, 330

*Obs.* on Supply motion as to repairs at Fremantle, 1403-40, 2224-41

*Obs.* on adjournment as to contracts for erection of in Victoria, 1567-74

Question by Mr. Chapman on repairs to Milton office, 1961; *obs.* on Supply motion, 2224-41

Question by Mr. Thomas as to erection of at Kadina, 2748; by Mr. Page, 2947, 2980, 3546; by Sir L. Bonython, 5467

*Obs.* on adjournment as to closing of in Queensland, 4685-95

## POSTAL OFFICIALS.

*Senate :*

Question by Senator Pearce as to conditions of service of Postmaster Payne, 842

Question by Senator Pulsford as to procedure in cases of embezzlement, 1456

Question by Senator Pearce as to retirement of Deputy Postmaster-General, W.A., 2362

*House of Representatives :*

*Obs.* on Supply motion as to Deputy Postmaster-General, W.A., 2224-41, 5361-84

*Obs.* on Supply motion, as to allowances to relieving officers, 4327-42

Question by Mr. Fowler as to allowances on gold-fields, W.A., 5653

See **Letter Carriers, Sorters, &c.**

## POSTAL POLICE.

*Senate :*

Question by Senator Smith as to appointment of, 1663

## STAMP COLLECTORS.

*House of Representatives :*

Question by Mr. Clarke as to supply of "postage due" stamps to, 6405

## TELEGRAPH LINES.

*House of Representatives :*

Question by Mr. Batchelor and Mr. Spence as to classification of temporary repairs of, 746, 789, 1491

Question by Mr. Mahon as to contract price for line to Tarcoola, 788

Question by Mr. Page as to constructing line to Stonehenge, 1125

Question by Mr. Kirwan as to direct working between W.A. and Eastern States, 5049

## TELEPHONE AND TELEGRAPH GUARANTEES.

*House of Representatives :*

Question as to losses on, by Mr. J. Cook, 531, 788, 1524, 1712, 3180; Mr. G. B. Edwards and Mr. Page, 1125

Question by Mr. Conroy as to dispensing with, 1183

Question by Mr. Mahon as to Tarcoola line, 1186

*Obs.* on adjournment as to hardships caused by, 1567-74; on Supply motion, 2224-41

**POSTMASTER-GENERAL—continued.**

**TELEPHONE AND TELEGRAPH SERVICES.**

*Senate :*

- Question by Senator Macfarlane as to supplying Tasmania with meteorological reports, 181
- Question by Senator Neild as to telephone service in Sydney, 2469
- Question by Senator Pearce as to late delivery of telegram, Sydney, 3900, 4008
- Question by Senator Higgs as to powers of Reuter's Telegram Co., 4630
- Question by Senator McGregor as to connecting Blyth and Clare, South Australia, by telephone, 6435

*House of Representatives :*

- Question by Sir L. Bonython as to facilitating business by using cable between South Australia and Western Australia, 585, 875; by Mr. Kirwan as to interruptions being caused by nearness of line to the sea, 586, 686, 1156
- Motion by Mr. Hartnoll for return of private lines in Tasmania, 906
- Question by Mr. Austin Chapman as to tram wires obstructing line to Eaglehawk, 910
- Obs.* on Supply motion as to, 1403-40
- Obs.* on adjournment as to free telegrams for weather bureau, 1567-74
- Obs.* on Supply motion, as to extension in country districts, 1619-22
- Question by Mr. Spence as to censorship of telephone messages during Victorian railway strike, 1864
- Obs.*, on Supply motion as to line repairer's widow, 2224-41
- Question by Mr. F. E. McLean as to improvement of Metropolitan Exchanges and rates, 2594
- Question by Mr. Fowler as to employment of young women without pay, 2979
- Question by Mr. Joseph Cook as to press messages, 3339
- Question by Mr. Tudor as to censorship at Sandown Park, 3729
- Question by Mr. O'Malley as to providing telephone for King Island, 4040
- Question by Mr. L. E. Groom as to duty on messages in Queensland, 4397
- Obs.* on adjournment as to Queensland Telegraph Offices, 4685-95
- Question by Mr. Kirwan as to shortage of appliances at Kalgoorlie, 5881, 6102
- Question by Sir M. McEacharn as to electric telegraph and traction regulations, 6102
- Question by Mr. Clarke as to Sunday attendance at coastal telegraph stations, 6251

**RULINGS—**

**Chairman of Committees (House of Representatives):**

*Bills.*—All the provisions of an amended clause are open to debate; and it is quite competent for the committee to adopt other means of bringing the clause within its original intention, 1298

**RULINGS—Chairman of Committees (House of Representatives)—continued.**

When a blank is created in a clause, an amendment to fill the blank becomes an original proposition, to which an amendment may be moved, 1353

An amendment similar in part to one which has been rejected is not out of order, 3230

A motion to recommit a clause can only be moved in the House, 3892-3

*Debate.*—The remarks of a member must be relevant to the question, 1017, 1023, 1301-8, 2563, 3892, 4514, 4523, 4680, 5804, 5815, 5817, 5820, 6272-95

It is not in order to discuss a vote taken at the previous sitting of the committee, 1305; or at the same sitting, 5986

A member is not entitled to make a considerable pause in his speech, 1715; to discuss the motives of ministers or other members or the action of ministers, 4513; to anticipate the discussion on a question in another committee, 5812, 5816-7; or on a notice of motion, 5970

The absence of the minister in charge of the bill should be complained of in the House, not in committee, 4523

When an amendment to a clause has been moved, the debate should be confined to the amendment, 4681-2, 5971-7

A member should be allowed to speak without interruption, 5968, 6287

*Language, Unparliamentary.*—It is not in order to use an offensive illustration, 1138

to apply to any member the term "economical dog," 1138; "rat," 1139; "stone-waller," 5935

to say that agreement to amendments has been got by a fraud, 3892

to imply that a minister should be placed in the dock and made to answer for his conduct, 4523

to charge the Opposition with a piece of organized political hypocrisy, 4530; the House with the commission of an outrageous wrong upon any section of the people, 4969; the Government with a treacherous act, 4856

to reflect on a vote of the House, 4968

The withdrawal of unparliamentary words must be unconditional, 4523.

*Quotations and References.*—It is out of order to allude to a debate in the Senate during the current session, 2025

A member is at liberty to make an incidental reference to a debate of the present session in the House, 4968-9

*Seats.*—Private members are not entitled to occupy the seats reserved for ministers by the standing orders, 4512

*Supply.*—An amendment relative to States debts is out of order, because no question can be raised of which notice has not been given in detail by the estimates, 4387

By the courtesy of the committee it is competent for a member on the first item to discuss any matter which is contained in the estimates, but not to anticipate the discussion on a notice of motion to appear or appearing on the business paper, 4856-60



**RULINGS—Chairman of Committees (House of Representatives)—continued.**

The practice has been to submit the estimates in divisions; but it is competent for a minister to move that the remaining estimates be agreed to, and for members to discuss any item therein, 6398

See CHANTER, Mr. J. M.

**Chairmen of Committees, Acting (House of Representatives):**

**Debate.**—The discussion on an amendment must be relevant, 5827-9 (Mr. Kirwan), 5889 (Mr. Batchelor)

**Language, Unparliamentary.**—It is not in order to describe a majority as brutal, 4533 (Mr. Salmon); or to use words offensive to a member, 5027 (Mr. V. L. Solomon)

A remark which is considered offensive should be withdrawn, 5158 (Mr. Kirwan)

**Supply.**—The administration of the Government should not be discussed on the estimates for a department, but on a specific motion or the motion to adjourn the House, 5107 (Mr. McDonald)

It is irregular for a member to discuss the budget after the general debate on the first item of the estimates has been closed; but with concurrence it may be done, 5132-5 (Mr. McDonald)

With concurrence the estimates for a department may be put *en bloc*, 5190 (Mr. McDonald)

**Chairman of Committees (Senate):**

**Amendments.**—An amendment is not out of order because it deals with the same subject-matter as a contingent-notice of motion on the paper, 3633

An amendment cannot be withdrawn when there is a dissentient voice, 3633

**Appropriation Bill.**—Each division of the estimates for a department will be called by the Chair until a senator expresses a desire to discuss an item or to move a request, when the discussion will be confined to the item; and after all the divisions for the department have been so dealt with the total vote will be declared as passed, 5952-3

Some latitude is allowed in discussing the first division of the estimates for a department; but once that discussion has been closed the rule of relevancy applies, 6005

The second schedule of the Appropriation Bill (No. 2) will be submitted in parts, according to the abstract, 5634

**Bills.**—When a whole bill is recommitted all its clauses are open to amendment, 1861

A decision, reversing the order of certain words in a clause, may be taken as an instruction to transpose the words wherever they occur in the bill, 4495

A provision for the formation of cadet corps is authorized by the Constitution and is in order, 4882

A proposal which has been rejected cannot be discussed in the same committee, 5001

At the "reconsideration" stage an amendment contradictory of a previous decision cannot be entertained, 5637-8

It is not competent for the committee on a bill to decide a question by means of an exhaustive ballot: the standing orders would have to be

**RULINGS—Chairman of Committees (Senate)—continued.**

suspended to do so, otherwise the ordinary method of procedure must be followed, 6184-5  
It is the duty of the Chair to protect the rights of those senators who have intimated their desire to move amendments, 6190-1, 6340

An amendment which is contrary to the terms of the Constitution is *ultra vires*, 6197

An amendment which is not within the scope of the bill is out of order, 6202

The insertion of a new clause cannot be moved after the preamble has been reached, 6202

An amendment which is relevant to the subject-matter of the bill must be received, 6331

It is not out of order to move that the Senate's amendment to omit "Tumut" and insert "Bombala," disagreed to by the other House, be amended by inserting "or Tumut" after "Bombala," 6340-4

**Debate.**—When a senator introduces an illustration of his argument he should not go into details, 864, 1001

A senator is entitled to be heard in perfect silence, 1376

It is disrespectful to the Chair for a senator to whistle, 1378

In discussing the amendment before the Chair it is not out of order to urge that if it is carried another amendment may be proposed, 1932

A senator may speak out of his place in the chamber, 1861

The discussion on a question must be relevant, 2208, 3294, 4229, 4541, 4891, 5002, 6003, 6185, 6336, 6345, 6355

The rule of relevancy applies to a point of order, 4223, 4229, 4568

It is disorderly for a senator to come in conflict with the Chair, 4229

On the first of a series of motions a general discussion may take place; but to the others the rule of relevancy will apply, 5225; and the resolutions, as passed, will not be open to debate, 5256

**Interjections.**—Every debate should be carried on in an orderly way, 1932, 5942, 6186, 6190, 6196-7

Recriminations are disorderly, 5267, 6196

A disorderly interjection should not be taken notice of, 6199

**Language, Parliamentary.**—It is quite in order to describe the statements of a senator as inaccurate, 1390

to say that the effect of the amendment will be to wreck the policy of a white Australia, 1484; or that senators do not want to hear the speaker, 6192

to speak of moving numerous amendments in order to carry a principle, 2194

**Language, Unparliamentary.**—It is not in order to describe the action of a senator as cowardly, 1381

to impute to a senator lack of intelligence, 1485; untruth, 1681

to reflect upon a senator, 4229, or upon the Chair, 4884

to say the Ministry and their supporters are capable of jobbery and dishonesty, 4829-30

**Naval Agreement Bill.**—The amendment of Senator Matheson to clause 2 is out of order

**RULINGS—Chairman of Committees (Senate)—*continued.***

because it would have the effect of eliminating the parties to the agreement and so reversing a principle which was affirmed by the second reading of the bill, 4222

The amendment of Senator Higgs to clause 2 is in order, because it is relevant to the subject-matter of the bill, and the committee is entitled to attach a condition to its approval of the agreement, 4224, 4229

*Points of Order.*—It is not the practice for the Chair to rule on a point of order which involves the interpretation of a statute, 4563

*Quotations and References.*—It is permissible to quote from the report of a previous discussion on the same bill, 1383; or an article which does not reflect on a debate in the Senate, 5631

It is irregular to quote the report of a speech made in Parliament during the same session, 1688; or to refer to a debate on the bill in the other House, 4233

A reference to pairs is irregular, 2204

Relevant figures may be quoted by a senator in his argument on a clause, 4882-5

*Regulations.*—Where it is desired by a senator that the Public Service Commissioner should amend a regulation he should submit a proposal, not for the instruction of that official, but for an alteration of the regulation, 2583

*Requests.*—The Sugar Bonus Bill is a proposed law which the Senate has a right to amend subject to certain limitations in section 53 of the Constitution. The proposal of Senator Glassey for the alteration of the body of clause 2 involves further payments out of the Consolidated Revenue Fund than those provided for in the bill or "proposed law," and consequently increases the "proposed charge or burden on the people" therein contained; therefore it comes within the third paragraph of section 53 of the Constitution and was put from the Chair as a request, because it was not competent to the Committee to make an amendment of the kind. Clauses involving increased burdens on the people, and Bills relating to the annual services of the Government and providing for taxation are proposed laws in regard to which the Senate can make requests. But even if such clauses are not a proposed law in regard to which it is specially authorized to make requests, it has an inherent right to make a request in regard to them, following out the principle of making requests in regard to bills which it cannot amend. Having regard to the character of the measure the duty of the Senate, in the case of Senator Glassey's first proposal, is to make a request; but his further proposal to add a proviso to the clause should have been put by the Acting Chairman not as a request but as an amendment because it has no right to request the other House to make an amendment which it can effect itself. The Senate could not receive a message from the Governor-General for the origination of this increased taxation, 1694, 1857

The Senate is not bound to formulate a request in the exact form of Senator Glassey's amendment, 2491

**RULINGS—Chairman of Committees (Senate)—*continued.***

*Rulings.*—A ruling of the Chair cannot be discussed or referred to unless it is objected to in writing, 4882, 6185

*Standing Orders.*—The adoption of a new standing order cannot be proposed until the consideration of the printed code is completed, 662, 768

An amendment inconsistent with the context is not in order, 672

An amendment to a later part of a standing order precludes a senator from moving to amend an earlier part, 757

An amendment requiring the vote of a special majority to carry a question does not contravene section 23 of the Constitution in which the word "questions" relates to questions involving matters of principle and not of procedure, 980

*Vote of Senator.*—When the Senate was notified of his election by the State Parliament it was necessary for Senator Saunders to again take the oath of allegiance and therefore he is not entitled to vote, 4574

A senator may vote against the direction in which he spoke, 5954

See BEST, Senator.

**Chairman of Committees, Acting (Senate):**

*Order of Reference.*—Every question referred to a Committee must be considered; and it cannot go beyond the order of reference, 2576

*Requests.*—The carrying of a request in regard to the Sugar Bonus Bill precludes the Committee from making an amendment, 1399

See DOBSON, Senator.

**President, The.**

*Amendments.*—It is out of order to amend the first paragraph of a motion after the second paragraph has been omitted, 1470

An amendment to a motion must be relevant, 2815, 5571

An amendment must leave some part of the motion remaining, 3403

An amendment should be so stated from the Chair as to give senators an opportunity of voting on all the issues involved, 5570-1

A senator cannot move more than one amendment to a question, 5573

*Anticipating Discussion.*—The standing order referring to anticipation of debate does not apply to debate which may take place, but of which there is no notice on the business paper, 3605

It is irregular to anticipate the discussion of an order of the day, 3700, 5373; or a notice of motion, 5362, 5366

When a motion to dissent from a ruling has been made and the discussion adjourned to a later day, as provided by the standing orders; the President, before calling on the mover of the motion, may re-state and formulate his ruling, 4631

A senator may refer in one speech to bills which are connected with each other and would be contained in one measure except for the provisions of the Constitution Act, 5765

RULINGS—President, The—*continued.*

*Bills.*—After a bill has been read a second time a senator may move that it be referred to a select committee, 4118

*Business of the Senate.*—Before the address in reply to the opening speech has been adopted the Senate ought not to transact business which is not of a formal character, 69

A minister may move to postpone the consideration of Government business, but it is the practice to call upon private senators to move the postponement of private business in their charge, 2580

The Senate cannot take notice of pairs, 3429

A suspension of the sitting can only be determined by the Senate, and may be on motion without notice, 6000

*Committees.*—A Committee of the Whole can only recommend the Senate to adopt standing orders, and until its report, with or without amendments, is adopted, the resolutions of the committee have no effect, 660

Without an instruction a select committee on a bill could not inquire into a constitutional question, 4121-2

A select committee on a bill cannot bind either a Committee of the Whole or the Senate, 4123

*Constitution Act.*—Except, perhaps, where the conduct of the business of the Senate is concerned, the Chair ought not to be called upon to decide a question involving the interpretation of the Constitution, 1595

*Debate.*—The rule of relevancy applies to a motion for production of papers, 522; for second reading of a bill, 1100, 2856, 5545; for going into committee, 3617; for referring a bill to a select committee, 4118, 4123; for adjourning the Senate, 4707; for discharging an order of the day, 4792; a point of order, 4696-4700, 5446; a motion to adjourn over a sitting day, 5005

A senator must speak relevantly to the question, 1730, 2282, 2295, 3412, 3425, 3837, 3903, 3904, 3940, 4096, 4651, 5344, 5567

A motion to adjourn a debate is not debatable, 1916; and cannot be moved by a senator who has spoken to the main question, 5751

A debate on a ministerial statement when there is no motion before the Senate is irregular; but leave may be given to certain senators to speak, 2591

A senator who has been speaking for a considerable time should endeavour not to exceed the latitude of debate, 3940

When a senator replies the debate is concluded and cannot be adjourned, 4125

The third reading of a bill may be debated, 4297

It is improper for senators to discuss a question across the chamber: only the speaker who has risen in his place can address the chair, 4874

No standing order provides that the rule of relevancy shall be departed from on the motion to close the sitting, 5005, 5451-3, 5744

If a debate is initiated in the Senate it cannot be finished in committee, 5223-4

When a ministerial statement is concluded with a motion to adjourn to an unusual hour, its subject-matter may be either commended

RULINGS—President, The—*continued.*

or condemned; but a senator should speak as briefly as possible and not indulge in strong language, 5442; and his remarks should be relevant to the subject-matter of the ministerial statement, 5448

It is irregular to have two discussions—one in Committee and one in the Senate both on the notice-paper—on a question, 5561

On the first reading of a bill which the Senate may not amend, any matter may be debated: but only its subject-matter should be discussed on the second reading, 5223, 5770, 6352

Personal allusions should not be made, 6183

*Divisions.*—When a division is called for each senator should take his seat at once on the side on which he wishes to vote, 4715, 5567

*Governor-General.*—The President stated that he would not read the opening speech to the Senate unless it is so desired, 9

*Interruptions.*—The standing orders strictly prohibit interruptions, 391, 2292, 4704, 4819, 6054-7, 6227; but a legitimate question may be asked, 3947

A senator should not allow himself to be led away by interjections, 2832, 3412, 4089, 4293, 5344, 6054-7

It is irregular to interrupt a senator with a question when he is addressing the Chair, 5223

Interruptions of a personal character lead to retorts, and do not tend to preserve dignity of debate, 6058

*Language, Parliamentary.*—It is permissible to use strong language against a bill, though not against an Act, unless its repeal is being sought; but it is not quite in order to say a bill was introduced to give a strong party advantage to the Government, 4741

*Language, Unparliamentary.*—It is not in order to say a senator was the most self-seeking of the members of the Judiciary Committee of the Convention, 516; should tell the truth, 518; would support the Government in rascally proceedings, 2293; gets hold of secret information by backstairs methods, 3690; has been guilty of untruth, 4713; has interjected against his conscience, 6052

to speak disrespectfully of the Governor of a State, 1723

to ascribe to a member of the other House the well-known habit of quibbling, 3683

to doubt whether a senator's statement will be believed, 3689

to say the Prime Minister had betrayed the land of his birth, 4080; or had been guilty of hypocrisy, 4704

to describe the statement of a senator as untrue, 4713, 6183; or cowardly, 6183

to refer to a senator as a political dingo, 6054

to use strong language, except in seeking its repeal, against a law, 4730, 4741; or against a decision of the Senate, 5338

to impute improper motives, 4741

*Motions.*—A complicated question may be divided by order or leave of the Senate, 2566-7; but each senator can make only one speech, although the subdivisions of the question are put separately, 2570, 5574

RULINGS—President, The—*continued.*

The Senate ought to be asked to decide whether a question should be considered in committee before the mover begins his speech, if it is considered desirable to discuss the question in committee, 3614, 5223-4

A senator is not permitted to withdraw a motion, and then without notice to move another motion, 3901

An unopposed motion may by leave be put towards the close of a sitting, 4040

*Motions for Adjournment.*—A resolution to "now" adjourn means an adjournment until the next sitting day, 4658

A motion by a private senator that the Senate at the time of its rising adjourn until an unusual hour ought to be made before the business of the day has been called on; but when a motion of privilege has been brought forward before the business of the day has been called on, a similar motion may be made at the conclusion of the privilege debate, 3901

The four senators who rise in support of a motion for adjournment are the judges of the question of urgency, 4700

A question cognate to the subject-matter of an order of the day may be discussed on a motion under standing order 60; but the rule that debate shall not be anticipated applies to the motion, 4700

The failure of the President to open a letter giving written intimation under standing order 60 before business was called on should not prevent a senator from exercising his right under the standing order, 5833

*Papers.*—It is for the Senate, not the Printing Committee, to decide whether a paper shall be printed, 4789, 4805

A minister cannot, by command, lay on the table a copy of a notice of motion, concerning the conduct and procedure of the Senate: it is not a paper within the meaning of the standing order, 4790-1

*Personal Explanation* should contain no argument, 1464, 6317

*Petitions.*—It is improper for a senator, when he is presenting a petition, to make any statements, except such as are laid down in the standing orders, 4544

The names of the signatories to a petition may be read if desired by the Senate, 5524

*Points of Order.*—As a general rule it is not proper for the Chairman of Committees or the President to give a ruling on the interpretation of the Constitution, but where a ruling is absolutely necessary in order to carry on the business, it ought to be given, 4563

*Private Business.*—Under new standing order 70 a senator may place on the business-paper for a subsequent day any notice of motion or order of the day in which he is concerned, 4457

*Privilege.*—It is a breach of privilege for any person to use words which impugn the character of all members of the Senate, 3679; and where the utterer of the words is stated to be a senator, he should be afforded an opportunity to be heard in his place before any action is taken, 3680

*Questions to the Chair.*—It is not the duty of the Chair to answer a general question,

RULINGS—President, The—*continued.*

3132; but merely to deal with points of order or procedure as they arise, 3132, 4073, 4652

*Questions upon Notice.*—In answering a question a senator cannot debate the matter to which it refers, 1247-9

No argument may be inserted in a question, 2187

Detailed information should be obtained by a motion for a return, 2364

The only obligation upon the Chair is to see that notices of questions are in order, 3697

Under the new standing orders notices of questions should be handed in to the clerk, 4456, 5627

No inference or imputation should be made in a question, 4789

*Quotations and References.*—There is no standing order on the subject; but the practice is not to comment upon a judge in his judicial capacity unless on a motion for his removal, 1730

It is irregular to quote from a debate of the current session in the other House, 2922, 4082; or from a former debate in the same session in the Senate on another question, 4702-6

It is out of order to debate the subject-matter of another question on the order paper, 3903

A senator may allude in general terms to the attitude of the Government on the bill in another place, but he may not quote from the debate in that House, 4082

A quotation from a comic opera ought not to be advanced as an authority which should influence the Senate, 4094

No standing order prohibits a minister from reading an official document relating to the subject-matter of a discussion, 5348

It is irregular to refer to proceedings in committee until a report is made, though in peculiar circumstances the rule may be relaxed, 5560

*Requests.*—Reasons for pressing requests cannot be sent to the other House except by the express desire of the Senate, 6243

*Resolutions.*—A resolution cannot be rescinded during the same session, except with the concurrence of an absolute majority, and after seven days' notice, 3134, 5745

A motion to ask the concurrence of the other House in any resolutions cannot be moved without notice, except by leave, 5355

A proposal for communicating a resolution to the other House may be moved either as an addition to an amendment or as an amendment to the main question, 5571

A motion to inform the other House of non-concurrence in a resolution cannot be moved without notice, except by leave, 5574

*Right of Speech.*—When a senator desires leave to continue his speech on another day, unless he is prevented from so doing by other business of the day being called on in pursuance of the standing orders, or of sessional order, the standing orders should be suspended for that purpose, 3846

The mover of a motion is entitled to speak to an amendment; but his remarks must be

**RULINGS—President, The—continued.**

relevant to the amendment ; and after it is disposed of he may exercise his right of reply, 5345

When a debate is interrupted in pursuance of a sessional order the senator then speaking does not lose his right to continue his speech, 5384

Every senator who has spoken to the main question may speak to an amendment ; other senators may speak to both the main question and the amendment ; and when that amendment has been disposed of, every senator may speak to a subsequent amendment, 5336-7

A senator who has moved an amendment cannot speak again to the question and move another amendment, 5573

A senator may not speak to a notice of motion which he does not intend to move or to the question for the consideration of a bill in committee, 6184

*Rulings.*—The President has as much right as any other senator to speak on a question ; but he will not take part in a debate on a motion to dissent from his ruling, although he ought to be permitted to if he desires to alter or modify the ruling or to clear up any matter which had been left vague, 4631

An objection to a ruling must be stated in writing, and the debate adjourned to another day, 5005

*Supply Bills.*—The first reading of a Supply Bill may be debated, and the discussion need not be relevant to its subject-matter, 5223

*Vacation of Seat* is caused by the absence of a senator for two consecutive months without leave, 6000

*Vote of Senator.*—It was not obligatory on Senator Saunders to take the oath of allegiance twice over, and therefore his vote in committee on the Defence Bill should not be disallowed, 4577, 4643, 4653

See BAKER, Senator Sir Richard

**President, The Deputy.**

*Business of the Senate.*—It is not competent for the Senate, without suspending the standing orders, to anticipate any orders on the paper for a future day, 3236

See BEST, Senator

**Speaker, Mr.**

*Amendments.*—An amendment to a motion before the House should not anticipate or cover the same ground as a motion already given notice of to appear on the next business paper, 908

An amendment to a motion cannot be moved after the mover has replied, 3785, 6404

An amendment must be relevant, 5437

An amendment dealing with the site of the Federal Capital is not in order on a motion for fixing the method for choosing the site, 5797, 5813

An amendment which is not a direct negative of or irrelevant to the motion is in order, 5303

An amendment to an early part of a motion should be put in such form as not to exclude an amendment by a member who desires to move to amend a later part, 5288

**RULINGS—Speaker, Mr.—continued.**

An amendment, consequential upon a decision of the House, will be made, although not formally moved, 5436

A member cannot move to amend his own motion, 5437

An amendment to consider a complicated question in committee may be moved, 5800

A member who has spoken and stated he has an amendment to propose in words proposed to be inserted when a blank is created may move accordingly when the blank has been created, 1170

A member having spoken to a question cannot at a later stage speak again to move an amendment, 2609

If a member gives an intimation to that effect in his speech upon the general question, he will be at liberty to move an amendment, but without making a speech upon it, to a later part of the question when an amendment to an earlier part has been disposed of, 5285 ; but the terms of the amendment should be intimated at the time ; and if a copy is handed in the Chair will put the amendment in its proper order, 5414

Any member who has not spoken to the main question may move an amendment, 5414

*Appropriation (Works and Buildings) Bill* is not a measure providing for the ordinary annual services of the year, and therefore the amendments by the Senate are not unconstitutional, 6145

*Bills.*—A motion for recommitting a bill must be made before the question for third reading is put from the Chair, 1716

After the third reading has been put from the Chair the time has passed at which any amendment in the bill could be proposed, 4589

*Business of the House.*—Until the address in reply is adopted, only formal business (which does not include an unopposed motion) may be dealt with, 125

On "grievance day" the first order of the day must be either Supply or Ways and Means, and it has to be called on within two hours of the meeting of the House, 4318

When the standing orders have been suspended to enable certain business to be done, that business, though opposed, may be taken after 11 o'clock, 5935

The discussion on a formal motion for adjournment must be interrupted at half-past four o'clock ; but the orders of the day may be postponed until after the further consideration of the motion for adjournment, 6377

The Appropriation Bill having been laid aside, it is competent for the House, after rescinding previous resolutions, to reconsider the estimates, a second message from the Governor-General is not necessary, 6399

*Debate.*—It is not customary to debate the motion for first reading of a bill, but on the motion that the second reading be made an order of the day for a later day a member may ask any question relating to the bill, 586

The remarks of a member must be relevant on a motion for leave to introduce a bill, 1767, 5652 ; to fix the date for second reading of a

**RULINGS—Speaker, Mr.—continued.**

bill, 587, or resumption of a debate, 1514, or consideration of a message, 1963, 6401; for second reading of a bill, 716, 741, 912-4, 2527, 2791, 3369, 4052, 4253, 4284, 4398, 4400, 4441, 4450, 5687, or third reading, 1893, 4590-1, 5661; to receive and read a petition, 1011; to adjourn the House under standing order, 1115, 2960, 4844-7; to give precedence to Government business, 2305, 2309; to disapprove of electoral divisions, 3589; for a conference *re* Federal capital site, 5326-7

A member is not entitled to go beyond the scope of the question, 1501, 1519, 1649, 2761, 3555-6, 3589, 3645, 3653, 3655, 3682-3, 3763, 3770, 3773, 3775, 3862, 3871-2, 5286-7, 5309, 5326-8, 5391, 5403, 5434, 5796, nor to anticipate the discussion on a motion, 2522, 3555-6, 5687, 5796, or a bill, 1440, 2791, 4322, 4345, 4844-7, 6414, or on fixing date for stage of bill, 5652, or on matters to be dealt with in committee, 5797, 5813

On a motion for a conference to consider the selection of the seat of Government a member may not discuss the merits of a site, but may discuss the insufficiency of the number of sites on the list, 5286-7, 5424; the discussion should be confined to the terms of the "machinery" motion, 5299. On an amendment as to the price of land it is competent to discuss the question of deciding the site on the basis of points, 5389, or the question of relative values here and there, 5390

The subject-matter of a petition cannot be debated on the motion that it be received and read, 1011

On a motion for leave to introduce a bill a member may discuss the lax methods of the Government in regard to the bill, 1767

In speaking to the second reading of a bill, a member should address his remarks as speedily as he can to the consideration of its provisions, 4052

On the second reading of the Conciliation and Arbitration Bill a member is permitted to refer to a strike only so far as is necessary to illustrate his argument, 4253

The conduct or action of a member should not be discussed on a motion for second reading of a bill, 4450

On "grievance day" a member, though taking considerable latitude in ventilating a grievance, is not out of order, 4335

On the motion for adjournment, it is not improper for a member to refer incidentally to the subject-matter of a bill on the notice-paper, so long as he does not discuss the bill, 6414

At the "report" stage on a bill, a member is entitled to discuss the votes and proceedings in committee but not to refer to any matter which took place outside the committee, or to votes that were not given in the committee, 6300-2

When a member has been called by the Chair, and has risen, he must either proceed with his speech or resume his seat, 743

Except by leave, no interpositions to debate can be permitted, 745

Where an amendment has been moved both the original motion and the amendment are

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**RULINGS—Speaker, Mr.—continued.**

open to debate by any member who has not exercised his right of speech, 1649; provided that the mover has not replied, 6404

Liberty of debate is not curtailed by the moving of an amendment, 4321

*Documents.*—Unless it is stated to be of a confidential nature, or such as should more properly be obtained by address, a document relating to public affairs, quoted from by a minister, may be called for and made a public one, 4614

*Interruptions.*—The repeated interruption of a speaker is irregular, 51, 463, 466, 1014, 1997, 2002, 2165, 3456, 3645-6, 3653, 3658, 3664, 4588, 4592, 5300, 5302, 5407

Interjections across the chamber and conversations having no reference to the subject on which a member is addressing the Chair are distinctly disorderly, 1712, 2226

Interjections are especially irregular when ministers are replying to questions, 1961

The fairest opportunity should be given to those who ask or answer questions, 5960

In order to facilitate debate interjections not calculated or so frequent as to interrupt the speaker are overlooked, 3664

An ordinary interjection is out of order when it is too long, 3735

It is irregular to converse across the chamber, 3978, or to reply to a disorderly interjection, 4361

A member cannot make a speech while another member is speaking to the question, 4260

A request from the Chair to desist from interjecting must be complied with, 4454, 4586, 4592

*Language, Parliamentary.*—In his relation of a private conversation elsewhere a member is not precluded from quoting the words which were used, 4588

*Language, Unparliamentary.*—It is not in order to describe the statement of a member as grossly unfair, 317; absolutely untrue, 447, 2761, 4420; false, 3202; most untruthful, 3784; cowardly, 5695; cant and hypocrisy, 6381

to say a member has deliberately misled the electors, 346; humbugged or deceived the electors, 368; had to do what he was told, 3786; says that which he knows is not true, 4406; has been humbugging the electors, 4591; was treacherous and false to federation, 6379; that the truth must not be spoken in the House, 6379

to impute improper motives, 346, 4533, 4623; untruth, 4413; personal animus, 6381

to characterize a member as stupid, 1518 to accuse the Government of a conspiracy, 3649; a dastardly attempt, 4440; roguish acts, 4587

to reflect upon a vote of the House, 3866; or upon Parliament, 4602

to describe the conduct of a minister as gerrymandering, 3740; a proposal before the House as a political crime, 4361; the action of any members as a backscratching proceeding, 4421; a majority in the House as brutal, 4533; any members as jackals, 4592

RULINGS—Speaker, Mr.—*continued.*

A member is required to withdraw a remark which is considered offensive, 3786, 4364, 6381; or is a reflection upon a vote of the House, 3866

An imputation of improper motives must be withdrawn even though no objection be taken to the use of the words. Other words which are considered by a member to be a reflection upon him or upon any section of the House must be withdrawn upon attention being called to them, although they might not otherwise be considered offensive, 4533

The withdrawal of unparliamentary words cannot be debated, 3202, and should be made by a member, not from his seat, but standing, 4592

*Members.*—It is irregular for a member to stand in any of the passages or gangways, 2521; or to turn his back to the Chair when speaking, 4423; or while sitting down to address the Chair, 5386

No standing order requires a member to accept an assertion by another member; but the practice among gentlemen is to accept assurances as to matters of fact, 3756-7

A member is not prohibited from reading a newspaper in the chamber, 4335

*Motions.*—A motion approving of an extension of a mail contract does not require to be considered in committee, 1656-7

Notice is required of a motion relating to the supply of draft bills and other documents to the press before they have been laid before the House, 1758

Each paragraph of a complex motion will be submitted separately, when desired, 5414

*Papers.*—It is not competent for a private member to lay a paper on the table, 4365

*Personal Explanation.*—A member can only offer an explanation when no one is addressing the House, 47

A personal explanation cannot be debated, 443  
By leave, a member may make a personal explanation regarding a petition in which he is misrepresented, 1011-12

A member cannot make an explanation in regard to a petition he has presented unless he has been misrepresented, 1012

It is competent for a member to explain any circumstances in regard to which he has been misrepresented, but not to debate any matter, 4365

*Petitions.*—A petition to the House cannot be amended, 1011

Until its subject-matter is known to the Chair, a petition cannot be ruled out of order, 1011

Notice has to be given of a motion to print and circulate a petition, 1519

Where a petition from a corporation is not under seal it can be received only as from the persons whose names are attached to it, 2011, 2299

The motion for reception and reading of a petition will be divided when required, 2299-2300

*Privilege.*—A question of privilege relating to a statement in a newspaper must be raised in accordance with standing order No. 285. No

RULINGS—Speaker, Mr.—*continued.*

breach of privilege is involved in the publication of a draft bill or a paper belonging to ministers and not to the House, but a very wide departure from parliamentary practice is involved. The practice is that such documents should not find their way into the press until they have been laid before the House, 1758-9

*Questions without Notice.*—It is not out of order to ask if a minister has any objection to lay certain papers upon the table, 234-5

A member cannot debate the subject of a question he is asking, 1013, 1014, 1102, 1962  
The reply to a question cannot be interrupted by a member for the purpose of asking another question, 1014

Every member may ask any ordinary question and the Government have an equal right to answer it or to ask for notice, 1523

A question cannot be asked until petitions have been presented, 1758

A member is not obliged to answer a question relating to a matter of which he is not in charge, 3728-9

A member should not when asking a question read a very lengthy extract, but may move the adjournment of the House, 5048

*Questions upon Notice.*—A reply involving much detailed information is not out of order, but is contrary to custom; such a question should take the form of a motion for a return, 1185

*Quotations and References.*—A member is not permitted to read a document which has been read at a previous stage of the debate unless he desires to present a new argument or interpretation, 295

A member may quote as a part of his reply a letter in which he is asked by another member to call attention to a misconception of the arguments he used in discussing the second reading of the bill, 839

A member is entitled to refer to a bill on the business-paper as evidence of ministerial delinquencies, 1440

A reference to the Senate is out of order, 3870  
It is irregular in discussing one bill to refer to another bill on the business-paper, 2791

A member may not refer to a previous debate of same session, 2329, 3862, 3864, 3869, 3870-1, 3878, 4361, 4421, 4439, 4606, 4845; but he may make an incidental allusion to its subject-matter, 3863

It is out of order to refer to, quote from, or even incidentally allude to a previous debate of the session, 4322-3

Previous debates of the session cannot be referred to, but any facts elicited during such debates may be referred to, 4398

A previous debate of the session, even when it relates to the same question, cannot be referred to; but a member may refer to the figures which he used in that debate, 4436

A member may refer to the decisions of the House preliminary to the introduction of a bill, and to any facts apart from the debates terminating in such decisions, 4588

The proceedings on a bill in committee cannot be referred to on the motion for adjournment, 4692

**RULINGS—Speaker, Mr.—continued.**

On a motion for adjournment to discuss the action of the Government in dropping a bill, only an incidental reference to details of its provisions is permitted, 4844, 4847.

Reference is not permitted to an interjection which has been ruled out of order, 5434

*Requests for Amendment.*—The alteration of clause 2 of Sugar Bonus Bill should have been sought by the Senate by request and not by amendment, in accordance with the third sub-section of section 53 of the Constitution, as the amendment would increase a proposed charge on the people, 1963

*Right of Speech.*—By leave a member may continue his speech on a subsequent day, 496, 745-6, 1513, 3397, 3674, 5783; and such leave must be asked for, not moved for, 3674

A member cannot reply to a personal explanation by another member; but if he has been misrepresented in any way he may explain his position, 1012

On a formal motion for adjournment, a member cannot exceed the allotted time, except by leave, 1118, 2951, 2958

A member who has spoken to both the main question and an amendment to create a blank with a view to insert words may in his speech formally state an amendment to be proposed by him in such words, and when the blank has been created may move accordingly, 1170

The mover of a substantive motion cannot make a second speech, except to close the debate, though by leave he may make a statement, 2605-6

Where a member during his speech asks a question and resumes his seat and a ministerial explanation has been made he cannot continue his speech, nor can he make an explanation unless he has been misunderstood, 2606

Strictly speaking, when a member resumes his seat, his right of speech has terminated, 4602

A member who has spoken to the question is not entitled at a later stage to speak again to move an amendment, 2609; but he may speak to any amendment before the House, 5414-5

If a member in his speech on the main question intimates his intention at a later stage, when some other amendment has been disposed of, to move an amendment, he cannot speak to that amendment, 5285, 5415

Ordinarily no member may make a statement except when there is a motion before the Chair; and if there is to be a general debate on a ministerial statement the Prime Minister must submit a motion, 2617

The right of reply when exercised closes the debate, 2762, 3785, 3864, 4348, 6404

The right of reply can be exercised while an amendment to the question is pending, 6404

A member is not entitled to move the adjournment of the debate after he has been speaking to the question, 3863, 5657; but with concurrence it may be done, 5222

A member after debate has been closed by reply of mover cannot speak to a motion when put as amended, 4349

**RULINGS—Speaker, Mr.—continued.**

*Vacant Seat.*—Where a dissolution of the House is imminent, a writ for an election to fill a vacant seat will not be issued if it is not possible for the member elected to take his seat, 5574-8, 5653

See HOLDER, Sir F. W.

**TRADE AND CUSTOMS.**

**ADMINISTRATION.**

*House of Representatives:*

*Obs.* by Mr. Glynn as to, 1434

Question by Sir E. Braddon as to Customs accommodation, Burnie, 1186

*Obs.* by Mr. E. Solomon as to Customs-house, Fremantle, 1426, 4341; as to licensed agents, 1426, 4341

*Obs.* by Sir W. McMillan as to appointment of board to deal with errors, 1430

Question by Mr. Clarke as to repairs to Customs-house, Sydney, 2012

Question by Mr. Crouch as to analysis of whale oil, 2302

Question by Mr. Bamford as to employment of aliens on *Mystic*, 3729

Question by Mr. Batchelor as to reported changes in, 4311

Question by Mr. Fowler as to delay in passing entries, Perth, 4501

Question by Mr. Mahon as to sale of entry forms, 4855

*Senate:*

*Obs.* on Supply Bill by Senator De Largie as to Customs House, Fremantle, 2732

*Obs.* on Supply Bill by Senator Keating as to bonding rents and charges, 5371

**BONUSES.**

*House of Representatives:*

Questions by Mr. Bamford as to coffee, 685, 1125

Motion by Mr. Wilkinson as to cotton, 1491

Question by Sir J. Quick as to report of Commission, 4312, and as to passing of Bill relating to, 4661; by Sir E. Braddon as to when Bill is to be proceeded with, 5273; *obs.* by Mr. S. Smith as to publication of Commission's report, 6425; by Mr. Fuller and Mr. Kingston, 6428

*Senate:*

Question by Senator De Largie as to Commission's report, 4074

**COINAGE AND THE DECIMAL SYSTEM.**

*House of Representatives:*

Motion by Mr. G. B. Edwards for adoption of report of select committee on, 880; *amdt.* by Sir G. Turner, 907; debated, 1157; *amdt.* negatived and *m.* agreed to, 1172; *obs.* on Supply motion, by Mr. G. B. Edwards, 4327; *q.* as to legislation to give effect to select committee's report, 6251

*Senate:*

Question by Senator Smith as to silver coinage, 385



## TRADE AND CUSTOMS—continued.

## CONCILIATION AND ARBITRATION.

*House of Representatives:*

*Obs.* by Mr. S. Smith as to Bill relating to, 2360; question by Mr. Watson, 2416; question by Sir M. McEacharn as to supply of copies of Bill, 2803; Mr. Glynn as to division on second reading, 3546; *expl.* by Mr. Reid, 3642; Sir W. McMillan, 3643; question by Mr. Knox as to distribution of draft copies of Bill, 3728

*Obs.* by Mr. J. Cook as to necessity for expedition, 4363; by Mr. Watson and Sir E. Barton, 4364; *expl.* by Mr. J. Cook, 4365; by Mr. Deakin, 4366; statement by Sir E. Barton as to abandonment of Bill, 4838; motion for adjournment by Mr. Reid to discuss action of Government, 4840; question by Mr. Kingston as to policy of Government in regard to, 5008, 5048, and its relation to Western Australian shipping, 5106, 5386; *obs.* by Mr. McDonald, 6427; Mr. Kingston, 6431; Mr. Deakin, 6432

*See Bills, and Parliament.*

## CUSTOMS COLLECTIONS.

*House of Representatives:*

Question by Mr. Crouch as to falling off in, 3729

Question by Mr. Thomson as to operation of sections 92 and 93 of Constitution, 234, 329, 4501; *obs.* by Mr. Kingston, 384

*Senate:*

Motion by Senator Macfarlane for return as to Tasmanian collections, 1916; question, 4974; *obs.* by Senator O'Connor, 2910

*Obs.* on Supply Bill as to refunds to Tasmania, by Senator Macfarlane, 5376; Senator Gould, 5382

Question by Senator McGregor as to July collections, 3788

Question by Senator Stewart as to falling off in collections, Queensland, 5736

## CUSTOMS OFFICERS.

*House of Representatives:*

Question by Mr. Crouch as to wreck of *Inverlochy*, 531

Question by Mr. G. B. Edwards as to retirement of, 1521

Question by Mr. Hughes as to overtime, 1524; by Mr. Fuller, 5672

Question by Mr. Mauger as to Sunday work, 6251

*Obs.* by Mr. Mahon as to payment of States officials acting as, 2229; Sir E. Barton, 2240

Question by Mr. Willis as to leave to, 5782, 5961, 6103

Question by Mr. Fowler as to reduction of staff, Perth, 4501

*Senate:*

Question by Senator McGregor as to supply of uniforms to, 6149

## TRADE AND CUSTOMS—continued.

## CUSTOMS PROSECUTIONS.

*House of Representatives:*

Motion by Mr. G. B. Edwards for return as to, 908, 1491

Question by Mr. S. Smith as to Goldring's case, 586; *obs.*, 1013-14; by Mr. Higgins, 842; *obs.* on Supply motion, 1403-39

Question by Mr. Thomson as to Tingey's case, 12; Mr. Reid, 1864

*Senate:*

Question by Senator Pulsford as to collection of fines by the Commonwealth and Victoria, 968; as to allotment of fines, 1574; as to reading of section 240 of Customs Act, 2187

Question by Senator Pulsford as to prosecution of Farmer and Co., 2363, 3235; *obs.*, 5833; by Senator Drake, 5834; by Senators Walker, McGregor, and Pulsford, 5835

Question by Senator Pulsford as to remarks on, by Mr. Dwyer, P.M., 1820; by Senator Gould as to number of, 1574

## EXCISE DUTIES.

*House of Representatives:*

Question by Mr. Conroy as to alleged non-payment of sugar excise duty, 12

## FISCAL REFERENDUM.

*Senate:*

Motion by Senator De Largie for, proposed, 5330; amendment by Senator Higgs moved, 5336, and negatived, 5346; motion negatived, 5347

## INTER-STATE CERTIFICATES.

*House of Representatives:*

Question by Mr. G. B. Edwards as to, 1490; *obs.* by Mr. V. L. Solomon, Sir W. Lyne, and Mr. L. E. Groom, 6146; Mr. Fisher, 6411; Mr. L. E. Groom, 6418; Sir W. Lyne, 6424; Mr. Kingston, 6429

## INTER-STATE COMMISSION.

*Senate:*

Question as to necessity for appointing, by Senator Dobson, 1574

*House of Representatives:*

Question by Mr. Kirwan as to Bill relating to, 4749

## INTER-STATE FREE-TRADE.

*House of Representatives:*

Question by Sir J. Quick as to establishment of, 685

Question by Mr. Kennedy as to collection of border duties, 6249

## MEAT SUPPLY.

*House of Representatives:*

Questions as to dearthness of, by Mr. McDonald and Mr. O'Malley, 1181

**TRADE AND CUSTOMS—continued.**

**NAVIGATION.**

*House of Representatives:*

Question by Mr. Glynn as to provisions of Bill relating to, 5576

Question by Mr. Kingston as to policy of Government in regard to, 6405

*Senate:*

Question by Senator Pulsford as to vessels using liquid fuel, 2364

**PAPUA: CUSTOMS PREFERENCE.**

*House of Representatives:*

Obs. by Sir E. Barton as to Customs preference, 2417

*Senate:*

Motion by Senator Higgs for schedule as to, 3238; obs. on Supply Bill, 5362; question as to Bill relating to, 5629

**PATENTS.**

*Senate:*

Question by Senator Pulsford as to recognition of, 497; as to despatch relative to protection of, 2362

Motion by Senator Pearce for return as to, 2188; question, 3235

*House of Representatives:*

Question by Mr. Fuller as to date of introduction of Bill relating to, 235

Obs. by Mr. Brown and Mr. Deakin as to new administration and Patents Bill, 5467

Question by Sir L. Bonython as to appointment of Commissioner, 5961

Question by Sir L. Bonython as to administration of federal department of, 6404

**PREFERENTIAL TRADE.**

See **External Affairs.**

**QUARANTINE.**

See **External Affairs.**

**SHIPS' STORES.**

*House of Representatives:*

Question by Mr. Watkins as to regulations in regard to, 5671

*Senate:*

Question by Senator Pulsford as to collection and distribution of duties on, 181

**SOUTH AFRICAN TRADE.**

*House of Representatives:*

Question by Mr. Phillips as to reciprocity, 3547; obs. on Supply motion, 2224-39; question by Mr. G. B. Edwards, 5961; expl. by Mr. Salmon, 2523

See **External Affairs.**

**STATISTICS.**

*House of Representatives:*

Question by Mr. L. E. Groom as to exports and imports, 2594

Question by Sir L. Bonython as to monthly publication of Inter-State commerce, 4498, 4661

**TRADE AND CUSTOMS—continued.**

*Senate:*

Question by Senator Pulsford as to grain imports, 2363

Question by Senator Pulsford as to publication of Customs, 3508

**SUGAR INDUSTRY.**

*House of Representatives:*

Question by Mr. Bamford as to sugar bonus inspectors, 2013

Question by Mr. R. Edwards as to purchase of "white" cane, 4396; Mr. Fisher, 4396; obs. by Mr. Fisher as to a call of House on Bill relating to, 2564; Sir E. Barton, 2565

*Senate:*

Question by Senator Stewart as to payment of bounty, 2566

**TARIFF.**

*House of Representatives:*

Question as to duty on works of art by Sir L. Bonython, 909, 1156; on rubber boots, by Sir E. Braddon, 1125; on wheels and axles, by Mr. Thomson, 2124; on strawboard, by Mr. Wilks, 2303

Question by Mr. A. Paterson as to new Tariff Guide, 1156

Question by Sir J. Quick as to importation and sale of cotton seed oil, 5653

Obs. by Sir W. Lyne as to date of imposition of uniform duties, 6146; Mr. Deakin, 6149

*Senate:*

Motion by Senator Pulsford for return of decisions under, 1472, 2290; question as to work of explaining, 3399

Question by Senator Higgs as to free admission of P.O. directory, 5737

**TEA.**

*House of Representatives:*

Expl. by Mr. Deakin as to division on proposed duty on, 443

*Senate:*

Question by Senator Barrett as to inspection of importations of, 1246

**TELEGRAPHIC MESSAGES.**

*House of Representatives:*

Question by Mr. L. E. Groom as to proposal by Queensland to collect stamp duties on, 4397

**TOBACCO.**

*Senate:*

Motion by Senator Pearce as to national monopoly in manufacture of, 522; debate resumed, 1473, 4182; m. negatived, 4195

**TRADE.**

*House of Representatives:*

Question by Mr. Clarke as to value of Inter-State shipping trade, 3339

Question by Mr. Crouch as to promoting export of fodder, 1525

TRADE AND CUSTOMS—*continued.*

Question by Mr. J. Cook as to inspection of fruit, 4500; Sir J. Quick as to preservation of fruit, 5653

Question by Sir J. Quick as to cold storage on mail steamers, 5577; Mr. J. Cook, 3085

Motion by Mr. A. McLean for papers on seizure of fishing schooner *Doris*, 5782

*Senate:*

Question by Senator McGregor as to introduction of legislation dealing with, 3132

## WEIGHTS AND MEASURES.

*House of Representatives:*

Question by Mr. Hughes as to uniform system of, 1960

TRADE AND CUSTOMS—*continued.*

Motion by Mr. G. B. Edwards as to adoption of metric system of, 1172, 1180; message from Senate intimating concurrence in, 2303

*Senate:*

Message requesting concurrence in resolution of House of Representatives, 1249; motion by Senator Smith, 2280; message from Governor-General, 3293

## WHARFAGE RATES.

*Senate:*

Question by Senator Macfarlane as to, 1455

*House of Representatives:*

Question by Mr. Hartnoll as to uniform rates, 1156

















